HUDSON
INSTITUTE

③

# RADICAL ISLAM'S CONFRONTATION WITH THE WEST

## FINAL REPORT

By

Hudson Institute and the Institute for
Policy and Strategy at Herzliya

(b)(4) b(4)

January 5, 2006

~~CLEARED~~
~~For Open Publication~~
~~MAR 15 2006 6~~
~~Office of Security Review~~
~~Department of Defense~~

*1015 15th Street, N.W. Sixth Floor Washington, DC 20005*
*202-974-2400 Fax: 202-974-2410*
*www.hudson.org*

~~The views expressed in this article are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Govern~~

06-S-0606

# TABLE OF CONTENTS

Executive Summary..........................................................................1

Chapter I -The Role of Establishment 'Ulama in Radicalism in Egypt ......................57

Chapter II - The "Re-Islamization" of North-West Caucasus: Competing Religious & Ethno-National Influences, and Region Stability...........................................103

Chapter III - Radical Islamism, Traditional Islam and Nationalism in the North-Eastern Caucasus (Daghestan and Chechnya).......................................................118

Chapter IV - Gap of Values: Gender and Family Issues as Source of Tension between Islam and the West.........................................................................134

Chapter V - Islam and Polity in Indonesia: A Distinctive Case Study.....................156

Chapter VI - Iran: Multiculturalism under Radical Islam..................................180

Chapter VII - Some Elements of *Jihad* Ideology in the Light of Contemporary *Fatwas*.......207

Chapter VIII - "Non-Combatants": Some Muslim Legal Views............................225

Chapter IX - Modern Sufi Attitudes toward the West: Four Naqshbandi Cases.........249

Chapter X - The Sunni-Shiite Schism and Islamic Radicalism.............................260

Chapter XI - *Fiqh al-Aqalliyyat* (Muslim Minority Jurisprudence) – A Religious Solution for Muslims Residing in the West....................................276

# *Executive Summary*

# The Conflict between Radical Islam and the West – Origins, Prognosis and Prescriptions

-Shmuel Bar-

*Executive Summary*

# The Conflict between Radical Islam and the West – Origins, Prognosis and Prescriptions

Shmuel Bar

## Introduction

Terrorism has existed and exists in many societies and cultures. However, a fact that cannot be ignored is that the great majority of terrorist acts in recent years have been perpetrated by radical Islamic groups. Such groups are widespread throughout the Muslim world and their roots penetrate deeply into many Muslim societies.

Today, the diverse manifestations of "radical Islam" present intertwined religious, social and political agendas. They include: overt political Islamic movements with radical agendas; local underground movements which focus on toppling their own governments; nationalist movements which have adopted the Islamist banner for the sake of rallying domestic and international (Muslim) support; jihadist groups that call for a "defensive jihad" to expel the "Crusaders" from Muslim lands; and groups which call for reinstating the Caliphate and then renewing the "offensive jihad" for Islamization of the entire world. All of these have in common an ideological hostility towards the West, which is perceived not only as an "infidel" civilization but also as corrupt, godless and conspiratorial and diabolical force that conspires to corrupt Muslims and rob them of their identity and their religion. Most of these groups focus on their own domestic agendas. However, their endorsement or justification of extreme violence and terrorism against the West has placed "radical Islam" on the agenda of the Western world.

Attempts to uncover the fundamental causes of the visceral hostility that "radical Islam" demonstrates towards the West have identified a long list of "underlying causes" or "driving factors": poverty (or inequality of distribution of wealth), alienation, absence of democracy and oppressive autocratic regimes, national or cultural humiliation, colonialism, military defeat, social and economic encroachment of the west as well as political issues such as the Palestinian issue, the US military presence in Saudi Arabia and in the Gulf, the wars in Iraq and Afghanistan. However, not one of these causes on its own—nor any combination of them— can be said to give rise to wide-scale terrorism. Many of them are common to the "third world" in general while some political grievances are distinctive to the Muslim or Arab world, but none of them stand alone as colossal claims that no other nation has endured; Tibet is occupied and colonized and so do many Basques and North Ireland Catholics see themselves in that status, Sri Lanka, the Chiapas in Mexico lay claim to political and social discrimination, and so on. In many of these countries these circumstances have given birth to local terrorist movements, but in no other case has such a movement spread to encompass co-religionists or ethnic relations from different areas, identified the entire western world (or any other civilizational bloc) as its nemesis, nor attacked targets outside of their home countries. None of those cases have given birth to religious-based ideologies that justify no-holds-barred terrorism. Therefore, terrorism in Muslim societies cannot be explained as the result of political and socio-economic factors alone. Cultural-dependent factors such as religious mores, attitudes towards violence in general, traditions of tolerance or intolerance towards the "other" must also be taken into account.

This study addresses the following questions: what are the sources of this conflict between radical Islam and the west (or the rest of the world), what are the possible directions of this conflict and what policy recommendations can be offered. In this context, this study not only tackles the question "why" the phenomenon has arisen, but also the equally salient question of "why not?". Why have societies with similar social, political and economic conditions **not** produced similar antagonism towards the West? Even more tantalizing is the question why has the extreme radical narrative taken root in some Muslim societies and not in others? Why have some Muslim societies given birth to modernizing reformist movements and others to reactionary conservatives and fanatical radicals?

This study is a culmination of one year of intensive research performed by think tanks in Israel and the US, with contribution of researchers from India, Thailand and a number of Muslim countries. In the framework of the project, studies were prepared on a wide array of issues that concern three practical questions: 1) What are the sources of the conflict between radical Islam and the West? 2) What are the directions that this conflict may take? And 3) What proposals can academics offer for mitigating or defusing the conflict? This report represents an attempt to bring together the collective wisdom of these studies and of a series of "brainstorming" meetings that took place with the active participation of various experts. The specific conclusions, however, are the responsibility of the author alone.

## The Islamic Dimension

### How "Islamic" is Radical Islamism?

There is a natural reluctance to identify acts of terrorism with the *bona fide* teachings of one of the world's great religions or to recognize the derivation of the *jihad* phenomenon from the tenets of Islam. However, while Islamic radicalism also has certain characteristics of a social and political protest movement, it is basically an ultra-orthodox movement, which knows what is right and what is wrong in the eyes of the Almighty and how Muslims should behave. For example, the radical (Sunni) interpretation of the Islamic duty of *jihad* against the West stands on solid Islamic ground. Much in it is reactionary and based on revival of anachronistic tenets that have been practically taken out of circulation, but little is revolutionary.

The distinction between Sunni and Shiite concepts here is important, since Khomeini's doctrines of "rule by the jurists" (*vilayat-e faqih*) and jihad do represent a departure from traditional Shiite doctrines. Shiite Islam has traditionally been less extremist and radical than the Sunni brand. For the most part, the Shiite acceptance of suffering and the passive expectation of the return of the hidden Imam as the Mahdi who will then bring them justice has precluded activism. The pluralism of **Shiite Islam** allowed for continuous reform (through the method of direct exegesis from the sources – "*ijtihad*") and adaptation along with a strong emphasis on the priority of "public interest" (*maslahah*) as a driving force for decision-making.

Whatever the political causes of popular antagonism of Muslims towards the West may be, the radical Islamic doctrine is quintessentially religious. It is defined as such by those movements themselves, who see themselves as conducting their struggle not according to a Realpolitik political calculus, but according to the will of God and in the framework of Islamic law. The political theology of radical Islam can be described as a form of **religious Fascism**. Radical Islam is supremacist; it idealizes the historic stage of the dawn of Islam; it **"re-actualizes" historic collective myths;** it is **totalitarian** in essence, rejecting liberal democracy, glorifying war and death and emphasizing the collective over the individual. It sees a certain period in the past as the apogee of the history of the Nation—in this instance, the "Muslim Nation"—and strives to re-engineer the present so as to reconstruct that ancient period. Radical Islam's religious dispute with Western civilization is extensive and reminiscent of the complaints of 20th century fascism towards its enemies. Intrinsic elements of Western civilization such as political pluralism, democracy and materialism are frequently stigmatized—and not necessarily by the radicals alone—as the epitome of polytheism ("*shirk*") and rejection of the principle of "sovereignty of Allah" in favor of "sovereignty of the people".

All these elements are amplified and exploited by the radicals for their own political goals, but at the same time, they are deeply rooted in Islam. The prevalence of suicide attacks by Islamic terrorists is evidence of the deep-seated faith of the terrorists themselves in the rewards awaiting them after their act of martyrdom. These are not brain-washed members of a "cult" but Muslims; their actions, rather, derive from fundamental beliefs, absorbed in the course of an orthodox Islamic education. This fact has a bearing on any discussion of the "life expectancy" of the present wave of radical Islamic terror. The seeds of the Islamist terrorist are planted at an early age and come to fruition later on in life.

At the same time, radical Islam is a patently opportunistic movement. The driving force behind radical Islamic terrorism is the exploitation of faith: faith in the veracity of the interpretations of the scripture which command the acts of terror (*jihad*) and faith in the reward for obedience to those commands. Islam is the most accessible basis for mobilization of mass support for a political cause. It provides Muslims with a "tool box" for collective and personal behavior. The religious dimension does not detract from the political dimension of the conflict; rather it superimposes a religious dimension which precludes mechanisms for compromise inherent in pure "political" conflicts. The terminology, moral and legal arguments and concepts of warfare are all religious. It is this religious nature of Islamic radicalism that distinguishes it from other forms of extremist post-colonial "anti-westernism".

The popular **distinction between "radical Islam" and "moderate" or "mainstream"** implies that the former constitutes a sort of heterodox sect that has broken from the majority and orthodox legitimacy of the latter, and that there exists a clear border or firewall between the two. These assumptions though do not reflect the complex relationship between a conservative mainstream and a purist and zealous avant-garde which is not cut off from the main body. There is no doctrinal "firewall" between the two and the basic principles and religious doctrines which guide the radicals in their struggle against the "*kafir*" world are not perceived by mainstream Muslims as heretic, sectarian or heterodox. Much of the debate within Islam, therefore, focuses not on the Islamic authenticity of the principles, but on the methods and timing of their implementation. Since orthodox Sunni Islam never went though a reform that formally relegated anachronistic elements of the religion to a historical context and replaced them with updated concepts, all texts and concepts remain formally valid, though they may be dormant.

Consequently, the relationship between the main body of Muslims and the various radical trends suffers from an asymmetry that, in principle, favors the latter. It does so in the following ways:

1. **Radicals can evoke common religious narratives and beliefs and juristic arguments that mainstream orthodox Muslims find difficult to refute.** For most orthodox Muslim scholars, there is nothing in the beliefs or actions of the radicals which excludes them from the community of the faithful. These common principles facilitates the radical's efforts to recruit popular support and new members into the jihadist movement. At the same time, it makes it difficult for "mainstream" Muslim clerics to comply with demands to categorically denounce and disown acts of terrorism (i.e. *jihad*) in Islamic terms.

2. **The "mainstream" often suffers from a sense of inferiority toward their zealous co-religionists**, who are willing to endure physical hardships in order to carry the precepts of the faith to their natural conclusion.

3. While classic Islamic jurisprudence limited the scope of justified rebellion against incumbent (Muslim) rulers, it also reduced rebellion to a civil offense and did not allow rulers to declare the rebels as heretics. This built-in mechanism against accusing other Muslims of heresy (*takfir*) developed in the early days of Islam as a means to prevent doctrinal controversies from deteriorating into mutual accusations of *takfir*. Today, this plays into the hands of the radicals: **While the radicals make frequent use of *takfir*, accusing their ideological opponents including existing regimes that they are bent on toppling of religious heresy,**

**the former is constrained by tradition to treat the "rebels" with leniency as misguided Muslims, but not as apostates.**

This dilemma is exhibited in the terminology that those Muslims conventionally described as "moderate" and "orthodox" use to denounce acts of terrorism. In many of these condemnations, the classical Islamic injunction to do the good and prohibit the wrong is frequently circumvented, and terminology that does not entail an absolute, unequivocal condemnation is used instead. The terms used include such expressions as: "a forbidden criminal deed"; "reprehensible"; "grave transgressions; great crimes"; "transgressing the limits"; "going to the extreme"; "allowing that which is forbidden"; "corruption upon earth"; "strife"; "great harm and inconvenience caused to the innocent"; "a mistake, ignorance and falsehood"; a "grave criminal act that Islam does not approve of and no one should applaud"; "acts that the total effect of which none can comprehend except Allah"; and merely "not of Islam." The Islamic basis for prohibition of such attacks on civilians usually presented are the Qur'anic verses "no person shall bear the burden of another" (6:164), "Whoever slays a soul, unless it be for manslaughter or for mischief in the land, it is as though he slew all men" (5:32), and "Fight for the sake of Allah against those who fight against you, but begin not hostilities" (2:190). In short, terrorists may be dubbed criminals or misguided, but in none of the fatwas of prominent mainstream *'ulama* have they been condemned as apostates or heretics.

In the eighteenth and early nineteenth centuries, during the crucial era of the modern encounter between Islam and the West, **Sufi brotherhoods** played a pivotal religious and social role in the Muslim world. They responded to the challenge of Western superiority and the relative decline of the Islamic world by adapting themselves to new religious structures, including educational societies, popular associations, economic enterprises and political parties. At the same time, the challenge of Western philosophy also encouraged Sufi thinkers to re-evaluate traditional Islamic concepts. However, the very same penetration of Western values which provided the Sufi brotherhoods with opportunities also contributed to their decline. The age of secular rationalism in the Muslim world thus de-legitimized religious mysticism and modern Western-style secular nation states, and their fundamentalist and leftist rivals took control of civil society. Nevertheless, the Sufi tendency survived in many Muslim countries.

Sufism in general has a complex relationship with modern Sunni Islamic fundamentalism. On the one hand, many of the founders of the large fundamentalist and Salafi movements – Jamal a-Din al-Afghani and Hassan al-Banna, for example– had Sufi backgrounds. Sufi influence is also evident in much of the Muslim Brotherhood ideology, including the notion of the "guide" (*murshid*) and the "oath of allegiance" (*ba'ya*) to the leader, and also in the fundamentalist personalization of religious experience and obligations–including the individual duties of jihad, which was, for most of the history of orthodox Islam, the prerogative of the political leader to decide upon.

On the other hand, Sunni-Sufi Islam is today much more identified with moderate and reformist trends within Islam. What might be broadly described as the Sufi orientation – individualization of the rapport between the believer and God, downplaying the communal nature of Islam, and placing the onus of religious decision and action on the individual and particularly legitimizing different ways to reach God – is anathema to the fundamentalist narrative, which emphasizes the community, the Ummah and the political nature of the shari'ah. As such, many of the founders and leaders of moderate and reformist movements came to their convictions by way of their Sufi orientation. Moreover, the relative moderation of establishment Turkish Islam is also widely attributed to its Sufi roots. The spread of Islam to Indonesia was also intimately connected to proselytizing by Sufi teachers, whose mystical messages found fertile ground in that part of Southeast Asia.

Therefore, it is no surprise that despite the Sufi elements that have influenced many modern fundamentalist movements, Sufism is for those very same Salafi movements a primary ideological nemesis inside Islam. Sufism is denounced in countless Wahhabi and Muslim Brotherhood tracts and is persecuted by the Islamic establishments of the Arab world (it fares better in non-Arab Turkey and Shiite Iran). Importantly, this conflict between Islamic fundamentalism and Sufism is not one-sided. Many Sufi groups see themselves in direct conflict with the Wahhabis and present themselves consciously as a platform for confronting the radical worldview. It is clear to the leaders of the Sufi Brotherhoods today that if the radical worldview prevails, their brand of Islam will be declared heretic and they will be eradicated.

### Islamic Legitimacy of Jihad

In order to truly understand the political and social processes that legitimate Islamic terrorism, it is necessary to understand the theological traditions of *jihad* in classical Islam, the perception of these traditions in contemporary Islam, and their re-activation by radicals. A central issue in the legal thinking of radical Islam is the distinction between the "Abode of Islam (*Dar al-Islam*) and the "Abode of War" ("*Dar al-Harb*"). This distinction often serves as the basis for legal rulings which justify terrorism. It is not, however, an unambiguous doctrinal tenet. Views of the distinction between Islam and the "other" include the following:

- The most radical view, held by *takfir* movements virtually eliminates the category of *dar al-Islam*. In their view, since all Muslim countries are ruled by corrupt apostate regimes, they have ceased to be "Muslim"; their regimes are *kafer* and their citizens have fallen into a state of *jahiliyya* (the ignorance of the truth of Allah that preceded Islam).
- A classic fundamentalist view held by most Wahhabi and Hanbali Sheikhs and by most *jihad* movements implies a sharp dichotomy between *dar al-Islam* and *dar al-harb*.
- A traditionalist view defines *dar al-Islam* as any place which is ruled by *shari'ah*. All the other countries are *dar al-harb*. This of course raises questions regarding the status of Muslim countries which are ruled by secular regimes. This definition is widely used as the basis for the justification of *jihad* against secular Muslim regimes.
- A position held by the *Muhajirun* movement maintains that the concept of *dar al-Islam* and *dar al-harb* are no longer relevant as the former implies the existence of the Caliphate and the latter cannot exist without the former. Notwithstanding, when Muslim land is occupied by the *kuffar*, this country becomes *dar al-harb* or *dar al-ghasab* (usurped land).
- The ostensibly more moderate position of many Islamic scholars residing in the West holds that *dar al-Islam* is any country in which a Muslim may freely practice his religion. According to this interpretation, emigration (*hijra*) from *dar al-harb* is only an obligation in the case of fear for one's right to practice Islam or for one's life or property due to his being a Muslim. Otherwise, if a

Muslim may practice Islam freely in his place of residence, then he will be considered as living in a *dar al-Islam*, even if that place happens to be secular or un-Islamic. In such a setting, one is not obliged to emigrate, but his presence there may be better for him to remain there in order to practice *da'wah* (preaching Islam) in that place.

- A reformist definition, which forgoes the category of *dar al-harb* altogether and divides the world into *dar al-Islam* on one hand, and *dar al-kufr* or *dar al-da'wah* (the places where a Muslim must spread Islam through *da'wah* – in lieu of *dar al-harb*) on the other hand. *dar al-Islam* in this case is any country in which there is a Muslim majority even if the ruler does not completely abide by Islam. *dar al-kufr or dar al–da'wah*, on the other hand is any country in which the majority is non Muslim.[1] Other reformists propose new categories such as *dar al-'ahd* or dar *al-sulh* (countries with which there is a treaty or peace), *dar al-islah*, *dar al-durura* (land of necessity) or *dar al-aman* (land of safe sojourn).

**All the categories discussed above are legitimate in Islam for determining the attitude towards non-Muslim countries and populations and are rooted in Islamic *fiqh*.** The early distinctions of "*dar al–'ahd*" and "*dar kufr*" instead of *dar al-harb* reflect a development during the growth of the political power of the Islamic State that tempered the original contrast of "we" and "they" with political Realpolitik. Modern radical Islam though reverts to what it perceives as the "original" concepts – the sharp dichotomy of *dar al-Islam* and *dar al-harb*.

As a result of these different conceptions of the world, the internal debate regarding jihad has produced a wide range of Muslim attitudes towards this issue, including the following: Radicals that believe that the time is ripe to renew an active *jihad* for spreading Islam in the world by the sword; Some who see the present jihadi struggle as a defensive *jihad* aimed only at expelling the infidels from lands they consider as Muslim; some who limit acts of terrorism to recently "occupied" Muslim lands; some who justify terrorism in the lands of the infidels themselves; those who accept the justification of jihad, but subordinate it to practical considerations and prefer to defer the conflict until such time that the Muslims will become strong; and those who utterly reject the idea of a terrorist – or other – conflict with the non–Muslim world.

Classic Islamic thought distinguishes between such a jihad and an "offensive" or "initiated" jihad for spreading Islam and converting infidels.

- The "**offensive *jihad***" is a "collective duty" of the community of Muslims to pursue the infidels into their own lands, to call upon them to accept Islam and to fight them if they do not accept. It can only be implemented under the command of an .Islamic Ruler – the Caliph – who appoints believers to guard the borders and sends out an army at least once (some say twice) a year. As long as the Caliph has appointed Muslims to perform this duty, it is fulfilled and it is not incumbent on the rest of the Muslims in the community.
- The "**defensive *jihad***" is an individual duty for all Muslims to defend Muslim lands when the infidels prepare to attack them or when they attack and occupy

---

[1] *Fatwas* by Sheikh Faysal Mawlawi, 29 August 2002, www.islamonline.net/*fatwas*/english/*Fatwas*Display.asp?h*Fatwas*ID=72774

them or when Muslims come into proximity of infidels on the battlefield. In contrast to the former, this is an individual duty. As such, it is no less a religious imperative than the other five "pillars" of Islam: the statement of belief – *Shahadah*, prayer, fasting, charity and *Haj*. It becomes a *de facto* (and in the eyes of some a *de jure*) "sixth pillar"; a Muslim who does not perform it will not inherit Paradise.

**The latter form of "defensive jihad" is the basis for most jihadist doctrines today, including that of al-Qa'ida. However, the definition of "defense" in most of these doctrines is wide enough to encompass what would normally be considered offensive strategies**; it includes defense of the religion and dignity of the Muslims and the duty to protect the "oppressed upon the earth" against their oppressors. A major strength of this doctrine of "defensive jihad" is its definition as an "individual duty" incumbent on each and every Muslim – man, woman and child, freeman and slave – in the area of the occupied or threatened Muslim land. As such, it is not elective and cannot be fulfilled by proxy. When viewed as an "individual duty", participation in jihad in one way or another (by fighting, financing or preaching) becomes a prerequisite for entrance to Paradise in the Afterlife. Being a duty prescribed by the Prophet, *jihad* has intrinsic value regardless of its circumstances. It is not a necessary evil, but a religious duty regardless of its context and, as such, pleases God. By waging Jihad against the infidels, the Islamists reconstruct the past and divert the path of history back to the "straight road".

In this ideology, the "offensive *jihad*" has not been abandoned on the doctrinal level; since it remains an obligation for the Muslims as a community, which not only **can** only be performed under a Caliphate, but is one of the primary duties of the Caliph (according to some traditions, refraining from jihad is grounds for deposal of a Caliph). Hence, the reinstitution of the Caliphate is in the eyes of many radical movements a major goal. This goal of restoration of the Caliphate should not be confused with the less interim goal of establishing a state run by shari'ah (e.g. the Muslim Brotherhood). The former implies both revival of the offensive jihad and imposing one brand of Islam on all Muslims in the Caliphate, whereas the latter can "tolerate" more political pragmatism regarding jihad and a higher level of Islamic pluralism within the state.

In general terms, *jihad* is the Islamic parallel of the western concept of *bellum iustum*, – "just war." This doctrine contains two well-defined categories: "*ius ad bellum*," which lays down the principles by which a war is legally justified; and "*ius in bello*," which defines permitted and forbidden behavior towards the enemy during combat and afterwards. This second category deals with a wide variety of issues, such as the legality of different weapons, immunity of persons, prisoners of war, and the distinction between combatants who may be targeted with intention to kill or incapacitate them and non-combatants, who may not be harmed intentionally, since not being involved in warfare.

Islamic law addresses all these issues, the most prominent of them being:

1. **The very definition, current implementation, and area of application of the state of *jihad*.** Is *jihad* one of the "pillars" (*arkan*) or "roots" (*usul*) of Islam? Does it necessarily imply military war, or can it be perceived as a duty to spread Islam through preaching or even the moral struggle between one's soul and Satan? If the former, then what are the necessary conditions for

*jihad*? Does a state of *jihad* currently exist between *dar al-Islam* and *dar al-harb*? And how can one define Dar al-Islam today, in the absence of a caliphate? Is the rest of the world automatically defined as Dar al-Harb with which a state of *jihad* exists, or do the treaties and diplomatic relations which exist between Muslim countries and "infidel" countries (including the charter of the United Nations) change this?

2. **Who must participate in *jihad*, and how?** Is *jihad* a personal duty (*fard 'ein*) for each and every Muslim under all circumstances or a collective duty (*fard kiffaya*) that can be performed only under the leadership of a leader of all Muslims (*Imam, Khalifa, Amir al-Mu'aminin*)? Is it incumbent on women? On minors? May a Muslim refrain from supporting his attacked brethren or obey a non-Muslim secular law which prohibits him from supporting other Muslims in their struggle?
3. **How should the *jihad* be fought**? The questions in this area relate inter alia, to: (A) is *jihad* by definition an act of conflict against the actual "*kuffar*" or can it be defined as a spiritual struggle against the "evil inclination"? If it is the former, must it take the form of war (*jihad fi-sabil Allah*) or can it be performed by way of preaching and proselytizing (*da'awah*)? (B) Who is a legitimate target? Is it permissible to kill noncombatant civilians — women, children, elderly, and clerics; "protected" non-Muslims in Muslim countries — local non-Muslims or tourists whose visas may be interpreted as Islamic guarantees of passage (*aman*); Muslim bystanders? (C) The legitimacy of suicide attacks (*istishhad*) as a form of *jihad* in the light of the severe prohibition on a Muslim taking his own life, on one hand, and the promise of rewards in the afterlife for the *shahid* who falls in a *jihad* on the other hand. (D) The weapons which may be used. For example, may a hijacked plane be used as a weapon as in the attacks of September 11 in the light of Islamic prohibitions on killing prisoners? (E) The status of a Muslim who aids the "infidels" against other Muslims. (F) The authority to implement capital punishment in the absence of a caliph.
4. **How should *jihad* be funded?** This subject relates to the transfer of *zakat* (almsgiving) collected in a community for *jihad fi-sabil Allah* (i.e., *jihad* on Allah's path or military *jihad*), the precepts of "war booty" (*ghaneema* or *fay'*) and the fifth (*khoms*) of the spoils which must be handed over to the public treasury.
5. **The behavior of a Muslim towards the *kuffar*** – The existence of a state of *jihad* raises the questions regarding support of the *kuffar* by purchasing their products, performing acts which call for loyalty to their countries, serving in their military, spying for them etc.

### The Role of the Scholars and Islamic Jurisprudence

Radical Islamists do not base their cause on blind faith but on meticulous rationalization of their goals and means through use of accepted Islamic traditions. Foremost among the ideological "tools" of radical Islam is Islamic jurisprudence (*fiqh*). The pivotal role of the Islamic scholars (ulama) and of Islamic jurisprudence derives from the legalistic nature of Islam. Recognizing the limitations of any human being in determining the "orthodoxy" of an individual, Islam focuses on "orthopraxy". It offers total rule of law (*shari'ah*) by providing not only a revelation of divine will, but also a highly detailed legal code that regulates the entire scope of human behavior on both the private and the collective level.

Legal justification is particularly critical for legitimizing Islamist terrorism. An act of violence would otherwise be considered a cardinal sin were it not deemed a religious obligation in the context of a legitimate *jihad.* To justify terrorism, radicals rely on the traditional "tool box" that Islamic fiqh provides: the classical demarcation of the world into *dar al-Islam* and *dar al-Harb*; interpretation of "*jihad*" as a military struggle and as an integral tenet of Islam; defining *jihad* as an "individual duty" under defensive circumstances; allowance for killing; concepts of martyrdom (*shahadah*) and the eschatological anticipation of the final victory of Islam.

In medieval Islam, this supremacy of *shari'ah* did not preclude philosophical or moral rumination. Various schools of Islamic legal thought did leave room for tools based on rational reflection and public good. The Wahhabi school, which appeared in the 18th century declared war on all these trends in Islam and called for literal and unquestioning acceptance of the directives of Islam, as they existed in the days of the Prophet. In doing so, it delivered morality exclusively into the hands of the legal scholars and made it entirely dependent on exegesis from the textual sources. Private and public behavior, morality and immorality, can all be regulated by the precepts of *shari'ah.* All religious and moral issues can be deduced from the sources of *shari'ah* by way of casuistic analysis, and clear instructions can be given regarding right and wrong.

The "legalization" of moral issues raises the question of **personal accountability** in Islam. Is a scholar who provides an erroneous ruling, or a Muslim who follows him, guilty of committing a sin? If the misleading opinion is intentional, its author is guilty of the heinous sin of *istihlal* – "forbidding that which (Allah) permitted" or "permitting that which (Allah) forbade" (Qur'an 9:37). On the other hand, Islam is exceptionally tolerant of honest mistakes of *ijtihad.* Islamic law is not a finite codex, but an accretional body of legal thinking, which preserves minority thinking alongside wide consensus. A scholar who errs in good faith nevertheless enjoys his reward for having made an effort to comprehend the Will of God. Likewise, God will be lenient with a Muslim who has followed such a ruling in good faith since God "knows his intention". This attitude leaves both spiritual leader and follower without blame even in case of a legal decision which was patently incorrect and resulted in a cardinal sin.

The principles of fiqh are brought to bear in the practical world through the issuing of *fatwas* – legal opinions or rulings, written or oral – on a specific subject that dispel uncertainty and shows the clear path for behavior on the chosen subject. Ideally, a fatwa can only be given by a scholar with wide knowledge of *fiqh. Fatwas* have been issued by behest of the ruler in order to accord legitimacy to his policies and generally, the *'ulama* tended to defer to the ruler's perception of the interest of the Muslim community as a basis for their own judgments. At the same time, *fatwas* have been a standard tool in the arsenals of Muslim rebels and insurgents for ages. They were issued by the Wahhabis in the Arabian Peninsula, by the Mahdi in Sudan, by Indian Muslims against the British, and by Indonesian Muslims against the Dutch, to name but a few. In contemporary times, the importance of these *fatwas* in providing justification for individual terrorists cannot be under-estimated.

While traditional Islam does rely to a great extent on the validity of legal rulings, not all the schools are equally committed to the letter of the text. Of the four main schools of jurisprudence, the Hanbali school practiced in Saudi Arabia is the most literal in its interpretations, whereas the Maleki school, common in Northern Africa, and the Shafi'i school prevalent in Southeast Asia tend to be more flexible. Since all the schools originated in the Arab world, it seems –as will be discussed further on – that the ethnic and social environments have been instrumental in determining which legal version would be accepted and developed. Wherever Muslims found themselves living in culturally and religiously pluralist environments, they tended to adopt legal thinking that facilitated accommodation with those places.

## Crisis of Authority

In Muslim societies the *'ulama* have traditionally played a variety of roles, including the following: They were a legislative branch of society which, by interpreting the sources of the Law, created new duties and prohibitions; a judicial branch that passed judgment on violators of the law; and "crowners of kings" – or, providers of religious legitimacy to the executive leadership. During most of Islamic history, the jurists and the rulers have complemented each other: the legitimacy that the clerics provided as guardians of the law was rewarded by the rulers with worldly benefits. Occasionally the two "branches" of Islamic government conflicted, usually, though, to find a new balance and modus vivendi. This modus vivendi accorded the ruler (*Imam*, Caliph, "*wali al-amr*") a kind of "veto" over religious decisions of his *'ulama* in the area of "political jurisprudence" (*siyar*, *fiqh siyasi*).

The success of radical Islam can be attributed, to a great extent, to a vacuum of modern secular or moderate religious leadership caused by a **crisis of religious and political legitimacy and authority**. The fragmentation of leadership within the Arab and Muslim world is the result of a widespread loss of legitimacy in certain modern political forms; nationalism has gone bankrupt, while liberalism, which was never quite popular, is linked to the negative image of the United States as a result of a perception of American hostility to the Muslims. The rise of modern secular regimes, which based their legitimacy on revolutionary ideologies and repressive security apparatuses and not on Islam, broke the traditional bond between the temporal ruler (Imam or Caliph) and the *'ulama*. The clerics no longer shared power with the rulers, but were called upon to support them, nevertheless.

An important result of the above has been a steady decline of the Sunni orthodox **religious establishments**. Having been systematically emasculated by the regimes, they also lost public legitimacy and authority due to their support of those dictatorial and oppressive regimes. This situation imposes on them a delicate balancing act: to maintain their relationship with the regimes: On one hand, they are obliged to support them as a counter-balance to radical opposition; on the other hand, they must counter accusations that they have become "rubber stamps" of unpopular and un-Islamic regimes and answer to the challenge of the non-establishment clerics. Unable to join the radicals' attacks on the regimes, the clerics attempt to woo the public back by radicalizing their own positions vis-à-vis the West and Israel.

The rejection of Western values of democracy by Islamic radicals notwithstanding, this crisis has triggered a kind of religious "democratization" or "privatization" of *fiqh*. The loss of political leadership contributes to a process of de-centralization of religious authority. In the absence of political leaders who can outline the political *fiqh*, those issues are referred to the *'ulama*; and in the absence of a strong centralized religious authority, there is an increase in the number of politically-oriented *'ulama* who claim central authority.

The loss of legitimacy of the regimes and of their Islamic establishments along with the growing exposure of the public to issues which were once perceived as "high politics" (and hence not the concern of the average Muslim) created both a greater "demand" for such religio-political guidance, and a "shortage" of such guidance. In the absence of legitimate political leaders who can outline the political interest, this "demand" is filled by the non-establishment *'ulama*. This trend has resulted in the emergence of a "supermarket" of "scholars" who issue religious rulings and legitimize various ideologies. An increasing number of *'ulama* are issuing *fatwas* in matters related to the concept of *jihad*.

The nature of the new relationship between clerics and rulers differs form one country to another. In no case, however, is it a bilateral relationship; both the regime and the Islamic establishment have to take into account, as terms of reference, Islamic pressure groups, non-establishment *'ulama*, popular political forces that use Islamic rhetoric to strengthen their positions vis-à-vis the regime and radical Islamic opposition, on one hand, and western pressure on the regimes to restrain their religious institutions, on the other hand.

To understand the dynamics of these relationships, it is worthwhile to consider a number of case studies: Egypt, Saudi Arabia, Jordan and Syria.

- In **Egypt**, al-Azhar existed for a thousand years before the regime and enjoys substantial prestige in the Muslim world. This status restricts the ability of the regime to impose its will on such an institution.
- In **Saudi Arabia** the founder of the Kingdom had been accepted as the Imam of the community, and as such, his understanding of the interests (*maslaha*) of the community were not to be questioned. The close relationships – including family relations – between the royal family and the 'ulama also facilitated regime control. This has since changed. Ibn Sa'ud's successors did not have his charisma and his control over the Ulama. As such, the current Saudi leadership has lost effective control over the rank and file of the *'ulama*.
- In **Jordan,** on the other hand, there is no such institution. The lineage of the royal family couples with the intentionally bureaucratic nature of the Islamic establishment guarantees complete regime control over that establishment.
- In **Syria**, the regime has stifled all secular opposition while cultivating Islamic institutions of its own so as to reinforce its legitimacy vis-à-vis the challenge of the Muslim Brotherhood.

The passivity of the Islamic establishments and regimes of the Middle East in the face of the radicals is evident. When the basic interests of these regimes are in danger, they have demonstrated an ability to coerce religious establishments and even radical Sheikhs to rule in a way commensurate with their needs. However, few of these regimes had demonstrated any inclination to join a global (that is, infidel) war against radical Islamic ideology. Muslim regimes have also hesitated to crack down on the religious dimension of radical Islam, and satisfy themselves with dealing with the problem political violence alone. Thus, they trade tolerance of *jihad* for local calm, and consequently lose ground to the radicals in their societies. The attacks of 11 September forced many Muslim regimes to take stands and to deal with their tolerant policies vis-à-vis *jihad* movements in their countries. However, their "collaboration" with the West in counter-terrorism is detrimental to their domestic stability. As a result, many regimes compensate their Islamic opposition by ceding to them spaces in society – judicial, educational etc. These policies constrain the regimes even more, and are likely to have serious long-term implications for Middle Eastern societies themselves.

Additionally, the information age has opened up a new venue for Muslims to acquire religious instruction without having to come in direct contact with the Sheikh he or she is consulting with. The Internet now allows a Muslim to send a query to any learned Sheikh by e-mail and to receive his ruling either directly or in the public domain of websites dedicated to providing such *fatwas*. The rulings found on such websites vary according to the leanings of the institution they represent and the personalities of the Sheikhs involved in them. Some are "establishment" sites which represent renowned Islamic institutions or prominent individual Sheikhs and provide general Islamic instruction for the mainstream orthodox Muslim, including responses to queries on the rules and regulations of *jihad*. Others are sites that are dedicated to *jihad* and include religious instruction and *fatwas* almost exclusively on the issue of *jihad*. The latter do not always provide the identity of the supplicant or of the "*Sheikh*" who gives the *fatwas*, thus compromising the authority of such *fatwas*. Online *fatwas* also have a tendency to be recycled; questions which have already been raised and answered are re-posted and the former response is posted with it as if it was given on that date. As a result, occasionally a *fatwa* by a prominent Sheikh may be posted at a given date even after the death of that Sheikh.

The crisis of authority and the consequent weakness of "mainstream" leadership in dealing with Islamist terrorism is demonstrated well by a recent *fatwa* issued by the Fiqh Council of North America and endorsed by 140 Muslim groups, leaders, and institutions. The *fatwa* determines that: (a) all acts of terrorism targeting civilians are *haram* (forbidden) in Islam; (b) it is *haram* for a Muslim to cooperate with any individual or group that is involved in any act of terrorism or violence; (c) it is the civic and religious duty (*wajib – a duty which derives from shari'ah and not directly from the Qur'an*) of Muslims to cooperate with law enforcement authorities to protect the lives of all civilians. This *fatwa* can be compared to a *fatwa* issued by lay Spanish Muslims after the attacks in Madrid. The latter declared all those who perpetrate acts of terror or murder of innocents and those who justify such acts or provide legal religious endorsement of such acts as "apostates", and specifically declared bin Laden an apostate for "permitting that which Allah has forbidden" (*istihlal*). The endorsers of the American *fatwa* though demonstrated their sense of subordination to the religious centers of the Muslim world. In their quest for consensus, they had to water down any religiously "operative" edict. They could not declare terrorists as apostates (*takfir*) and certainly could not dare declare all those who justify terror as apostates since that would apply to many of the leading clerics in the Muslim world. Finally, the *fatwa* leaves the sticky question of the duty to cooperate with authorities (ostensibly – collaboration with infidels against Muslims) unresolved by declaring it a "civic duty" and a duty imposed by shari'ah (not a Qur'anic duty). It may be argued that the sense of subordination towards the religious centers of the Muslim world binds the hands and tongues of the American Muslim leaders, whereas the more assimilated Spanish "lay" Muslims felt less obliged to a consensus with the more radicals.

### The Jihadist Doctrines

Modern fundamentalist Islam was born of the conflict between the principle that Islam should encompass all areas of life and provide all the answers for the lives of Muslims and the political, social, economic and military challenge of the western world. The jihadist doctrines (plural, as there is not one uniform doctrine) take the basic tenets of jihad in Islam and the postulates of the fundamentalist trends to their logical conclusion. The radical Islamic case against the West is part and parcel of this conclusion. The most common accusation against the west in radical Islamic circles is of "occupation" of Muslim lands. However, a deeper reading of Islamist ideological texts shows that "western occupation" is interpreted not only as western military occupation but as the West's economic, cultural and moral presence. Western culture is held responsible for encouraging the neo-*jahiliya* by imposing its own values and corrupting the Muslims, leading them down the road to heresy (*kufr*).

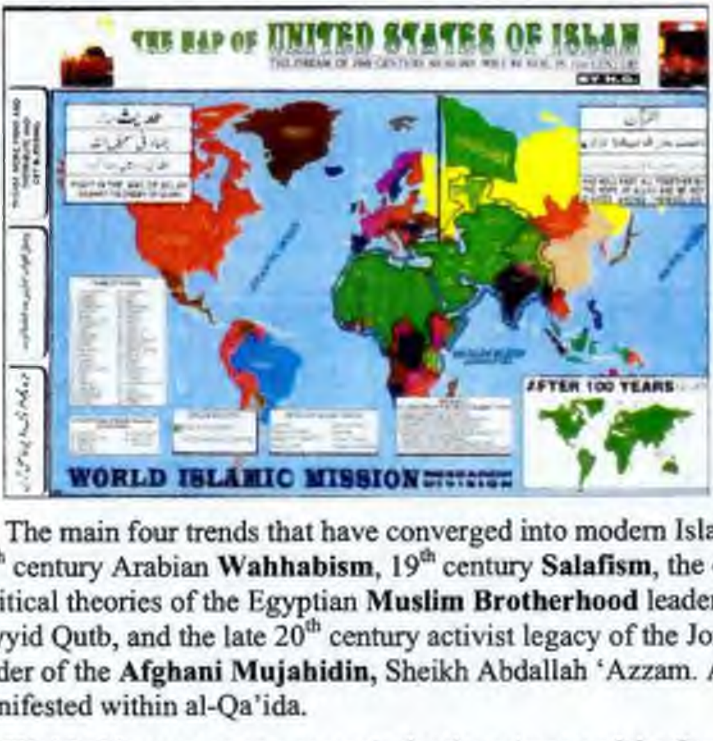
Western culture is, in this context, the strategic enemy of God and of the Muslim *ummah* and the "prime cause" of the decline of the Muslims and the corruption of Islam. The Islamic principle that "Islam is supreme and none is above it" created a cognitive dissonance when faced with present-day western superiority. The only logical conclusion, therefore, is that the (Judeo-) Christian West – portrayed as a "Crusader Kingdom" has usurped Islam's "birthright" of cultural and technological predominance, with the intent of keeping the Muslims in a state of economic and technological backwardness, and subjecting them to colonialism, patronizing mandates and economic exploitation. The Muslims, having compromised their religion, are helpless in the face of this onslaught; only if they renew their total obedience to Islam, as in the days of the Prophet, will they be awarded with victory.

The priority of the original radical movements was to combat the symptoms of the decline **within** Islam. The primary frame of reference of radical Islamic ideology was not the "infidels" but the Muslims themselves. These were struggles inwards into Islam and not against the West. Their primary adversaries were the secular states and other representatives of the neo-*jahiliya* – Muslim liberals, Sufis and secularists. In order to achieve the long-term goal of the Caliphate, sinful and apostate rulers must either accept the Islamic paradigm or be swept aside and Muslim society had to be re-Islamized. On the practical level as well, most acts of terrorism of radical Islamic movements until the early 1990's were directed against other Muslims and not against "infidels". In this context, western civilization is the enemy because of its corrupting influence on the Muslims.

In the wake of the war in Afghanistan against the Soviet Union and the sense of almost apocalyptic success, the tendency to deal directly with the "strategic enemy" grew. The defeat of the Soviet Union and its subsequent fall was attributed to the willingness of the Mujahidin to struggle against all odds and in doing so to prove to God their total faith in Him. The defeat of the Soviet Union was viewed as no less than a sign that God desired the Muslims to continue on the road of jihad. The formal *casus belli* against the West is that "occupation of Muslim lands" has continued for centuries (since the first defeats of the Muslims in Europe) and since there is no "statute of limitations" for the Islamic identity of a land, and hence, all lands that were once Muslim must be returned to Islam, no matter when they were "occupied" and what their current population is, the "occupation" puts into effect a state of "defensive jihad". Such a jihad is an "individual duty" for each and every Muslim in the occupied countries. However, though the doctrine of "defensive jihad" exists in classic Islam, it did not, in the past, result in a "world jihad" movement with an offensive strategy. The doctrinal innovation in the contemporary jihad movement is that this "individual duty" is no longer incumbent on the Muslims of the occupied countries alone, but, given the length of time of the occupation, on all Muslims everywhere.

This doctrine was first translated into internationalization of a jihad in the struggle against the Soviet Union in Afghanistan; the cross-pollination – first in Afghanistan and later in other theatres of jihad – between recruits to the jihad from different countries cemented it. It determined that: (a) there are many theatres for jihad, which have been neglected for centuries (Andalusia, Southern France, the Balkans, parts of Poland, Kashmir, Hyderabad, Assam, Nepal, Burma, Behar, and Junagadh Afghanistan, Palestine, Kashmir, Lebanon, Chad, Eritrea are such theatres mentioned in Islamic texts); (b) Since jihad has become an "individual duty" any Muslim fulfill this duty in any of those theatres, regardless of his personal origins; (c) The enemy is waging a vicious global war against the Muslims, wantonly murdering Muslim innocents, and therefore the Muslims must respond "in kind".

All the above relates to the doctrine of "defensive jihad". While this doctrine is the main backbone of contemporary Islamic anti-westernism, the ambition to realize the goal of making Islam the only world religion is also to be found in many of the jihadist movements, including those which have defined their struggle primarily in defensive terms. This goal is inherent in writings by al-Qa'ida and Messianic "Caliphocentric" organizations such as Hizb al-Tahrir al-Islami and Muhajiroun. It is based on the belief that success in defeating the "infidels" in the defense of Muslim lands is interpreted as a sign from Allah that the time is ripe to reunite the Muslims and to proceed on an "offensive jihad" for Islamization of the world. [2]



The main four trends that have converged into modern Islamic radicalism include: 18th century Arabian **Wahhabism**, 19th century **Salafism**, the early 20th century political theories of the Egyptian **Muslim Brotherhood** leaders, Hasan al-Banna and Sayyid Qutb, and the late 20th century activist legacy of the Jordanian-Palestinian leader of the **Afghani Mujahidin,** Sheikh Abdallah 'Azzam. All these trends are manifested within al-Qa'ida.

1. **Wahhabism** arose as a struggle for the primacy of the Qur'an and the ideas of the "unity of God" – *tawhid* – and, in order to purge Islam from polytheism – *shirk*. It saw itself as the "true" orthodox Islam. In essence, it was a religio-political movement with a "tops–down" approach to reforming Islam; by taking power and

---

[2] For example a statement by Omar Bakri Muhammad, the leader of the Muhajirun, that the "banner of Islam" will ultimately fly over Downing 10. Similar statements have been made by Sheikhs in the Netherlands, Germany and other European countries.

imposing its concepts of Islam "by the sword". The essence of Wahhabism is the rejection of the western world and its innovations. It was founded by the coalition of the al-Saud family and the Islamic revivalist, Muhammad ibn 'Abd al-Wahhab with the goal of purging Islam from innovations and corruptions. It perceives the earliest period of Islam as a paradigm of perfection and attempts to imitate that period. In doing so, it is "a-historical"; The cumulative increments of Islamic history are at best interpretations of this paradigm and at worse innovations that distanced the Muslims from it and hence should be rejected. The Wahhabi attitude towards Qur'an is, therefore, entirely literal; the Qur'an was created on the dawn of creation with the knowledge of what will come to pass. Therefore, nothing in it can be read in historic context or lose its validity in the modern world.

2. **Salafism** (lit: "forefatherism"), on the other hand, was originally a philosophical – not a military or political movement. It emerged as reformist school founded by Muslim thinkers with wide acquaintance with the western world (Muhammad 'Abduh, al-Afghani and Rashid Rida). Like Wahhabism, it also claims to revive the Islam of the Prophet and his companions (al-salaf al-salih). However, unlike the Wahhabi out of hand rejection of all western influences, the original Salafists sought to meet the challenge of modern needs by reinterpreting the original sources in the light of those demands, through "leapfrogging" historic juristic precedents and existing authority. This was done by "opening the gates of *ijtihad*" and allowing virtually any learned Muslim to perform exegesis from the original sources and to interpret the will of God.
3. The **Muslim Brotherhood** emerged as a response to what they perceived as the "apostasy" of Muslim rulers who had led the *ummah* astray into a neo-*jahiliya* (the state of ignorance of the word of God which preceded the mission of the Prophet). It opted for a "bottoms-up" approach to reform. It placed the emphasis on gradual reform of Islamic society by creating a Muslim civil society which would eventually re-Islamize the "modern Jahiliyya" into which Muslims had sunken and then – the regimes would fall into their hands like a ripe fruit. But despite its gradualist philosophy, the Muslim Brotherhood also gave rise to a jihadist branch – that of Sayyid Qutb.
4. The **Afghani Mujahidin** movement "internationalized" the budding radical Islamist trend. It brought together Muslims from all over the world to fight a *jihad* in a theatre which belonged to none of them. Whereas all the previous trends were "inward looking" and directed their zeal towards other "apostate" Muslims, the Mujahidin movement was specifically organized to struggle against the "infidels" and to eject them from a Muslim land. Once this precedent had been set, it was only natural that it be applied to other theatres. The lesson of the defeat of the Soviet Union in Afghanistan (and its subsequent demise) was that the Muslims have the power, by their faith and the fervor of *jihad*, to expel the infidels and to regain Muslim lands for the Muslim *ummah*.

The convergence of all these trends formed a jihadist movement which incorporates elements of all of them: it is purist and literal in its interpretation of the texts of Islam and emulates the behavior of the first generation of Muslims like the Wahhabis; it accepts the Salafi doctrine of renewal of *ijtihad* for solving problems which do not have immediate solutions in the texts; it subscribes to the Muslim Brotherhood beliefs in "recruitment" of the Muslim society and "bottoms-up" transformation of Muslim countries (though, simultaneously holding on to the

Wahhabi "tops-down" paradigm); and it internationalizes the struggle according to the legacy of the Afghani Mujahidin.

An important element in almost all the above radical Sunni trends is a visceral **animosity towards Shiite** (and other heterodox) Muslims. This element has been highlighted recently in the wake of the Sunni-Shiite conflict in Iraq. While this conflict may be viewed in social terms as a struggle by a deposed political Sunni elite against a new elite which has taken over the country with the aid of an outside power and by virtue of its majority, or in ethnic terms as a conflict between a Sunni Arab minority and a Shiite ethnic majority which threatens to overthrow the social primacy of the former, it must also be viewed as a reflection of the wider phenomenon of Wahhabi hostility towards the Shi'ah.

The conflict has exacerbated over the last years and manifests itself in an increase of anti-Shiite rhetoric on the part of Wahhabi radicals. For them, the Shiites are near-heretics, natural allies of Shiite Iran, who have come to power in Arab Iraq on the points of the American bayonets and through an alliance with the secular and non-Arab Kurds, ostensibly in a democratic process, but actually in order to promote the American plan for a Greater Middle East, in which the Arabs will be diluted in the non-Arab components (Turkey, Pakistan, Iran, Israel) and Islam will lose its status. This development is viewed from the radical wings of the Sunni world as a severe challenge not only to the predominance of the Sunnis in Iraq, but to their dominance in the Muslim world in general.

One main element in the jihadist view of ***ius in bello*** which set it apart from codes of war in other cultures is its **intentional targeting of non-combatants**. This does not necessarily derive from classic Islamic law of *jihad*, but neither does it clearly contradict it. Classic Islamic law does not recognize a category of non-combatants as immune, *per se* but focuses on levels of inviolability, distinguishing between the enemy who **must** be killed and cannot be spared until the battle is over, and those who enjoy **immunity** and therefore "whose blood is prohibited". The latter may be either (1) Muslims and non-Muslims who have treaties with the Muslims that must be respected, or (2) those who may become property of the Muslims such as women and children, or (3) those whose physical or spiritual conditions render them incapable of harming the Muslims, such as the aged, mentally retarded, cripples whose handicap clearly precludes their participation in battle, monks in cloisters, etc. Hence, while all those whom it is forbidden to harm are non-combatants, not all non-combatants are immune from harm by virtue of that status.

Jihadist scholars also take advantage of the loopholes and precedents in Islamic jurisprudence which permit **killing immune persons** in the name of the necessities of *jihad*. Modern Jihadist doctrine justify killing of ostensibly protected persons either by citing these loopholes, or by portraying the contemporary enemy in a fashion that annuls the status of immunity. The non-combatants who are targeted are "able to fight" (hence not immune), participate in the war by proxy, by virtue of their being part of a democratic political system and, in any case, the Islamic principle of *lex talionis* demands that enemy civilians be killed in a ratio of 10:1 in retribution for killing of Muslim civilians. This logic serves radical scholars in justifying not only murder of civilians, but mutilation of bodies and even use of weapons of mass destruction.

An interesting case in point of the centrality of legal rulings, which has emerged in the wake of the wars in Afghanistan and Iraq, is the debate regarding "collateral damage" or the **killing of Muslims** in the course of a jihad. This debate focuses on the concept of *tatarus*. This concept, which means literally "shielding, originated in the writings of the 12th century Sheikhs Abu-Hamed al-Ghazali and Ibn Taymiyya. The concept was recently revived by al-Qa'ida (Ayman al-Zawahiri in his essay "The Rule for Suicide-Martyr Operations" and al-Qa'ida leader in Iraq, Abu Mas'ab al–Zarqawi) who justify the killing of Muslims in the course of jihad. The rationale is that "... although spilling sacred Muslim blood is a grave offense, it is not only permissible but it is obligatory in order to prevent more serious adversity from happening, suspending or abandoning *jihad* (or) handing over the land and people to the unbelievers ..." A number of modern scholars have elaborated on this justification and argue that the broader interest of the ummah requires the expulsion of the U.S.-led forces from Iraq and that the killing of innocent Iraqis in whatever numbers is of no concern to the combatants, whose place in paradise is assured. Other scholars however are deterred by the implications of blanket justification of *tatarus* and determine that each individual case must be referred to a higher scholar. Others still limit the application of *tatarus* to conflicts between regular armies, or to killing only those Muslims who are in the hands of the enemy. Some even deny the justification of *tatarus* altogether. In any case, the jihadists cannot be satisfied with determining their strategy for deterring other Muslims by targeting themselves as well, but feel the need to provide a legal justification for the acts.

## The Organizational Dimension and Leadership

The contemporary phenomenon of radical Islam is characterized by a set of phenomena or forces, most of which are Sunni. Some of these are quite far from a pure radical Sunni paradigm. There are also Shiite movements inside this "set". The organizational attributes of Shiite organizations tend to differ from the Sunni movements. The very existence of the concept of a senior cleric who serves as the "model of emulation" for his followers (*marja' taqlid*), the authority of such a spiritual leader and the demand that he be a highly learned scholar all limit the scope of the "lay leaderships" which plague the radical Sunni scene. The subordination of the lay Sunni Muslim to the *'ulama* in fundamentalist and radical movements, though., bears a similarity to the Shiite paradigm, since the members of these movements may pledge an oath of fealty or allegiance (*bay'a*) to their leader, which indicates acceptance of the leader as both spiritual guide and temporal leader. His ruling then is not only a juridical opinion, but an operational *diktat*.

Like any wide spread ideological movement, the various radical Islamic trends can be viewed as a series of concentric circles, with the small "**hard core**" of activists at the centre, surrounded by **active supporters** (and financiers), **potential allies** drawn from a milieu of ideological movements with similar agendas; and finally a mass passive but **sympathetic population**. The relative "width" of each band differs from one organization to another; the greater the legitimacy of the "hard core" in society (and immunity from the regime), the "wider" the inner band is. In other cases, the outer circle is the "widest". Examples of the former are Palestinian Hamas and Lebanese Hezbollah – both of which operate in a supportive political milieu which provides social and economic benefits for members of the "inner core". Al-Qa'ida is the epitome of the latter, whereas the Muslim Brotherhood is located between these two extremes. The mutual influence of the inner and outer circles on the behavior of the organization is accordingly; the larger the inner core is, the greater its success in imposing its will on the public.

Command and control patterns in radical Islamic organizations appear to be more of a franchise than a hierarchical society. Since the loss of Afghanistan as a safe haven, al-Qa'ida has "morphed" into an even more multi-polar organization. This is evident in the large number of "independent" or "local" terrorist cells which subscribe to the al-Qa'ida ideology but have little direct contact with the infrastructure in Afghanistan. The simile of a "franchise" – "McQa'ida" – is useful; it carries the same logo and basic menu everywhere, but in each country the management is autonomous and there is an adjustment of product and menus to local tastes. The ideological maneuvering space of "McQa'ida" however is rather narrow, as the Arab world as a source of inspiration is still very strong and prohibits any substantial deviation. The attacks in London may be interpreted as a symptom of this organizational metamorphosis. In the past, there was evidence that the leadership of al-Qa'ida viewed the ideological infrastructure in the UK as too strategically important to endanger by performing terrorist attacks. The fragmentation of leadership allows for implementation of different strategies by separate branches of the same basic organization.

This multi-polarity of command and control reflects the wider phenomenon of fragmentation of religious authority in the Islamic world and plurality of religious rulings, which has been described above. It also feeds off the social diversity of the various groups which are drawn to the radical Islamic ideologies. A relatively large portion of the radical activists are "organizationally mobile", absorbing new ideological components (often from the internet without even coming in contact with the "leaderships" who are spreading those ideas) and forming new local organizations. This tendency is compounded by the "Lone Ranger Syndrome"; the individual or small group which has absorbed the ideology and acts on it without any specific instructions.

The failure of moderates to rally support for their positions does not derive as much from the fact that their **theocratic arguments** are weak but from the **weakness of their leadership** as opposed to the radicals. The preponderance of legal reasoning in radical writings notwithstanding, supporters of radical sheikhs are not convinced by such arguments as much as with the charisma of the leaders. This is evident in the ideological heterogeneity of the phenomenon of radical Islam.

Therefore, future processes will also be determined, to a great extent, by leadership of radicals and moderates alike. This leadership is ostensibly a religious one, however, it increasingly does not derive its authority from the depth of its Islamic knowledge, but from its charisma; an authoritative and populist leader has considerable influence, for good and bad. The prime example of this type of leadership is Bin Ladin himself whom Muslims from various backgrounds accept as a leader and as a political and ideological symbol. He does not engage in a pure Islamic discourse, but rather in an Arab-political one, using Islamic legal methods. His leadership is ostensibly a religious one, however, it does not derive its authority necessarily from the depth of its Islamic knowledge or his status as a religious scholar (*'alim*), but from its charisma as a commander (*amir*), who struggles for the triumph of Islam and for conquests that will return the Muslims to their previous glory. He, and many others in the global jihad movement, do not possess the encyclopedic knowledge of the Qur'an, Hadith, and fiqh that used to confer authority on a scholar, nor are they constrained by moderating traditions which appear in such sources. They base their rulings upon a limited selection of Qur'anic verses and previous scholars' rulings and extensive use of free exegesis from the Qur'an (*ijtihad*).

## The Ethnic Dimension

The emergence of Islamic radicalism in local situations tends to result from a juxtaposition of the global and the local. As global a phenomenon that radical Islam seems to be, its particular manifestations are notably local. This is not surprising; Islam in itself tends to vary from one country to another and orthodox customs in one Muslim society would sometimes be considered as bordering on heresy in another. Islamic identity and customs are affected by language, ethnic environment, status as minority or majority, Sufi or other traditions, eclectics and the level of friction between the Muslim and surrounding groups, to name a few factors. Sometimes, ethnic customs which are incorporated into the religion so deeply that few are ware that they are not original and universal tenets of Islam. This "localization" of Islam occasionally creates a form of "Islamist Nationalism", which is akin to – but not identical with – the world jihadist movement represented by al-Qa'ida.

This diversity of Islam gives rise to the question arises not only why radical Islam has arisen where it has, but also why not in places where it is less prevalent. Why have societies with similar social, political and economic conditions **not** produced similar antagonism towards the West? What are the factors in those societies in which radicalism has not found wide support which inhibited it from taking root? Particularly, we may ask are these culture-dependent ethnic factors which cannot be exported or cloned, or do they derive from predominance of a different – but equally legitimate – tradition of Islam.

Different cases of the spread of radical Islam in a variety of national environments indicates an inter-relationship between culture, social structure, historic political circumstances and consensual religious doctrines. In short: different Muslim communities have absorbed and adapted different schools of jurisprudence and religious doctrines according to their own culture and socio-political situation. The austerity of the Hanbali school – and later of strict Wahhabism – could be implemented in the austere and uniform surroundings of the Arabian Peninsula much easier than in the complex multi-ethnic and religiously diverse setting of India and Indonesia. Strict rulings regarding the interaction with "polytheists" are easier to maintain when the prospect of meeting such a person is nil. The level of commerce and openness of the given society to the outside world also plays a role; Islam reached South and South-East Asia with trade boats and not with gunboats, and Asian Islam remained receptive to later doctrines and philosophies that came with civilizational intercourse. Notwithstanding, Islamic radicalism is not uniform even throughout the Arab world. The global jihad scene is dominated by Saudis, Egyptians, and Algerians. The absence of Palestinians from this movement is telling; Palestinian Islamism was born as part of national movement and remains anchored in national goals, notwithstanding its formal commitment to general Islamic agendas.

Radical Islamism in its purest form is vehemently opposed to nationalism. The latter is perceived as a form of idolatry, placing the allegiance to the "nation" (which may include non-Muslims) above the loyalty to the Muslim *ummah*. The exclusive trans-national identity of the Muslim *ummah* and the prohibition of collaborating with infidels – even if they are fellow citizens of the same country – against fellow Muslims have deep roots in Islam. It arose from the necessity in the time for the

Prophet to bind the new Muslims to their new Nation through abrogation of their prior tribal affiliation. The Muslim is enjoined to show loyalty toward Muslims and to distance himself from infidels, according to the principle of *al-walaa wa-al-baraa* (loyalty and distancing).

This principle is at the core of the "internationalization" of the jihad movement and the occurrences of Muslims from different countries who come together for acts of terrorism in a country which none of them are natives of. This principle entails mutual liability between Muslims from different countries, and at the same time absolves Muslims of any contradictory loyalty towards their countries of citizenship. The dilemma arising from the above goes beyond the common dual allegiance dilemma of an individual whose country of adoption is at war with his country of origin or with his co-religionists. It places a question mark over the duty of Muslims living in non-Muslim countries to abide by the conditions of their aman in that country.

### The Arab influence on non-Arab Islamism

The most wide spread, ambitious and violent of the radical Islamic movements are in the Arab world. It has been argued that this observation may be related to the Arabs' sense of their special place in Islam and the particular bond between its fate and their own. After all, Revelation (the Qur'an) was given to Arabs in Arabic and made them a world power. Many non-Arab Muslims also tacitly accept the special status of the Arabs, hence are prone to accept the Islamic authority emanating from Arab religious authorities. While westernization of Muslim culture may be perceived by a non-Arab Muslim as transformation of cultural elements, which he received from the Arabs, for the Arab Muslim, it is perceived as imposition of a foreign culture on his own. To the extent that this argument is sound, it is understandable why radicalism is so strong in the Arabian peninsula, where Islam originated.

While the phenomenon of radical Islamism has spread across the globe, its source is intimately connected to the Arab ethnic component in the Muslim world, either through direct "export" of radicalism or indirect influences. The lions share of Islamic terrorism and expressions of hostility towards the West are to be found among Arab Muslims. Conversely, expressions of Islamic moderation, reform and cooperation with the West seem to be stronger in the non-Arab parts of the Muslim world. The radical religious trends among Muslims in Central and South-East Asia almost invariably lead back to Arab – particularly Saudi, Egyptian or Yemeni influences. Prime examples of this phenomenon are to be found in the Caucus, in Indonesia, in the Philippines and in Thailand:

1. In **Chechnya**, where the Arab mujahidin tried to turn the Chechen rebellion from a national struggle to a full-fledged trans-national Islamic Jihad. At one point the Chechen leadership attempted to reduce the Arab involvement in their struggle. It was clear to them that allowing the Chechen cause to become an endless Islamic Jihad against the infidels would preclude any practical political gains.
2. In **Indonesia**, Arab immigrants, especially Hadramis or Arabs of Yemeni descent have played a predominant role in importing and disseminating ideas of radical Islam, which were foreign to the local Islamic culture. The Hadramis, being deeply involved in the trade between the Middle East and Southeast Asia, played a significant historical role in the Islamization of the Malay-Indonesian world from the fifteenth century on. For centuries the Hadramis have been looked up to by

Indonesian Muslims (particularly the santri or traditionalist) as models of Islamic piety and orthodoxy. Many leaders of radical Muslims groups in Indonesia have been of Hadrami origin, among them: Abu Bakar Ba'asyir, the spiritual leader of Jama'ah Islamiyah; Abdullah Sungkar, who founded, with Ba'asyir, in the late 1970s, the "Ngruki Network"; and Ja'far Umar Thalib, who headed Laskar Jihad in its jihad against the Mollucan Christians on the authority of seven fatwas – six from Saudi Arabia and one from Yemen – that justified such a jihad as an "individual duty". It is noteworthy that Laskar Jihad did not find – or did not feel the need to find – one local scholar to add his support to the fatwas. Along with the physical migration of Arabs, ideas originating in Arab Islam also found their way to Indonesia. Wahhabi doctrine had already enjoyed some degree of appeal among Indonesians through Wahhabi schools and texts which were translated to Indonesian as were the texts of the Egyptian Muslim Brotherhood, (Hasan al-Banna, and Sayyid Qutb), and of the Pakistani Jama'at-i-Islami (Abul-A'la al-Mawdudi).

3. The ongoing struggle in the south of the **Philippines** of the various Moro organizations is another case of "Islamist nationalism" which has given rise, through association with radical Islamic elements from Arab countries, to full-fledged radical Islam. The leaders of the MILF and Abu Sayyaf Group had either studies in al-Azhar (Cairo) or in Mecca, or had come into contact with the radical doctrines during their participation in the jihad in Afghanistan. In **Thailand**, there was a sense that Thai Muslims are inherently different and are not easily radicalized. Muslims lived in Thailand since the 14th century in relative harmony with the rest of the country. The radicalization of Thai Muslims has been attributed to the opening of Thai Muslim society to Arab, Pakistani, Malaysian and Indonesian influences.

### "Islamist Nationalism" – The Caucasus Case

Despite the negative attitude of radical Islam towards nationalism, it plays a formidable role in some theatres of jihad. This is the case in Chechnya, in the Uighur movement of western China and in the Moro movement of the southern Philippines and others.

In the Caucasus, radical Islam has failed to take root, with the exception of Chechnya and – to a certain extent – in multi-ethnic area of Dagestan. Therefore, the cases of the Caucasus region may provide some observations regarding the interplay between Islam and nationalism, the responses of different Muslim societies to the vacuum created by the collapse of the Soviet regime and ideology, the weight of local contexts in determining whether a region deteriorates into violence (Chechnya and Ingushetia-Ossetia) or remains stable (in North West Caucasus, and to a lesser degree also in Daghestan) and the interaction between indigenous Islamic Sufi traditions and imported brands of radical Islam. Some salient observations in this regard are:

1. **Ethnicity, Nationalism and local interests maintain precedence over the trans-national Islamic identity.** This is clearly evident in the Caucasus, where the strong nationalist rallying call for unification of national homelands or achieving national independence/autonomy took precedence over all other competing ideologies. Thus, the Islamic identification became a complementary factor, subordinated to primary ethno-nationalist goals. Although the first Chechen war left physical destruction and a political, social and moral vacuum which enabled the foreign Wahhabi "Jihadists" to grow and spread their vision

and influence, they seem to have never transcended a tenth of the population. Outside Chechnya they succeeded to attach allies only among a few disgruntled elements in Daghestan. In both cases the Islamic rallying call served specific ethnic and nationalist goals and groups.

2. **The sense that existing political-administrative units could provide a platform for nationalist sentiments and expression of local interests (albeit, taking into account the interests of Moscow) is a source for stability.** Conversely, the closing of alternative avenues for political activity and – even more important – for expression of national, social and (moderate) religious identity strengthens the call of Wahhabi radicalism. Under Yeltsin such a space was maintained, thus enabling relative stability in the North-Western Caucasus and in Daghestan despite the political, economic, social and psychological upheaval following the dissolution of the USSR and the wars in Abkhazia, Chechnya, South Ossetia and between the Ingush and Ossets.
3. **In contrast, the absence of vehicles for local expression plays into the hands of radical elements.** The centralistic, activist and forceful policies of the Putin administration seem to have restricted the space for local players and expressions and downgraded local administrative autonomy and are thus starting to push even relatively secular and moderate populations into the arms of the radicals. These policies included: the decision to send the army back into Chechnya; use of force against the "Wahhabis"; crack-downs on ethno-national organizations, including the very moderate and secular expressions of Circassian ethno-nationalism and the perception of any expression of Islamic Identity as "Wahhabism"(for example: in Kabardino-Balkaria). At the same time, following the lead of Moscow and other FSU governments, local authorities in the Caucasus (for example: Daghestan, Kabardino-Balkaria and Karachay-Cherkessia) began to exploit the scepter of the "Wahhabi" threat to de-legitimize all opposition. All of this contributed to the loss of this "space" for local expression and opened the door for the radical Islamists who offered a transnational form of struggle in lieu of the ethno-national alternative. While the radical manifestation of this struggle had failed (Chechnya), in many areas of the Caucasus ethno-national activists saw an opportunity to pursue their goals under a Russian umbrella. The influence of such attitudes, however. seems to loose power with Moscow "strong hand" in the region. Meanwhile, the blockade of Chechnya pushed Chechen radicals to look for new venues for their struggle. Hence, co-option of national opposition groups under the banner of Islam is again becoming a realistic option .
4. **Sufism – particularly in countries where it is deeply embedded in local traditions – can be a potent bulwark against radicalism.** In Chechnya and Daghestan the Russian authorities struck an alliance with traditional Sufi Islam in their common struggle against the "Wahhabis". In Daghestan, where the support for staying with Russia had been strong to start with and the infrastructure of local Islamic (and Sufi) traditions is strong, this policy has born some fruit in promoting stability. In Chechnya however, it has only exacerbated the fragmentation and polarization of Chechen society, without really solving the problems. One explanation for the differences between the North-Western Caucasus and Daghestan may be in the relative absence of deeply rooted Islamic institutions in the former, along with the weakness of local ethnic identities. In these societies, the relations between Islam and ethno-nationalism are still in flux. Theoretically this can offer a future scenario of Islamic identification beyond ethno-national

identity – if not as deep source of identity at least as an escape from poverty and oppression.

### Indonesia – Traditions of Pluralism

Probably the paradigm of moderate Islam in South-East Asia is Indonesia. The Indonesian case seems to disprove the argument that a critical mass of social troubles in a Muslim country will automatically bring about popular support for the radical Islamic solution. Almost all the commonly cited conditions for the flourishing of radical Islamic fundamentalism do exist in the Indonesian context: cultural bewilderment in a changing world; a feeling of distress in increasing alienating urban centers; economic hardships; the annoyance of the luxurious life of the elites; the wide spread phenomenon of corruption; the intensification of inter-ethnic and inter-sectarian tension and conflicts; political ambiguity following the current transitional period of building a new democratic polity out of an authoritarian one.

Nevertheless, radical Islam has failed to capture the imagination of the majority of Indonesian Muslims. It is the moderate and tolerant type of religious belief that largely dominates the Muslim mainstream in Indonesia and has played a significant role in building a civil society and democratic polity in Indonesia and in raising its voice against radical fundamentalism with a clarity and volume quite unlike any parallel in the Arab world. Historically, Muslim intellectuals from other parts of the Islamic world have preceded Indonesian intellectuals in formulation of liberal Islamic themes and perceptions. But whereas in other Muslim communities in the world liberal Islamic thinking has been primarily the occupation of a small number of intellectuals, in Indonesia the voice of liberal Islam, has proved itself to be influential and has inspired the entire Islamic discourse in Indonesia. A case in point is the rise of the Islamic party – the PKS. In a bid to appeal to the urban upper and middle class, the PKS campaigned strongly in the parliamentary elections of 2004 on universal themes like moral reform, anti-corruption, clean politics and socio-economic equality, leaving its Islamic agenda in the background. As noted above, the infiltration of radical fundamentalist ideas into Indonesia can be largely explained by transmitting of such ideas from the "center" of the Islamic world, the Arab world in particular, to Indonesia through cross-regional and global networks and by their diffusion through the archipelago due to varied local conduits and networks of dissemination.

The singularity of the Indonesian case warrants an attempt to uncover its origins. Some of these seem to be:

1. **Indonesian society** with its varied religions, cultures and ethnics served as a "cordon sanitaire" against religious extremism and intolerance. The Muslim mainstream in Indonesia seems to be strongly loyal to ideals of plurality and tolerance. Certainly, millions of *abangan*, the "syncretists", still constitute the majority (about two thirds) of Indonesia's Muslims can not accept by definition Islamic radical ideas. They are known in Indonesia also as Nominal Muslims, or Statistical Muslims (*Islam Statistik*) in the sense of being Muslims for state statistics only and through "pure" radical Islamic eyes they are likely to be viewed as Muslims in name alone.
2. A pre-independence **tradition of intellectual and organizational pluralism** in which neither the courts nor the '*ulama* exercised an monopoly of power over the moral and intellectual life of the Muslim community.

3. **The ideology of the Pancasila**, based on the idea that Islam does not require a mixture of divine values with secular state matters, nor to regulate every aspect of life. Rather, Islam should provide moral values that serve as the basic and general guidelines for human life. The Pancasila, it was argued, ought to be regarded as similar to the Medina Charter, the contract that was signed by the Prophet Muhammad, the Jews, and the polytheists, granting Muslims the right to rule Medina, but enfranchising all the inhabitants of the city as members of a single *umma* (in a sense of political community) and thus guaranteeing their rights. This model is still perceived among adherents of liberal Islam as the correct model for integration of Islam in the state.

4. The theological **concept of *ijtihad***, the independent theological reasoning, seen as an imperative theological approach for contextualization of the religious text into contemporary circumstances.

5. **Sufi influence** on Islam in the Indonesian archipelago, which has contributed to shaping of pluralistic tradition.

6. **Liberal Islamic education**, particularly through the role played by the highly prestigious Institute Agama Islam Negeri (IAIN, "State Institutes of Islamic Religion"). This Islamic institute for higher education which was considerably expanded in Suharto era. Over the years many thousands of students have been taught at the IAIN to the ideals of the state, including pluralism and religious tolerance. The curriculum has exposed them to various Islamic schools of law and theology, to other religions, and to modern sciences. To this we should add the wide educational infrastructure of both Muhammadiyah and the NU, as well as the welfare components they possess, enabled them to promote their concept of pluralistic and tolerant Islam. This, ironically is the same way that the radical movements in other parts of the Muslim world have succeeded in taking control over segments of society.

### India's Muslims – Realpolitik of a Minority

Another example of localized Islamic doctrines for co-existence with non Muslims is India. This case is of particular interest in the light of the facts that Hindis are – by any Islamic criterion – "polytheists" and therefore according to purist attitudes a totally unacceptable category of infidels, and India has been engaged in hostilities with neighboring Muslim Pakistan and fighting an Islamic oriented uprising in Kashmir for decades. It is therefore interesting that as far back as the founding of India and Pakistan, the main organization of the Indian 'ulama – Jam'iyyat-i 'ulama-i Hind – supported the Indian National Congress and opposed the Muslim League's call for Muslim separatism. The concept that was coined at the time – "united nationality" (muttahida Qawmiyyat) clearly distinguished between the "spiritual Ummah" of Islam to which all Muslims belong and the racial or territorial Nation in which the Muslims of India are partners with the Hindis. The Islamic justification for this concept was based on the Prophet's early experience in Medina when the ""Covenant of Medina" ('Ahd al-Ummah") established that all parties to the Covenant are "one nation". After partition, this ideology was developed to justify opposition to migration to Pakistan on the basis of the Prophet's life in Mecca before the hijra, when faced by the sight of pagan idols, he declared "To you your religion and to me mine (Qur'an 109:6). The conflict between India and Pakistan after partition also forced the leaders of India's Muslims to clarify their view of Pakistan as a foreign country and to rewrite the history of Muslim history in India in a manner which emphasizes the national identity of the Muslims.

Observers of Indian Islam have pointed at various origins for the relative moderation of this large Muslim community. These explanations point at the co-existence between Hinduism and Islam from the early days of Islamic presence in India, the moderate Shafi'i the intellectual independence of the Indian Muslims, which made them less dependent on religious and intellectual imports from the Arab world, the ratio between the Muslim and Hindi populations, which deters the Muslims from an antagonistic attitude.

Though Indian and Pakistani Muslims share a common intellectual, ethnic and religious heritage, the above picture contrasts sharply with the high level of radicalism and anti-westernism among Pakistani Muslims.

### **Turkey – Secularized Islamism**

The accession to power of an Islamic party in Turkey has been interpreted both as a model of benign Islamism which can accommodate western liberal mores and democratic practices and as an example of an Islamist party coming to power by democratic means in order, ultimately, to subvert liberal society, Islamize it and eventually to abrogate democracy in its western sense.

While it seems that only history will decide the above controversy, it is clear that Turkey's secularism – imposed from above as it may have been – has been resilient enough to preclude forced Islamization, even with an Islamic party in power. The very act of separation of religion and politics, which had been imposed on Turkey upon the founding of the modern Turkish state has created "rules of the game" that do not exist in any Arab Muslim country. Other facets of Turkish Islam which reduces the potential for radicalization of Turkish Islam are the strength of Turkish nationalism, a sense of superiority vis-à-vis the Arabs (former vassals of the Ottoman Turks), which weakens the influence of Arab Islam and Wahhabism in Turkey, and the prevalence of Sufi practices in Turkish Islam. In addition, the fact that Turkey is already recognized as a member of the western community by virtue of its membership in NATO and its candidacy to join the European Union seems to serve as a bulwark against the more strident and populist forms of anti-Westernism.

At the same time, it is clear that the Turkish paradigm is sui generis in the Middle East; it cannot be applied to weaken radical Islam or anti-westernism in Arab countries in the region.

### **Iran – Between the Islamic and Aryan Identity**

While Iranian animosity towards the West is colored in highly religious terms, it is no less nationalistic. Iranian attitudes towards the West are influenced by a constant tension between Persian and Islamic identities and between conflicting self–images of national superiority and subjugation. Iranian national identity projects a sense of superiority towards its Arab neighbors and pride of its pre-Islamic imperial past; it links Iran to a primordial "Aryan" world of settled civilization, far superior to the "primitive" nomadic Arabian culture, but at the same time, one that has been conquered, and humiliated by outside forces. This identity is the source of an ambivalence towards western culture – a culture which, on one hand, springs from common sources of the indigenous Iranian civilization and is worthy of admiration for its achievements in the very areas which Iranian culture prides itself (science and arts), and on the other hand has dominated Iran and humiliated it. This ambivalence is has evoked the simile of Iranian civilization to a body that is affected by a poison or virus of the West (*gharb-zadeggi* or "Westoxicated").

The United States epitomizes the most dangerous aspects of the Western Civilization – both corrupt and attractive. It is at once the object of both popular admiration and ideological animosity. On one hand, the Iranian national ethos admires material – and notably commercial – success, and the U.S. is the epitome of such success in the modern world. On the other hand, American civilization is viewed as the external evil force that aspires to corrupt the culture of Iran through its materialistic culture and its popularity among Iranian youth.

The Iranian regime is a major supporter of radical Islamic organizations – both Shiite and Sunni. Here too lies a contradiction between the policy of the regime and popular perceptions; the percentage of Iranians who totally rejected the moral or Islamic justification of the 9/11 attacks was higher than in any other Muslim country where such polls were taken (except for Turkey).[3]

## Socio-economic Factors

A major social factor in the spread of Islamic radicalism is the **breakdown of traditional sources of social authority** in societies with a relatively young population. This is a source of both the power of attraction of radical ideologies for youth and the reaction of the Islamic establishment and conservative elements to what is perceived as the "westernization" of the youth. The conflict between Islam and the West is often described as a clash of values. The "Clash of Civilizations" is too, in essence, a clash of values, insofar as a major portion of the attributes of a civilization is composed of its social values. In public opinion polls in Muslim countries western influences are popularly identified with vulgarity, immorality, blatant sexuality and indifference to religion.[4] The main attribute of western culture which is popularly appreciated is its technology.[5] It is to this that the Egyptian Islamist thinker, Sayyid Qutb referred as "intellectual and spiritual colonialism", warning the Believers that the enemies of Islam may attempt to disguise the conflict as an economic, political or racial struggle.[6]

A pivotal concept behind the social etiology of the radical Islamic grievance against the West is "shame" in its diverse connotations (humiliation, embarrassment, impairment of honor). The Leitmotif of the West as threatening the "honor" of the Muslims is central in Islamic discourse. Behind this stands a set of concepts of honor which include family honor, collective dignity, national pride and a desire to achieve a legitimate sense of cultural superiority in a situation which belies that sense.

The clash of cultures between the West and Islamic fundamentalism did not erupt in September 2001, nor was it discovered by Samuel Huntington in 1993. It started much earlier, when Western ideas began to infiltrate into the Islamic space, and it became highly threatening when mass media, and especially satellite TV channels, started bringing the Western style of life into almost every Islamic home, tent, living room, or rather, bedroom. The clash of values is taking place inside Islamic societies, inside the Islamic family and inside the Islamic soul. The internal clash between traditions and modernism has caused a large number of negative phenomena, such as tension between generations, especially between fathers and their daughters who strive to adopt Western patterns of behavior, between husbands and wives, and between any person and what he or she might perceive as an older set of values, according to which he or she was brought up. The relevance of Islamic teachings, values, traditions and habits to the modern Muslim life is challenged in many Islamic societies, especially in the cities of homeland Arab states and in Muslim immigrant populations living in the West. Hence, western imperialism, as Islamic fundamentalists see it, is not merely territorial occupation or economic hegemony, but rather cultural dictatorship, since current western values are fundamentally opposed to all that is sacred in the eyes of every Muslim committed to his tradition. Therefore – according to some radical Muslims – Islam has no other choice but to wage a Jihad against those who threaten the values of personal modesty and family stability, basic values in Islamic tradition.

---

[3] Gallup Poll, July 30, 2002: Iranian Reactions to September 11

[4] Gallup Poll, March 12, 2002: Poll of the Islamic World: Perceptions of Western Culture

[5] Gallup Poll, March 28, 2002: What do Islamic World Residents Like about the West.

[6] Reuven Paz, Islamists and Anti-Americanism, MERIA, vol. 7, no. 4 (December 2003).

For decades, the West had penetrated Muslim politics but the household had remained "immune" to this penetration. The relationships within the household remained in line with the traditional paradigm, despite the changes outside. The infiltration of the West into the inner sanctuary of the household escalated over the last decades to the level of a threat of foreign penetration which changes a community's norms, upsetting the basic assumptions of social hierarchy and behavior. Messages contradictory to the traditional Islamic worldview are carried into the family through mass media and the household has not firewalls to protect it self. One of the main agents of these messages is satellite TV. The combination of accessibility of the messages and their acceptance by the youth and the women poses a threat to a highly defined system of norms and to the predominance of the traditionally dominant members of the family unit. This threat triggered a natural defense mechanism and a desire to reject the "corrupting" western values. The West therefore, may be likened to the Sirens of the Odyssey – a dangerous "magnet", which once succumbed to, will jeopardize core values of Islamic society – foremost among them, **family values, the status of women and the authority of the elders.**

The potential for change in the **social status of women** is both a major grievance leading to radicalism and anti-westernism and a catalyst for change. It is difficult to distinguish between attitudes towards gender issues which derive from Islamic law and those which result from local or tribal traditions (*'Urf*; *'adat wa-taqalid*)which have no connection to Islam. Therefore, violations of the latter are commonly interpreted as breaches of the former. The proliferation of women's organizations in the Muslim world in the last decades, prominence of female movie stars in the Arab cinema industry and female public literary and political figures, laws banning polygamy and forced child marriages, western values of sexual equality portrayed on satellite TV and of course, the access to the internet are all seen as attempts to incite Muslim women to abandon traditional Islamic mores. Islamic spokesmen lash out at the connections between local women's organizations and foreign organizations as "cultural imperialism" and as a Western attempt to woo Muslim women away from Islam and attack plans, in coordination with international agencies, for family planning.

Poverty and lack of economic horizons are frequently cited as major social sources of Islamic radicalism. These are, no doubt, causes of the attraction of Muslim youth to radical Islamic ideology. Where rational modes of coping with the situation offer no balm, the religious *deus ex machina* becomes more popular. This is a solution in which the believer needs only to "take arms against a sea of troubles" without necessarily having a rational strategy for victory, and then God will provide victory in return for the devotion of his believers. On the other hand, the spiritual, ideological, political and even military leaders of the radical Islamic movements tend to belong to the economic and social elites. Nevertheless, they derive popular support from the "masses". This suggests that while **economic transformation** may be a necessary condition for the fight against Islamic radicalism, it is not a sufficient condition to uproot it.

Yet one more societal characteristic of many Muslim societies, which contributes to the rise of radical movements is the near absence of an effective secular and liberal **"civil society"** as a "middle echelon" between the citizen and the State, a provider of services and identification. In Muslim countries, that very role is played by the Islamic forces. Non-Arab Turkey, Iran and Indonesia witnessed the emergence of a secular and liberal civil society which withstood the vicissitudes of military dictatorships whereas in the Arab world the development of the civil society was disrupted by the military regimes which took power since independence.

**Education at the early formative years is a key tool for the radical movements.** The indoctrination at an early age of the radical narrative – or of a "mainstream" narrative which can be exploited later on to convince the potential recruit of the validity of the radical position – is performed through school networks, role models of youth who performed acts of "martyrdom", children's books and other forms of socialization of an early age. At the same time, there is a great dearth of secular child-oriented literature in Arabic which is not directed towards religious socialization. The argument that western children literature would not attract Muslim Arabic speaking children contradicts the well known attraction of western TV programs – ostensibly no less "foreign" to the minds of the Muslim youth who watch them avidly (albeit to the chagrin of their elders who view them as a corrupting factor).

The weakness of **national identity** as a personal and communal focus also plays a central role in encouraging Islamic identity and radicalism. In parts (particularly the Arab portions) of the Muslim world, the State has failed in providing a sense of identity and affinity. The Palestinian case is *sui generis* and in any case it is not the "nation-state" which generates Palestinian national identity, but the national struggle and even there, a supra-national Islamic ideology of the struggle is popular. At the same time, Pan-Arabism (in the Arab world) and Communism have lost their appeal.

Failure of Muslims in the "Diaspora" to **integrate/ assimilate/ develop a local identification** with their new homes also has a radicalizing effect. The Muslim immigrant sector in the west, and especially in Europe, is one of the primary hothouses of radicalism and animosity towards the West. Many second-generation European Muslims no longer accept, as their fathers did, the status of a tolerated minority, and are searching for an identity. This identity-deficiency leaves the field open for the identification with an amorphous trans-national "virtual *ummah*" in lieu of the lost national identity of the countries of origin, on one hand, and that of the not-yet-accepted countries of residence on the other hand. Connectivity to the countries of origin though internet and particularly satellite TV strengthens the bond of the immigrant to his mother country and weakens the development of a bond with particular local interests.

Two main models of relations between western majority cultures and Muslim immigrants can be described: (a) the British form of declared pluralism and the Dutch concept of "integration" while maintaining ethnic differences and; (b) the paradigm (epitomized in France) of forced integration through uniformity of appearances (the hijab controversy) and de-communalization of religion. Neither have established a balance between civil and ethnic identity or succeeded in mitigating the attraction of second generation Muslims in Europe to radical Islam. It may be argued that globalization and modern media has severely hindered attempts to maintain any critical, moderate balance between local identification and extra-national religious identity. The second generation immigrant who lives in an immigrant community in Europe, speaks the language of his former homeland and is exposed to broadcasts, preaching and literature that binds him intimately to his home country, is more prone to develop a sense of alienation to his adopted country.

Paradoxically, the **globalization of ideas** in the Muslim world has not mitigated radicalism and may even have contributed to its rise. It affects the intensity and spread of radicalism among Muslims in three conceivable ways:

1. As **a grievance** that triggers a radical response to what is perceived as Western "neo-colonialism" ("The Lexus and the Olive Tree"). Wide sectors of society within the Muslim world live without hope of betterment and put the blame for their malaise on the West. It may be argued that the bitterness towards the West has grown in a period that the West has tried to make amends for earlier periods of colonialism and exploitation. Is the exacerbation of the grievance just the result of more exposure to the West?
2. As **a vehicle for transfer of information**, news, ideas and ideologies across countries and cultures and thus enabling a "cause celébre" in one area to radicalize Muslims in remote parts of the world. It is noteworthy that in this case globalization of ideas and empowerment of the individual has become an anti-democratic tool. Exposure of the Muslim masses to the pictures of Western affluence, in contrast to their own plight only adds to this response;
3. As **a generator of a trans-national identity** – a sort of "virtual Ummah" – in lieu of the lost national identity of the countries of origin, on one hand, and that of the not-yet-accepted countries of residence on the other hand.

Social support for jihad is a major factor. If acts of terrorism do not meet with support within a society, the terrorists are marginalized and find recruitment and clandestine activity more difficult. As the acts meet with higher levels of support the terrorists are encouraged and allow themselves to radicalize both their ideological platform and their acts. Unlike small maverick terrorist organizations of the 1970's and 1980's, which acted outside society and did not expect society to understand their avant-garde mission (Brigatti Rossi, Weathermen, Bader Meinhoff, Japanese Red Army, Aum Shinrikyo etc.), most of the jihad movements (with the exception of some takfiri movements) act within the fold of Muslim society. The dividing line between terrorism such small maverick organizations and a wide spread and deeply rooted terrorism (or a pro-terrorist society) is to be found in social and religious legitimization and "political correctness" of support of terrorism. This is manifested in the many cases of mothers who feel the need to declare pride in their children who blew themselves up while one may assume that their real feelings are quite different. This may be compared (with all due reservations) to the pressure on the individual in a democratic country to express support for his country's soldiers in time of war. Public opinion polls indicate that the events of 11 September and their aftermath have not brought about a de-legitimization of terrorism. There is a wide consensus in the

Muslim world in favor of terrorist attacks against Israel and a general approbation – or at least non-condemnation – of suicide attacks.

Terrorist attacks may have a contradictory effect on the popularity of the radical cause. On one hand, Osama Ben Laden became a folk hero after having given the US a "bloody nose" in a series of terrorist attacks culminating in the 9/11 attacks. The fact that he has not yet been killed or apprehended despite all the American efforts only enhances his status. On the other hand, there have been a number of cases in which terrorist attacks in Muslim countries have proven counter-productive to the popularity of those organizations. In Egypt when the public felt that attacks against tourists were compromising an age old tradition of protection of visitors (not to mention the tourist industry), this helped put pressure on the *Gam'ah Islamiya* to declare a cessation of violence. More recently one could cite the wide protests in Morocco in the wake of the terrorist attacks there, which helped the King implement reforms.

Social legitimacy of terrorism gives rise to the legitimization of criminal elements in society. Jihad is a "criminality laundry": it allows people who are anti-social and violent to give vent to these tendencies with impunity and under the "cover" of a legitimate (jihad) cause. The chaos, which jihad generates becomes in itself fertile ground for recruitment of new *mujahidun*. This is apparent in the West Bank and Gaza and has been abundantly proven in the method of the jihad movement in Iraq for recruiting terrorists.

An aspect which is closely related to social approbation of terrorism is the **economic support** provided by the middle and upper class of Muslim society to jihadist organizations. This support is linked to both social and religious benefits that the contributor to jihad accrues: on the social level, a businessman who is known as supporting jihad enhances his status in the wider circles that support jihad; on the religious level, "jihad by money" is an established form of jihad which can, under certain circumstances, come in lieu of "jihad with one's soul" or "jihad by sword". If, as the radicals claim, jihad is an individual obligation in the present circumstances of the Muslim world, the contributor of money to jihad has executed his duty.

### The Political Dimension

The close affinity between the religious and political in Islam makes an attempt to isolate political causes of Islamic radicalism difficult. However, it is possible to characterize the political strategy of the radical groups. Eschatological tendencies notwithstanding, the "mainstream" of radical Islam, as embodied in al-Qaeda and its affiliates, believes that it has a practical agenda which will achieve its political aims. The political analyses of jihad movements prove that within the general religious and eschatological framework, the jihad movements manifest a high level of strategic practicality.

The Islamist political grievance towards the West is both a **historic** and current complaint; the West is taken to task, for what it **did** in the past, for what it **is doing**, and for what it **is**:

1. The **historic grievance** relates to the history of the political relations between the two civilizations, beginning with the Muslim victory over Byzantium, followed by the Crusades, and culminating with colonialism, patronizing mandates, economic exploitation and Western support of Israel. It is claimed that a major source of the animosity is the perception of Muslims that an erstwhile "primitive" Christendom has usurped their "birthright" of cultural and technological predominance,

compounded by their current frustration over their present economic and technological backwardness. If this is true, though, why did this perception become so strong in the last decades, though the balance of power has been in favor of the West for centuries?

2. This sense of historic grievance is compounded by **contemporary events:** Nevertheless, the main political factors relevant to the spread of Islamic radicalism include: historic grievances and images, current events such as Afghanistan, Iraq, the war on terror, the campaign to prevent non-western (i.e. Muslim) countries from achieving military nuclear capabilities, the Broader Middle East Initiative, western support for Israel, and the identification of the West with oppressive Muslim regimes. All of these are viewed as initiated by the West with the aim of subjugating the Muslims. These inevitable perceptions notwithstanding, many ploys used by radicals to add fuel to the fire are based on statements and actions by western countries which are interpreted as deliberate affronts to Islam (the use of the word "crusade" or condescending utterances). In this context, statements by western leaders "explaining" to Muslims what Islam really is or calling for reform are frequently counter—productive.

In general, the political causes are complementary to the social, religious and ethnic-nationalist causes. Neither the historic nor the current grievances are unique to the Muslim world; Asian civilizations (Hindu, Japanese and Chinese) have histories of local supremacy no less than Islam and have been culturally "colonized" by the West. Furthermore, in many regions, the prime political factor that gives rise to radical Islamic movements is ethnic and nationalist, as described above, and the "general" causes play a marginal role.

The role of politics in the etiology of radical Islam notwithstanding, it plays a central role in the strategies of radical organizations. On one hand, on the ideological level, it is difficult to prioritize jihad or to value one theatre of jihad or the struggle against a specific enemy higher than another. In their videotaped statements, bin Laden and Ayman Zuwahari lash out equally at all: Iraq, Afghanistan, Palestine, the Egyptian and Pakistani regimes, the Palestinian Authority etc. Ideologically, there seems to be no territorial epicenter for their worldview (such as Iraq or Palestine). All are equal "symptoms" of a larger syndrome which is the "crusader" attack on Dar al-Islam and the collaboration of Muslim leaders with the Crusaders.

On the other hand, he goals of the jihadist organizations seem to evolve with political circumstances. Athough he was of Palestinian-Jordanian origin, Abdallah Azzam ruled that the *jihad* in Afghanistan takes precedence even over the *jihad* in Palestine. The arena for the performance of the duty of *jihad*, in his eyes, was not to be chosen on the basis of emotion, but according to a political-military calculus: "It is our opinion that we should begin with Afghanistan before Palestine, not because Afghanistan is more important than Palestine … but there are some pressing reasons that make Afghanistan the [preferable] starting point. (1) The battles in Afghanistan are still raging and have reached a level of intensity, the likes of which have not been witnessed … (2) The raising of the Islamic flag in Afghanistan is clear, and the aim is clear: 'To make Allah's words uppermost.'"[7] Bin Laden's videos and speeches from the mid 1980's on seem to indicate that his original motivation was to rid the Arabian Peninsula of the corrupting American influence He explained this focus (as opposed to concentrating on liberating Palestine)on the basis that: "the occupation of the two holy places is nearer than the occupation of the Aqsa Mosque, and this made it more important, given its role as the direction of prayer of all Muslims".[8] Later on, he gradually adopted a stance of existential conflict with the West in a dichotomist world and a desire to re-enact the conflict between early Islam and Byzantium – a conflict which ended in the subjugation of Byzantium. It is not abnormal that a leader who achieves success – perhaps beyond his imagination – turning into the catalyst for a complete change in the world order, may evolve his goals to suit his new status.

---

[7]. Ibid., p. 31

This strategic methodology of al-Qa'ida is elaborated on in an exceptional document published by the "Media Committee for the Victory of the Iraqi People (Mujahidin Services Centre)" – "The Jihad of Iraq – Hopes and Dangers". The document determines that military force alone will not chase the US out of Iraq, and economic and political pressure is necessary. Political pressure can be brought to bear through reducing the number of allies of the US in Iraq. The document analyses the domestic situation in three countries which have forces in Iraq – the UK, Spain and Poland – and proposes to focus on pressure on the first two through attacks in their own territory.[9] Some radical Islamic leaders around Abu Mas'ab al-Zarqawi have an even outlined a more strategic game plan, based on seven stages to be implemented until the final victory of Islam over the West in 2020: the first phase ("Awakening") was epitomized by the attacks of 9/11 and made the Islamic movement a central player on the global scene, the goal of the current second phase ("opening the Eyes") from 2003 until 2006, is to make al-Qa'ida a "mass movement"; the third phase ("Arising and Standing up") will take place between 2007–2010 and will focus on terrorist destabilization of the existing Muslim regimes; in the fourth phase from 2010–2013 the moderate regimes of Egypt, Jordan, Turkey and others will be toppled; in the fifth phase (2013–2016) a new world order based on an Islamic Caliphate as a world power and the weakening of the United States and Israel will take form; in the sixth phase – until 2020 – total confrontation will take place; and in the seventh phase ("Decisive Victory") Islam will be prevail.[10]

Current political events are widely interpreted in the Muslim world in terms of complex **conspiracies** which draw their inspiration from two centuries of western Machiavellian meddling in the Middle East. This interpretation is amplified by radical forces. The receptivity of Muslims to conspiracy interpretations of events may be attributed to a combination of cultural, religious, social and psychological elements. On the cultural level, it may be linked to the belief, evident mainly among Shiites but existing in Sunni doctrines as well, in the struggle between good and evil (Satanic) forces in the world and an assumption that appearances of whoever is perceived as the enemy hide ulterior and dark motives. Conspiracy theories also provide ready explanations for a reality that is perceived as unjust, a collective defense mechanism in times of national weakness and humiliation and an effective means to preclude collective soul-searching. Probably one of the most revealing of these theories is that which refuses to recognize al-Qa'ida's responsibility for the 9/11 attacks on the basis of a "qui bono" analysis; since, it is argued, Israel and the US "benefited" from the fallout of the attacks, they must be the work of the secret services of those countries.

---

[8] Henry Munson, Islam, Nationalism and Resentment of Foreign Domination, Middle East Policy, vol X, no. 2, Summer 2003, pp. 40–53, p. 50.

[9] Iraq al-Jihad – Amal wa-Akhtar. Pp. 25–33. The document was published before the attacks in Madrid and London.

[10] Fouad Hussein, Al-Zarqawi – al-jil al-jadid lil-Qa'idah, Jordan, 2005. The book is based on interviews with Islamist prisoners associated with al-Zarqawi.

At the same time, the conspiratorial world view engenders a **deep suspicion towards any gesture**, and an unwillingness to believe in simplicity of motives and statements. Therefore, **aid by western countries to Muslim countries** has not succeeded in mitigating their negative image. It is frequently presented as latter-day colonialism with the aim of imposing western culture on the Muslims and eradicating their own culture. Even the western support of Muslim Bosnia and aid to Muslim Tsunami stricken South East Asia is given a conspiratorial interpretation.

While the Israeli-Arab conflict is a popular battle cry for galvanizing radical Islamic groups, it seems that this issue was a marginal cause in the emergence of Islamic movements and was treated by them as just another symptom of western domination. One salient question is the role of the Arab-Israeli or Israeli-Palestinian conflict in shaping Muslim opinion on the western world. It seems that this issue was marginal in the local Islamic movements and was treated as just another symptom of western domination. In Muslim public opinion, the West is accused of support of Israel against the Palestinians to the same extent that it is accused of "unfairness" towards the Muslims in general.[11] In other words, the Palestinian issue is seen as a symptom of the western conspiracy against the Muslims and not a leading cause. This is expressed in the tactics of radical organizations. As noted above, Abdallah Azzam issued a fatwa in which he ruled that it is preferable to go to a jihad in Afghanistan than in Palestine. Sa'id Hawa saw Israel as an example of a "religious State". It was also rather marginal in the propaganda of al–Qaeda until September 11, though it became more prevalent after September 11. For modern radical movements, Israel is alternatively seen as both the tool of the United States for launching aggression on the Muslims and the force behind American policy. Israel was also rather marginal in the propaganda of al-Qaeda until September 11, though it became more prevalent after September 11.

The identification of **present-day oppressive regimes in the Muslim world** with western political culture or western support also contributes to the growth of radicalism and fuels the antagonism towards the West. In fact, all the present political regimes in the Muslim world, with the exception of Saudi Arabia, are based on elements of western political structures, but fail to provide their citizens with the raison d'être of those structures – human rights and civil liberties.

### State Players

While radical Islam is a quintessential anti-establishment movement, it has been exploited over the last decades by a number of Muslim states to bolster their own flagging legitimacy and to further their external political goals. Towards these ends, a number of Muslim states have cultivated and exported various brands of Islamic radicalism. State support of Islamic radicalism takes diverse forms. These include:

1. Direct involvement of the state in promulgating a state ideology through the organs of the state. This is the case in Saudi Arabia (export of Wahhabism), Iran (export of the revolution), Sudan (under Turabi), Pakistan (under a number of regimes) and Afghanistan (under the Taleban).

---

[11] Gallup Poll 2 April 2002, Islamic Views of the US: The Palestine Factor

2. Laisser-faire policies towards radical movements and the religious establishments in support of radical ideologies. This is the case of Egypt, where al-Azhar plays a significant role in fanning anti–westernism, and in Pakistan, which allows its Islamic establishment to recruit support for jihad in Kashmir, Afghanistan and elsewhere.
3. Overt support of foreign radical movements, along with brutal suppression of domestic radicals. This is the case in countries such as Syria and Libya. In Libya – and more recently in Syria – the regimes have realized the dangers of such a marriage of convenience and have begun to crack down on some radical elements.

The involvement of state players in spreading radical Islam raises two important questions:

1. What role does the promulgation of radicalism play in those states?
2. To what extent is this state support critical for the continued spread of radical Islam?

For the Saudi and Iranian regimes, promulgation of radical Islam is an inherent part of state ideology and of the internal mechanism of the regimes. Both regimes base their claims for legitimacy on their Islamic policies and their status as a model of Islam – a status which obliges them to spread their message to the rest of the Muslim world. Many of the official organs of both states are also geared for the mission of spreading each model of Islam. These include educational systems, government sponsored "NGO's", military and security apparatuses, the Foreign Service, etc. The deep involvement of all these organs in promoting radical Islam makes any shift in these countries' positions difficult, if not politically impossible.

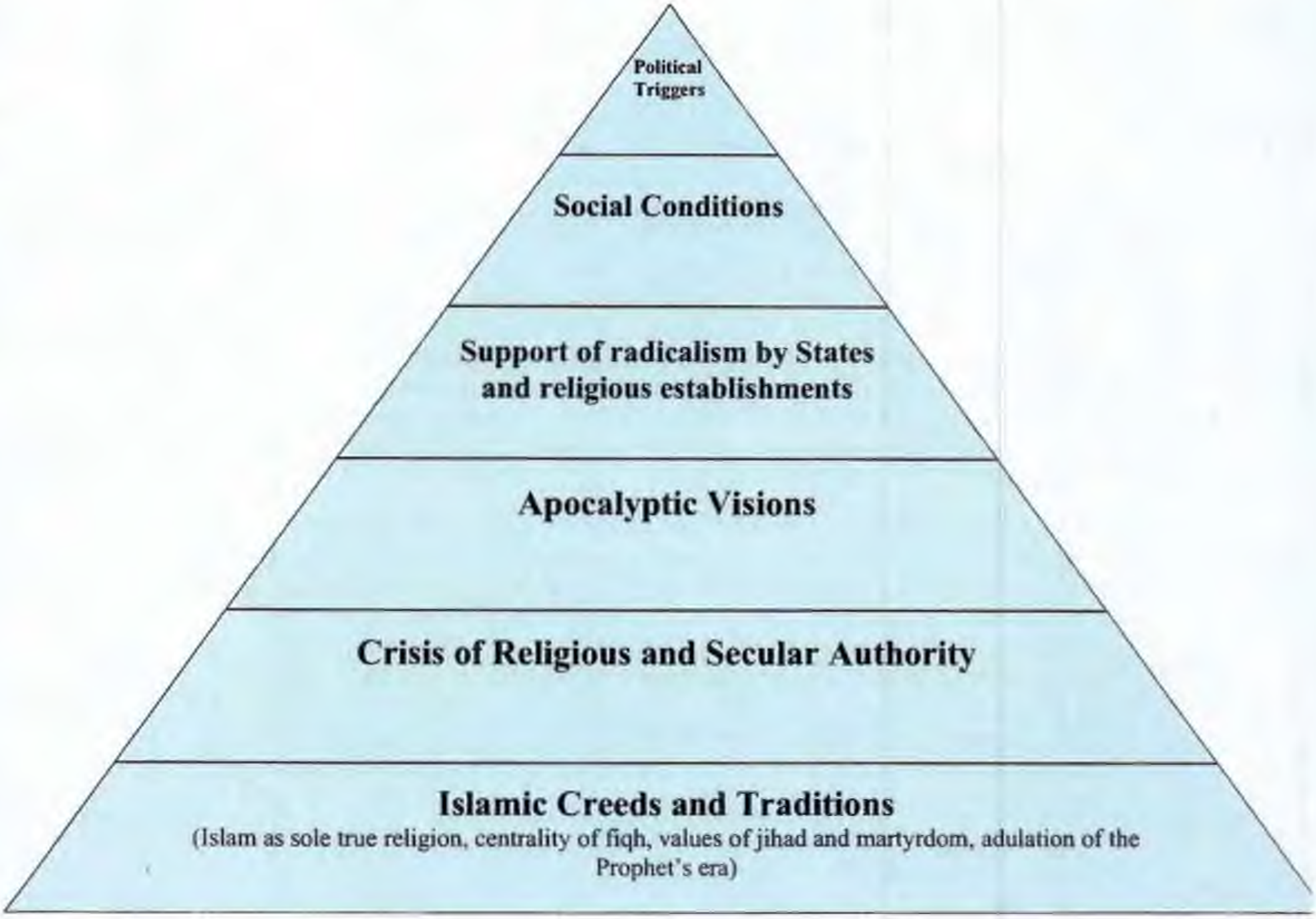
## **Summary – Causes of Radicalism**

The hostility of radical Islam towards the West cannot be explained by social, political or economic circumstances alone. It is instructive to look at the various "causes" which are cited for the phenomenon in relation to non-Muslim societies in which some of these causes also exist – occasionally in even greater intensity than in Muslim societies. All these together have not created similar movements of such intensity or global objectives. The social, economic and political causes exists in various societies which, while some of them have bred terrorism, this has not spilled over into global terrorism. Examples are in abundance: Irish, Basque and Kurdish nationalist terror may certainly accuse the US and other Western countries of support of the UK, Spain or Turkey , but none have developed a policy of terror outside of their immediate targets; Tibet has been arguable occupied, colonized and oppressed more than any Middle Eastern Muslim society, but has not generated a terrorist movement at all; combinations of poverty, political suppression and even genocide exist in abundance in all of Africa much more than anywhere in the Arab world, but no trans-national terrorist movement has emerged out of Africa.

An etiology of the radical Islamic phenomenon therefore must be based on a concatenation of a number of underlying culture-dependent factors: the infrastructure of traditional Islamic doctrines, which do not exist in other cultures; the special role of the Arabs in Islam and in promoting radical Islam throughout the Muslim world; the crisis of religious and temporal authority which the Islam suffers from since the beginning of the 20th century; the exacerbation of the friction with the West as a result of the large increase in Muslim immigrants in the West. It is a natural conclusion of the axioms of modern fundamentalist Islam – Wahhabi, Muslim Brotherhood or Salafi.

The motivation, objectives, strategy and tactics of the jihadist movement are quintessentially religious; this does not imply that practical political considerations do not play a role. The jihadist doctrine is replete with sophisticated analysis of political and military situations and proposals for action. Action however is subordinated to religious justification.

The wide appeal of the radical Islamic narrative and its call for struggle against the West feeds off a supportive religious narrative which is constructed and disseminated by the representatives of the mainstream and official religious establishments and authorities both within the Muslim world and in the West. This narrative accepts the basic premises of the radicals regarding the inherent supremacy of Islam, the corrupted and corrupting nature of the "infidel" civilization and the legitimacy of the principle of jihad. The radical leader builds on these premises and takes them one step further to justification of action.


Political Triggers
Social Conditions
Support of radicalism by States and religious establishments
Apocalyptic Visions
Crisis of Religious and Secular Authority
Islamic Creeds and Traditions
(Islam as sole true religion, centrality of fiqh, values of jihad and martyrdom, adulation of the Prophet's era)

**The Jihad Phenomenon: Root Causes and Exacerbating Factors**

Triggers of radicalism in a society which integrates all the above factors may be political events. However, it appears that even far-reaching political events cannot generate the phenomenon in the absence of charismatic leadership. The appeal of such leaders, who dare to propose unambiguous and absolutist answers to the problems of their constituency is enhanced by the crisis of authority which plagues the Muslim world and the instability of the existing regimes. Paradoxically, the call for democratization exacerbates the sense of fragility of those regimes and the appeal of the Islamists as the likely alternative.

The argument that **democracy** is a barrier to radicalization must be examined. The Broader Middle East Initiative is based on the belief that the absence of democracy in Arab and Muslim countries is a major factor in the success of radicalism in those countries. There is ample evidence that links oppression and lack of civil and human rights to the spread of radicalism, the examples of Syria, Chechnya, Uzbekistan and China's policy in Xingjian show how suppression of all opposition and dissent has left the field wide open to radical Islam. However, democracy alone has not shown that it can reverse the trend. Autocratic regimes tend to leave scorched earth in the realm of liberal civil society, leaving the Islamic movements, basing themselves on the mosques and the Islamic infrastructure as the sole real contender in any future electoral contest.

One school of thought views "moderate Islamist" movements as authentic representatives of democratic tendencies in their countries and proposes to allow them – or even to aid them – to gain power and to accept that an Islamic paradigm of government with certain facets of democracy could be the alternative to the existing regimes. In the West, democracy and liberalism flourished only after politics was liberated from religion. In the Muslim world, the few countries in which such a separation was implemented (Turkey, Indonesia) have achieved more progress on the road to liberal democracy than others. The fact that the West personifies this political concept seems to make it even more anathema to the Islamic establishments which risk loosing their grip over politics. In this context, political interest of the Islamists, the non–Islamic opposition groups (Arab nationalists, socialists, communists) and the regimes themselves make strange bedfellows in rejecting democratization as proposed by the West.

One of the more salient conclusions is the predominance of Arab Islamic radicalism within the general space of Islamic radicalism and the pivotal role played by the Arab world in encouraging radical Islam in other Muslim theatres. In the Arab world, "Islamism" seems to play a role of as **"surrogate" Arab nationalism** in the wake of the demise of Pan-Arabism. The identification of Islam with the Arabic language and culture strengthens the tendency of Arabs to view Islamic revivalism as the revival of their own collective identity. Westernization of Muslim culture may be perceived by a non-Arab Muslim as transformation of cultural elements, which he received from the Arabs, whereas for the Arab Muslim, it is perceived as imposition of a foreign culture on his own.

The varying level of susceptibility of non-Arab Muslim societies to the radical narrative may be rooted in a number of factors as follows:

1. **Asian "paganism"** may, paradoxically, be a moderating factor. Muslims in Asia have regular social intercourse with Hindis, Buddhists and followers of Confucius, making a fundamentalist "*Jihad*" ideology impractical. The "impracticality" of "Islamizing" all of the Indians or the Chinese restrained the relations between medieval Islam and those societies and apparently does so today.
2. Societies in which there are strong **Sufi traditions** tend to emphasize personalization of Islam and the existing Sufi "civil society", rejecting imported Salafi and Wahhabi concepts. However, Sufism has a complex relationship with Islamic fundamentalism, being both an ideological basis for some of the early fundamentalists and for the Muslim Brotherhood, and an ideological adversary of the modern fundamentalist and radical movements. Today, Sufi and modernist schools, which limit *jihad* to a spiritual struggle or *da'wah* remain out of the mainstream of Islamic orthodoxy.
3. Societies such as Indonesia which have traditions of **intellectual and organizational pluralism**, separation of religion and State (Pancasila); and the use of ijtihad are less susceptible to the religious logic of the radical narrative.

4. In countries where there are **strong indigenous religious authorities,** radicalism imported from the Arab world has made fewer inroads. Conversely, in societies which have lost their indigenous Islamic traditions, there is more willingness to accept "imported" traditions and authority and the **special status of the Arabs** and authority emanating from Arab religious authorities. This weakens the "immune system" of those societies and makes them susceptible to radical "contagion".

## Possible Future Trends

The main drivers of the conflict between radical Islam and the West as described above will not vanish in the near future. Social factors do not change overnight; nor can an imminent breakthrough in economic growth or prosperity in the Arab world be expected. Of the political drivers, it may be assumed that the massive American presence in the Muslim and Arab world (particularly in Iraq and in the Gulf countries) will continue for the near future and that this presence will continue to serve as a main battle cry of the radicals. There may be progress towards a settlement of the Palestinian-Israeli conflict, but it progress – short of total destruction of Israel – will not satisfy the radical elements.

Future trends will involve a number of areas:

1. Issues of religious and political legitimacy and authority in the Muslim world.
2. Potential for a moderate Islamic "backlash" against the radicals.
3. Potential for a radical Islamic takeover of a Muslim country and prospects of a "domino effect".
4. Issues relating to the war against terror, consequences of disappearance of radical leaders etc.
5. Ramifications of possible conflict resolution or flare-ups (Israel, Iraq).
6. Possible future theatres of *jihad.*

### Legitimacy and authority in the Muslim world

The decline of political legitimacy of the veteran Arab regimes – particularly those seen as under pressure of the West for democratization – may be exploited by the radicals to strengthen their own relative weight in society. This will be evident particularly in countries such as Egypt, the Gulf, Syria and to a lesser extent – Jordan. Similarly, taking advantage of the weakness of the Palestinian Authority, it may be expected that the Islamic groups will strengthen their hold in the Palestinian society and politics.

The search for religious legitimacy will probably intensify the struggle of "one-upmanship" between "street Islam" and the religious establishments. This struggle will continue to be characterized by political pressures upon members of the religious establishments to fall into line with the radical forces. One can expect the continuing weakening of the latter in light of the trend for "popularization" of religious authority. Under such circumstances, it is unlikely that the challenged and enfeebled religious establishments would dare challenge the radicals on the core issues of *jihad* and the attitude towards the West and Israel, and expose themselves to charges of being "agents" of the United States, the West and the Arab regimes.

The most immediate examples of pivotal states in which a legitimacy crisis which may potentially bring radical Islamic movements to the helm are Syria and Saudi Arabia.

1. In **Syria**, the danger stems from the very nature of the regime as Alawite. The heterodox nature of the Alawite religion has been the Achilles' Heel of the regime. Whereas radical Islamists in other Muslim countries had to prove the individual deviation of their rulers or regimes in order to warrant declaring them as infidels (and hence, legitimizing rebellion), the view that Alawites are non-

Muslims facilitates justification of rebellion. Therefore, from an early stage, the Asad regime made one of its primary objectives boosting its Islamic credentials and the Islamic legitimacy of the Alawites in general. This has been done in various ways: Fatwas declaring the Alawites as Shiite Muslims; emphasizing the orthodox Islamic behavior of the President himself; and a process of "Islamizing" the Alawites themselves through building Sunni-style mosques and minimizing any reference to a distinct Alawite religion or Alawite region. Nevertheless, since the death of Hafez al-Asad, and increasingly since the fall of the Baathist regime in Iraq, the infiltration of anti-Alawite and anti-Shiite Wahhabi elements into Syria has intensified. These elements find resonance in the north of the country which was the heart of the Muslim Brotherhood rebellion of the 1980's. The weakening of the regime will contribute to the ascendancy of these elements. At the same time, the traditional Muslim Brotherhood of Syria remains a potential force, partially as claimants for national leadership – if an when the regime falls – and partially as rivals of the even more radical Wahhabis.

2. In **Saudi Arabia** the challenge to established Islamic authority is even more imminent. The symbiotic relationship between the Islamic establishment and the royal family was based on the acceptance of the King as the "Imam" – the temporal ruler that determines the political interest of the community. This has since changed. Ibn Sa'ud's successors did not have his charisma and his control over the *'ulama* and the current Saudi leadership has lost effective control over the rank and file of the establishment *'ulama*. At the same time, the establishment 'ulama themselves have lost much of their authority vis-à-vis lower level 'ulama (the "Awakening 'ulama") and the preachers and local leaders who take advantage of the innate radicalism of the population to strengthen their own local political positions.

Other countries, albeit ones that are less centrally-located and therefore, less influential in the Muslim world, are also in danger. These include Pakistan, and Bangladesh.

In the light of the above, one may ask what role – if any – can the Islamic establishments in Muslim countries play in staying the tide of radicalism? One can expect the continuing weakening of religious establishments in Arab and Muslim states in light of the pluralism in the religious authority sphere. Thus, it is unlikely that the religious establishments, which feel inferior to and threatened by the radicals, would dare challenge those radicals – especially not as messengers of the United States, the West and the Arab regimes that are being accused by the radicals as western "puppets". It is the weakening of the religious establishments, combined with a sense of strengthening among the radicals, that create political pressures upon members of the religious establishments to fall into line with the radical forces. Their inferior position vis-à-vis the radicals does not allow them to wage an ideological war against the radicals. On the other hand, radical *'ulama* have taken positions against even more radicals.

What role would the religious establishments in Muslim countries play were those countries to undergo processes of democratization and regimes would receive their legitimization from the people? One opinion is that they may integrate into the democratic balance of power (i.e. the Catholic church in predominantly Catholic countries such as Ireland or Italy; the Anglican Church in Britain). Another possibility is that they would they merge ideologically with the non-establishment *'ulama.* The reactions would probably differ from one country to another.

### Potential for a Moderate Islamic Backlash

Alongside the vociferous voices of the radicals there exists a relatively small number of Islamic scholars who call for reform of one sort or another in Islam and updating Islam or reconciling it with the West. These scholars include: "westernized" Muslim clerics who live in the West and have accepted various western values – foremost among them democracy and human liberties; some portions of the "wasatiya" movement in Saudi Arabia; regime-oriented scholars in Jordan and Syria who promote, in the name of their regimes, a moderate and non-confrontational version of Islam as a direct response to the radical narrative which threatens those regimes; indigenous liberal Islam such as in Indonesia and India; and Sufi leaders in the West and in the former Soviet Union (primarily in the Caucasus). The main issues on the agenda of these different trends include – in differing levels of emphasis – how to provide Islamic legitimacy to values such as democracy, equality between Muslims and non-Muslims in an Islamic society, women's rights, and bringing about a state of permanent peace between Islam and the West. The "tool box" of most of these trends remains that of traditional Islam. In defense of their interpretation, the more conservative of these scholars invoke existing sources of Islamic fiqh such as *huja* (demanding proof), *ra'i* (opinion), *ijtihad*, *muqasid* (the "intention" behind the Qur'anic injunctions), *maslaha* (public interest) and *jadal* (debate). The bolder and more "reform-oriented" scholars call for a revisionist view of Islamic history in order to uproot the radical narrative which feeds off of the violent elements of that history and the revival of schools such as the *Mu'tazila* and the *irja'*, which provided tools for a more moderate interpretation.

These trends however remain a minority. In many countries such as in Saudi Arabia and Egypt they are even persecuted for their positions by the Islamic establishment. Therefore, the likelihood of an Islamic *Kulturkampf* over the relations with the non-Muslim world seems low. The strength of the Islamist camp is more frequently a result of the personal charisma of the religious leader than of the strength of his argument. Religious debate between moderates and radicals should not be expected to produce meaningful results. No moderate Islamic scholar has emerged in the Arab world who can lay claim to trans-national Islamic repute. Moderate scholars living in the West will not become real sources of authority for all Muslims, as Muslims in the Middle East tend to see them as compromised by the pressures of the non-Muslim governments in the countries in which they live. Initiatives for severe condemnation in Islamic terms of al-Qa'ida may occur, but these will come from "westernized" Muslims and not from eminent religious scholars. The chances that respected Islamic institutions will declare judgments of takfir (declaring a Muslim a heretic) against the radicals are slim.

Religious scholars who reflect moderate views regarding the integration of Muslims in the West (*fiqh al-Aqalliyyat* – minorities religious law trend) include some scholars who take a radical position in the matter of jihad (e.g. Shaykh Yusuf al-Qaradawi). These radical views are a kind of compensation for taking the more moderate views in the day-to-day issues. It is likely that this situation will not change, and that the sheikhs of the *fiqh al-aqalliyyat* group will not automatically become allies for the fight against the radical concept of jihad.

The prospects of liberal democracy and liberal civil society taking root and developing into a real antagonist of the radical Islamic narrative differ from one country to another. In general, secular civil society is not expected to take a leading role in the Muslim world in the near future, at least not in its Arab part. In the Muslim world, radical Islamic movements take some of the tasks of civil society, although they do not conform to the western definition of such a society. The liberal civil society in the Muslim world is in constant retreat, a trend that is not expected to change. The role of the secular civil society will be greater in Muslim Asia than anywhere in the Middle East. However, within the Middle East the Syrian-Lebanese theatre may have the potential for both a renewed civil society and a mellowed (and chastised) Islamic movement. The Sufi roots of the Syrian Muslim Brotherhood and its experiences from the 1980's may bring it to moderate its positions.

Is it possible that the Islamic effect of the Middle East on Muslim communities in the West and in Southeast Asia might decrease? Or is it possible for a reversed course that might lead to a peripheral effect on the center of the Muslim world? Both possibilities seem highly unlikely. One can assume that the center will not ask the periphery for spiritual guidance or leadership. The reasons for that are the following:

1. Peripheral Islam lacks real Islamic substance and shapes its Islamic models according to local cultural and ethnic materials. This is why a from of liberal Islam has taken root in some peripheral Muslim countries.
2. Arab feelings of superiority in Islam are accepted almost universally also by non-Arabs. The most indicative case is Indian (historically, nowadays mainly Pakistani)Islam: while it has been an important center at least since the 17th century and influenced the "central" Arab center, it has done so manly through the acceptance of Arab superiority up to the point of self effacement.
3. Radical Muslims will not accept ideas coming from western Muslims, particularly when it seems that there has been a degradation of the Islamic identity in the West, due to the fact that religious scholars are under severe constraints in the habitual surroundings.
4. Islamists will not accept the basic principle that maintains the superiority of the French or the American identity over the Muslim one, something that is accepted by Muslims who wish to integrate within the Western culture.

### Consequences of Islamic Forces coming to Power

According to one thesis, a policy of engagement with the "conservative" (i.e. Muslim Brotherhood type) Islamists and their participation in the democratic process in the Muslim/Arab world would bring the Islamic forces to participate in the political process and, inevitably, moderate them through the need to cater to the needs of their constituencies. The cases of Islamist participation in democratic (or quasi–democratic) processes in the Muslim world (Jordan, Egypt) or Islamist movements which have come to power or maintained power through non-democratic means (Iran, Sudan) have not proven this thesis. In any case, pragmatism towards the existing regime in order not to provoke it to act against them does not mean that those movements will change their positions towards the West. In the cases of Egypt and Jordan, the involvement of the Islamic movements in the domestic political process actually brought about an exacerbation of the stances against Israel and the West.

The question arises as to what may be the effects of the implosion of one or more of the existing regimes in the Arab world (as opposed to its being toppled by an outside force) and the rise to power or to power-sharing of a fundamentalist (Muslim Brotherhood type) political force in such a country. Is a "domino effect" relevant to the radical Islamic phenomenon? While the existence of a fundamentalist Islamic state that deals in "export of revolution" would definitely encourage domestic Islamic radicals in other countries, an outbreak of a radical Islamic wave in the aftermath of a victory of an Islamic movement in one of the vulnerable states (e.g. Pakistan, Saudi Arabia, Egypt) is highly unlikely.

Previous cases of "revolutionary" radical Islamic regimes did not succeed in "infecting" their neighbors to any great extent, and eventually they ran out of steam. The Sudanese regime of 'Umar Hasan al-Bashir gave up Islamism and its radical mentor, Hasan al-Turabi. The Islamic regime of Iran has lost its popularity among the majority of its citizens. The Taliban regime in Afghanistan never had full sway over the entire country and did not succeed in mobilizing wide support against the American invasion which toppled it. In all the above-mentioned cases the Islamic regimes did not become a role model to be followed in other countries. The barriers were and have remained national (it is difficult for one country's leader to become a popular leader in another country) and cultural (basic differences with regard to Islamic customs in each country). The de-centralization of leadership and authority is also an obstacle to such a development; there are not – and apparently will not be – any charismatic Islamic persona who can become a true trans-national Islamic leader.

### Ramifications of the "War on Terror"

The "war on terror" will continue to be both an inhibitor and a motivator of radical Islamic trends.

1. As an inhibitor – military successes will make it more difficult for terrorists to operate in the open; political leaders will be under pressure to cooperate in the war or be branded by the west as supporters of terror.
2. As a motivator – its very success will drive home to the general Muslim public the sense that their leaders are collaborating with the West against Muslims and will enhance the image of the *jihad* groups as heroes fighting against great odds.

Iraq will continue to be an academy for terror and a magnet for jihadist groups, Pacification of Iraq and Afghanistan would have an inhibiting influence on the trends of radical Islam. Decapitation of radical organizations will also have a positive short term effect (the very need to exhaust resources on evading decapitation inhibits activity as has been seen in the case of Hamas vs. Israel). However, in the long run, the departure of an authoritative figure will not eliminate his *post mortem* "spiritual" sway. This is where the jihadist leadership model differs from the European fascist leadership that ended with the leader's death (the cases of Hitler and Mussolini) and the cases of secular Arab terrorist organizations (e.g. Wadi' Haddad, the "Western Sector" of Abu Jihad). If bin Ladin merely "disappears" and there is no proof of his death, it may only strengthen the myth, as some kind of a Sunni "missing Imam". Hence, "targeting the head of the snake" on every level may narrow the capabilities of a specific organization but it will not destroy it as was the case in secular organizations.

The attacks of 11 September were a watershed event for the Muslim world. The question is raised whether a new series of attack or new type of attack has the potential to change positions in the Muslim world either in support of or against the *jihad* movements. In some cases attacks (as in the attacks in Morocco and London) may become watersheds that alienate the majority of the Muslim population from the radicals.

Disruption of the financial networks of the Islamic organizations is widely perceived as a primary means to weaken those movements. This assumption warrants a deeper look. On the operational level, the actual terrorist activity of these organizations is inexpensive and extremely cost-effective. Even the most impressive success in disrupting transfer of funds would probably do little more than dent those operations. Furthermore, many of the organizations are no longer dependent on a flow of external funds and can finance their operations from their own self-generated funds. Nevertheless, the flow of funds plays an important role in building the overt superstructure of those organizations – a superstructure which provides social and political legitimacy, public support and indoctrination of a steady reservoir for recruits.

A common question is whether deterrence theories – albeit modified – may be relevant to the war on terror and the struggle against radical Islam. Success in the war on terror will be contingent on real achievements in disrupting the infrastructure of the radicals and not traditional perceptions of deterrence-compellence. Such perceptions are based on aversion to risk which creates a pragmatic sense on the part of a leader or a leadership that they run the risk of losing all by an uncalculated action. In the radical Islamic model of action, there are multiple decision-making centers and a lack of direct link between the leader who issues an order (e.g. to carry out a terror attack) and between the populations that suffer from retaliation to that attack (e.g. American military response).

A central question is: to what extent radical Islamic movements are susceptible to deterrence? Four prominent characteristics of the radical Weltanschauung limit the effectiveness of classic deterrence towards them. The nature of jihad as an "individual duty" and the religious prohibition on "suspension" of such a duty; Apocalyptic expectations; "globalism"; and multi-polarity.

Islam prohibits, in general, suspension of duties which have been prescribed by God (though Shiite doctrines are more flexible than Sunnis in this regard and are more willing to integrate "necessities" and "public interest" into their calculus). Barring an overwhelming necessity which would make continuation of jihad a catastrophe for the ummah or for the specific community, the willingness to challenge superior force is generally perceived as a commendable act. Radical Islamic tracts are replete with narratives of companions of the Prophets (whose behavior should be emulated) who charged into entire armies, knowing that they are totally outnumbered, but proving in such acts their complete "submission" to God and reliance upon Him and Him alone. This model of behavior is related to a collateral "reward" that God is assumed to bestow upon the mujahid who acts undeterred, both by according him victory in this world, and Paradise in the next. Whether or not the leaders of the radical movements personally ascribe to this belief is a moot question; it is part of the indoctrination of the rank and file, who are expected to act accordingly.

Radical Islamic doctrines have a tendency towards the "Messianic", the eschatological and apocalyptic, which restricts the responsiveness of its believers to considerations of pragmatic politics on the strategic level. The goal of the radical Islamic movements is to create a new Utopian world order in which it is clear who are the servants of God and who are His enemies. Preaching of the radicals contain many apocalyptical allusions and citations of signs related in *➊ad➌ths* by the Prophet regarding the coming of the Last Day (*al-Yawm al-Akhir*" or "*Yawm al-Qiyama*"), linking them to contemporary events. The West, the United States, and Israel are all likened to the ancient tribes of 'Ad and Thamud, which according to the Qur'an rejected the message of Mohammad and were therefore annihilated, or to the generation of Noah, which Allah decreed to be drowned. According to this view, the clash between Islam and the west is imminent, inevitable and existential, and can end only in the victory of Islam and the decline of the infidel civilization. The September 11 attacks encouraged such similes; the U.S. was likened to ancient Egypt, to which Allah sent a series of plagues, finally drowning Pharaoh's troops in the sea. If the "end is nigh" no mortal threat can be effective.

The second trait of radical Islamic doctrine which affects its susceptibility to deterrence is its self image as a "global" entity. In classic deterrence theory, an entity's willingness to cause damage to the other side is tempered by its expectation of reprisal. Radical Islamic doctrines stress the trans-national nature of the movement; each Muslim country or theatre of jihad is perceived as no more than one battlefield among others. Reprisals of the enemy towards that theatre – even if they are devastating – are "local" defeats and do not justify capitulation. Moreover, this doctrinal "trans-nationalism" is mirrored in the composition of the jihadist organizations. Most are "foreign legions", comprised of members from a variety of national backgrounds, who more often than not operate in a theatre which is not their home country. This make-up reduces their sensitivity to retaliation which mainly affects the population of the theatres of jihad.

There is a case for the argument that decapitation alone is not an effective on the strategic level because of the organization's loose structure"; it may narrow the capabilities, of the organization but it will not destroy it as was the case in secular Arab organizations (e.g. Wadi' Haddad, Abu Jihad). Cases in point are the Islamic regime, which was founded by Khomeini, and did not cease to exist after his demise and Amal and Hezbollah in Lebanon, which remained intact even after the deaths of Mussa Sader and Hussein Mussawi respectively. While these are Shiite cases, strengthened by a tradition of a "hidden Imam", This may well be the case for bin Ladin as well; if he "disappears", it may only strengthen the myth, as some kind of a Sunni "hidden Imam".

Finally, deterrence is contingent on the existence of a unified command and effective control. Even before 9/11 the level of command and control of the al-Qa'ida network over its operatives was not total. This has been heightened by the disruption of the command structure in Afghanistan and the "franchising" of al-Qa'ida described above. Therefore, even were all the command structures of the radical organizations identified and effectively deterred, the deterrence would not affect such individuals or small groups.

### Possible Conflict Resolution

A peaceful resolution to the Israeli-Palestinian conflict would be a severe blow to the radical Islamic world view insofar as it would probably reduce the active support of Muslim populations (certainly the Palestinian population) of the "*jihad* option." However, ideologically it would be seen as another Western plot to continue to control the Muslim world through "Pax Americana". No solution of the Palestinian problem short of the elimination of the State of Israel will be acceptable to the radicals.

Pacification of the Iraqi arena with involvement of the Sunnis would also lower the level of active support for active jihad. However, as noted above, the core object of the radical doctrine remains the existing order in the Muslim world. The drive for jihad against western presence in the Muslim world will continue independent of removal of military occupation.

### Possible Future Theatres

The global agenda of "world jihad" is in a constant state of flux, and therefore an attempt to define trends in regional terms is not always useful. The fundamental ideology of the jihad movement calls for the waging of a jihad. Therefore, wherever there is a theatre of jihad and conditions that enable it, it will develop. The development of a jihad arena depends to a large extent upon a leadership. This is a phenomenon of "I fight, therefore I exist."

Ostensibly, there is a wide-spread identification with the entire *Dar al-Islam*, thus joining in jihad for the liberation of a far-away land is like a patriotic response of someone whose land has been invaded. But, many of the radical groups have developed an ideology that calls for participation in jihad, *per se*, and hence for active engagement in developing theatres of jihad. The fact that we are focused these days on a jihad in an Arab country (i.e. Iraq) does not entail that this is where jihad will focus in the future. For years, Afghanistan had been the center of jihad, and afterwards Bosnia-Herzegovina, Chechnya and Kashmir (where fighting between Muslims and Hindus has been going on for more than five decades). Central Asia might come up again as a center of jihad. At the same time, the "Sunni triangle" in Iraq might become the new "Afghanistan".

When we deal with the radical Islam phenomenon, we usually refer to the jihadist current, or what is known as "global jihad." As a matter of fact, there is a link between this current and between the da'wah current and the Muslim Brotherhood movement. The former evolves from within the latter, and in Muslim states and societies the latter defends the formers' rights (demonstrations against extradition and cooperation with the United States, pressures on the governments, etc.).

The western demand for reform and democratization is widely perceived as a direct assault by the West on the religion of Islam after having corrupted Muslim society and family values. The call for universal enfranchisement and participation of women and minorities is seen as an attack on the predominance of the male Arab Muslim Sunni in his society and an attempt to subordinate Islamic law to an imported secular law.

There is no doubt that many scholars, and certainly many lay Muslims, do not personally subscribe to the radical narrative. They have not as yet, however, proposed an alternative. It is in the home field of this presumed silent majority that the main battle is taking place, and as long as it does not enter the fray, the battle cannot be won.

The existing conflicts will continue to feed the radical narrative and generate new recruits for the radical's ranks. The global agenda of "world jihad" is in a constant state of flux, and therefore an attempt to define trends in terms of regions is not useful. The fundamental ideology of the jihad movement calls for the waging of a jihad. Therefore, wherever there is a theatre of jihad and conditions that enable it, it will develop. The development of a jihad arena depends to a large extent upon a leadership. This is a phenomenon of "I fight, therefore I exist." Ostensibly, there is a

wide-spread identification with the entire Dar al-Islam, thus joining in jihad for the liberation of a far-away land is like a patriotic response of someone whose land has been invaded. But, many of the radical groups have developed an ideology that calls for participation in jihad, *per se*, and hence for active engagement in developing theatres of jihad. The fact that we are focused these days on a jihad in an Arab country (i.e. Iraq) does not entail that this is where jihad will focus in the future. For years, Afghanistan had been the center of jihad, and afterwards Bosnia-Herzegovina, Chechnya and Kashmir (where fighting between Muslims and Hindis has been going on for more than five decades). Central Asia might come up again as a center of jihad. At the same time, the "Sunni triangle" in Iraq might become the new "Afghanistan".

Despite the strategic repercussions of the attacks of 11 September, the lion's share of jihad has taken place in Muslim countries deemed by the radicals to be dominated by the West. Success of the war on terror in Iraq and Afghanistan may provide justification for increased emphasis on the European and American theatres. The extension of the Iraqi theatre to Europe is already evident in the attacks in Madrid and London.

In this context, an increasingly important dimension is the anti-Semitic motif in the radical Islamic narrative. This motif is increasingly legitimized among Muslim publics in Europe, a phenomenon that might cause more targeting of Jews.

The Sunni-Shiite conflict may also influence the directions of radical Islamism in both communities. A wider Sunni (or Wahhabi)-Shiite conflict may affect Islam's relations with the West and even have positive consequences in that it would harness the Shiites to a struggle against the radical Wahhabis.

In this matter two approaches prevail:

1. On the one hand, there are those who think that ideology is put aside, and both Sunnis and Shiites are going in a direction of political compromise, both in Iraq and Lebanon. This assessment is based on the trend for rapprochement between Sunnis and Shiites, which is promoted by Iran, on the one hand, and by al-Azhar on the other.
2. On the other hand, there are those who believe that the clash between Sunnis and Shiites will intensify and that the Sunni–Shiite conflict in Iraq bears the seeds of a wider conflict in which the Shiites may also take the initiative and abandon the traditional Shiite tendency towards passive defense. As the Iranian Revolution gave rise to a new Shiite self-confidence and willingness of various Shiite communities to assert themselves, the new Shiite predominance in Iraq may have a similar effect by encouraging and strengthening Shiite demands for equality in the Gulf and Saudi Arabia. Such a development would probably add fuel to the fire of the anti-Shiite tendencies in the Sunni Gulf and among Wahhabi-type Islamist movements.

## Key Findings and Policy Recommendations

A number of causes of the conflict between radical Islam and the West have been identified in the chapters above. A taxonomy of these causes can offer a matrix of the following distinctions:

1. Primary or secondary nature of the causes – some are primary causes – necessary conditions for the evolvement of a jihadist movement – and others are contributing causes which together fulfill the sufficient condition when the former exists.
2. Causes which can be eliminated through political, social or military action within a reasonable span of time, and those which are either almost immutable or need generations for change.

| | Primary Causes (necessary Conditions) | Secondary Causes (contributing conditions) |
|---|---|---|
| Invariable or long-term Causes | Basic Islamic texts and textual basis for jihad<br>Self images and Arab culture<br>Wahhabi–Salafi interpretations | Social structure of Muslim society<br>Structural Economic factors |
| Variable Causes | Radical Leadership<br>Crisis of religious and secular Authority<br>Absence of "firewalls" between radicals and mainstream | Political Conflicts<br>State Support and tolerance of Radicalism<br>Weakness of moderate regimes |

Policy recommendations should give priority in addressing the dark shaded area (variable primary and secondary causes) and then the light shaded area (long term secondary causes). This cannot be done by political, economic or military means alone; cultural and religious elements can only be dealt with by cultural and religious tools. The need to make use of these tools though seems both foreign to western strategic thought and futile. The "religious" arsenal available to the West is limited. The attempts to deny the historic validity of militant Islamic traditions by reformist re-interpretation of Islam and revisionist reading of Islamic history will never gain sufficient credence in the Muslim world to undermine the traditional reading of Islam. Recommendations for religious action should address ways to emphasize existing orthodox doctrines which contradict the radical narrative rather than attempt to invent reformist doctrines.

The recommendations of this study refers to steps that may be taken by the U.S. and by the West more generally either directly or indirectly, overtly or covertly. Some of these steps may be efficacious if implemented prudently and without overt western involvement. This is particularly true regarding the religious area, where foreign ("infidel") involvement is *a priori* counter-productive. Therefore, an effective "war of ideas" against the radical narrative calls for in-depth understanding of the workings of Islamic religious intercourse and modes of authority and leadership and honing of sophisticated methodologies of psychological operations and disinformation.

The urgency of dealing with the spread of radical Islam calls for emphasizing short term measures. However, it should be remembered that much of the present spread of radical Islam was due to short term policies; the belief of Arab regimes that they could cultivate the Islamists as a counter-balance to leftist opposition; or of countries like Pakistan where the Mujahidun movement played a key role in the conflict with India over Kashmir; or the U.S. and UK support of the Mujahidun movement in Afghanistan. Any short-term policy should be assessed in the light of its potential effects on long-term policy as well.

The following list of policy recommendations refers to steps which may be taken in regard to four main categories of the two shaded areas. These categories are:

1. Religious and ideological issues relating to the radical ideology and the behavior of the mainstream.
2. Political issues relating to political conflicts and dealing with states from which radical ideologies are spread – either intentionally (state support) or out of weakness.
3. Social issues.
4. Military and security issues.

## Religious and Ideological Issues

### Key Findings

The conflict between radical Islam and the West is rooted in a variety of causes but its implacability is rooted primarily in religious narratives and dictates. The West is facing a "religious war" with Islam for the first time since the Middle Ages and must arm itself with the appropriate means. These include defining areas of religious beliefs which are intolerable, imposing limits on freedoms of expression and association and active involvement in the religious controversies within the camp of the adversary. These means are foreign to western political philosophy and contradict basic values of western democracy, such as separation of religion and state and the belief in individual responsibility. Under the circumstances, such contradictions may be the lesser evil.

Radicalism is not confined to a marginal extremist group outside of the Muslim consensus. Its potency derives from the wide active and passive ideological support it enjoys within the Muslim world and its conformity to accepted norms of Islamic jurisprudence. Any strategy must target not only the hard core of the terrorist organizations and the population which is already radicalized but also the mainstream population which is – by virtue of orthodox Islamic doctrines – easy prey to radical recruitment.

The real war against Islamic radicalism can only be fought within the Muslim house itself and by Muslims. However, the Muslim world – particularly the Arab part of it – suffers from a chronic deficiency of moderate religious and secular leadership. This vacuum is filled by the radicals with the mainstream religious establishments competing with the radicals by radicalizing their own views. This calls for developing a policy for the crisis of authority. Such a policy can be based on providing incentives and disincentives to strengthen clear-cut moderate positions by existing authorities and encouraging the growth of new authorities with economic, political and religious clout.

Since 9/11 Muslims and non-Muslims have called for an urgent reform in Islam in order to purge modern Islam from atavistic vestiges of its more violent past and to put Islam into synch with the mainstream of global civilization. However, the need to stem the tide of radicalism within Muslim society cannot wait for reform and should rely on the dormant "tool box" of mainstream orthodox Islam. While reform is a commendable long-term goal, it appears for the time being, to be a chimera. The very demand for reform is widely perceived in the Muslim world as another form of western intervention within Islam, now assailing the religion of Islam directly instead of merely corrupting the Muslim society and family. Furthermore, religions are naturally conservative and slow to change, and when they do it is the result of either traumatic historic events or personalities of great authoritative religious leaders (the destruction of the Jewish Temple, Martin Luther, Papal reforms in Catholicism). Otherwise, change is usually due to incremental developments, subject to reactionary backlashes. Ironically, collective traumas in modern Islam and popular leaders have frequently led the way to radicalization and not to moderate reform.

What is called for at the present stage therefore is not reform, but a clear disengagement on the part of the mainstream of Islam from any justification of terrorism according to the accepted western definition, and a willingness to clearly demarcate the borders and to set up a firewall between the mainstream and the radicals. The traditional building blocks of a religious firewall – in religions in general – are threats of excommunication in this life and eternal damnation in the next. In Islam this translates to declarations that the radicals have distorted the tenets of Islam to such a degree that they have become "heretics" (the practice of *takfir*). This is, in essence, a form of "war of apostasy" of the orthodoxy against the radicals. Until now, the offensives of the radicals have not been met with commensurate threats of "excommunication" or declarations of *takfir*. An unequivocal disengagement from any justification of violence, and a willingness to clearly demarcate the borders between the mainstream and the radicals may take the shape of fatwas that declare that justification of jihad under the present circumstances is a corruption of the roots of Islam (*usul*) and an act of heresy, and that physical, moral, or financial support of terrorism is a cardinal sin and condemns their perpetrators to eternal hellfire. For every fatwa that promises paradise to those who engage in *jihad*, an authoritative counter-fatwa is needed that threatens hellfire for those acts.

**Recommendations**

1. **To deal with radical clerics** with ties in the West by drawing a clear "line in the sand" between legitimate religious beliefs and those which will not be countenanced, notwithstanding their valid roots in religious doctrines. This calls for making Western Muslim religious establishments and clerics clear that they can no longer allow themselves to enjoy both being members in a western ecumenical society; and providing legitimacy to a terrorist ideology. This implies:

A. legal steps against clerics who declare even conditional or post factum support of acts of terrorism. Declarations of support or approbation for acts of terrorism or anything short of a blanket denunciation in Islamic terms of such acts should disqualify those individuals and institutions or even be the basis for legal actions against them.

B. Promoting sanctions on the international level against jihad oriented clerics and barring those which call for violence – however obliquely – from any academic or ecumenical debate or rapprochement.

C. Reinterpretation of the boundaries of freedom of religion to include criminalization of acts and statements, even if based on scriptures that justify terrorism.

D. Redefining the principle of personal criminal culpability to cover religious leaders for the acts of their flock as a result of their spiritual influence.

E. To enhance the independence of Muslim clerics in the West and to wean them from their tendency to accept authority emanating from the Arab world by strengthening their status in their constituencies.

2. **To cultivate moderate schools of orthodoxy** and centers of jurisprudence (fiqh) in the West and in the virtual space to counteract the radical influence of similar institutions (European Council of Fatwa, fatwaonline.com) and the existing ambivalently radical mainstream institutions (al-Azhar. Um al-Quraa). These should be supported through clandestine funding, permission for forming religious institutions and facilitation of travel.
3. **To cultivate research and promulgation of the tools within orthodox Islam which may be used to mitigate radicalism** through interpretations compatible with contemporary circumstances without resorting to reform. These include, inter alia: the methodology of localization of fiqh embodied in the "law of the minorities" school; traditional methods for voiding a text of its general implications by way of the principle that later verses in the Qur'an occasionally "abrogate" earlier ones (*naskh*), or by linking of a specific verse to a "specific" (historic) event (*takhsis*); revival of *ijtihad*, rationalist neo-*Mu'tizili* doctrines and a focus on *da'wah* and *jadal* as the means for confronting the infidels and the apostates, interpretation of the Qur'an according to the "reasons for revelation" (*asbab al-nuzul*); interpreting jihad as exclusively an act of state.
4. **To encourage certain "heterodox" tendencies.** Foremost of these are some schools of Sufism. In some of its manifestations, **The flexible and adaptive character of the Sufi brotherhoods may potentially be one of the most efficacious tools in the indigenous Islamic "tool box" for countering radicalism.** It emphasizes the mystical, the personal and the "next world" as the core of the religious experience as opposed to Sunni orthodoxy, which emphasizes the practical, the collective and politics – hence power – of this world.
5. **To cultivate traditional "quietist" Shiites in Najaf and Qom** against the Khomeini doctrines promulgated from Qom. This can be done through facilitating the movement and the fund raising (*Khoms*) of the moderate Shiite leaders in countries which have large Shiite populations.

6. **To manipulate arrested radical leaders** by:

    A. Exploiting their state of being incommunicado to send deceptive ideological and operational disinformation.

    B. Coercing them to declare changes in their ideological positions. For example – to adopt pragmatic religious arguments about the nature of jihad, that, while anti-Western, eschew terrorism based on *maslaha* – i.e. that the present time is inopportune for waging a terrorist war because of the consequences to the Muslims.

7. **To encourage moderate Islamic schools in Asia** (particularly Indonesia), that have shown themselves to hold a considerable inherent capacity for compromise and moderation. These schools however have almost no influence in the Arab world but they can help stem the tide of "Arabization" that affects their own nationals.

8. **To engage mainstream Islamic institutions in de-legitimizing the radical narrative** and thus undermine the consensus that keeps them within the fold of mainstream Islam.

9. **To set clear parameters for denunciation** and criminalization of terrorism in Islamic terms. These terms should include *takfir* and incrimination of the terrorists in capital offenses according to Islam. In practical terms, this calls for clear and binding *fatwas* that contradict the radical narrative and declare support of *jihad* acts and ideology to be heretical.

10. **To make clear and unequivocal rejections of terrorism a staple demand in ecumenical meetings and dialogs.**

### Political Recommendations

### Key Findings

While the political factors cited as the causes of Islamic radicalism are complementary and not primary causes, reducing the level of political tension in the Muslim world can reduce the appeal of radicals. The main conflicts in this regards are: Iraq, Afghanistan, the Israeli-Palestinian conflict, Chechnya. Other conflicts (Philippines, western China – "East Turkistan", etc.) continue to be perceived as legitimate jihads but do not attract the same level of attention as the above mentioned. To deal with the political causes of radicalism, it may not be necessary to actually solve all aspects of those conflicts; a "political horizon" is however needed and a sense of movement into a more favorable future.

A major political factor is the weakness of allies – be they regimes, religious establishments or moderate clerics living in the West. Conventional wisdom warns that the weaker an ally is, the greater the danger that pressure for active involvement in the war on terror or crack-downs on domestic Islamists will be counter-productive. This is frequently an image of assumed affected weakness. When the same regimes saw it necessary to crack down in order to preserve themselves, they manifested considerably greater resilience. Their tolerance of overt radical ideological action frequently reflects a tactic of allowing the radicals a niche for activity in order to prevent them from acting against the regimes themselves. A political strategy towards allies in the Muslim world should not exempt them from taking risks in order to take all necessary steps against radicalism.

A common argument is that the West should remove its support from regimes which do not stand up to western standards of freedom, civil rights and democracy. Such a strategy would inevitably replace moderate and cooperative pro-western but non-democratic regimes with radical Islamic anti-democratic regimes.

**Recommendations**

11. **To hold governments accountable for the behavior of religious institutions** which are financed by the state and of clerics who are appointed by the state and on its payroll. The declarations of these institutions should be considered as official no less than declarations of other organs of state. regimes in Muslim countries have proved that, when it served their own self-interests, they had the means to impose their will on their religious establishments. Only when governments are faced by real damage that is incurred by these institutions, will they be forced to risk confrontation with them and to give up the benefits of a "pressure valve" that the radical declarations of these institutions provide.
12. **To encourage gradual political evolution** towards democracy but no "instant democracy" for countries with weak political bases. The absence of strong secular civil societies in most of these countries precludes western style democratic dynamics and increases the chances of radical Islamic movements (e.g. the Muslim Brotherhood) to gain power, based on their monopoly of non-governmental instruments for mass mobilization. Premature democratization (or at least election processes for regime change as opposed to the civil rights side of the process) in Muslim societies that are not yet ripe for it can be counter-productive (in the Arab world there are the Algerian case and the Hamas case as examples, and a familiar European example is Weimar Germany).
13. **To encourage national identity as an antidote for radical Islamic tendencies**. Central Asia and the Caucasus are a good example for the effects of national identity and regime's power on radical Islam. In countries where there is a strong national and ethnic identity, radical Islamic tendencies diminish. Encouraging democratization and de-centralization in these countries might reduce the attractiveness of radical Islam.
14. **To fund social and educational institutions** under state auspices or of liberal secular movements in lieu of the institutions of the Islamic movements, which serves as a reservoir for future terrorists. This infrastructure consists not only of the religious schools (madrasas) but includes networks of social aid, hospitals, etc which dominate the space of the civil society in the Muslim world due to the absence of alternative voluntary institutions.
15. **To attach clear conditions to aid provided to Muslim societies.** The attitude of "no-strings" that the west has adopted in providing aid to third world societies has not proven itself in the Muslim world.
16. **To disrupt the financial support of radical Islamic movements.** Therefore, not only physical disruption of the flow of funds but de-legitimization of contribution to those movements or institutions affiliated with them should be a prime goal.
17. **To disrupt the educational system of the radicals and their da'wah (propaganda) apparatus.**

18. **To act in the international arena** to end the casuistic international debate in various international forums for reaching a legal "consensus" on a definition of terrorism which will be acceptable to supporters of jihad as well.
19. **To enact legislation** to facilitate civil suits against financial, cultural and religious entities which knowingly abet radical organizations.
20. **To institutionalize and regulate** the collection and allocation of "zakat" monies so as to preclude transfer to radical groups.
21. **To encourage Muslim states to oppose the Arab dominance in Islamic circles.**
22. **Direct oil profits to social needs within the Muslim world.**

### Social Issues

### Key Findings

Social grievances such as poverty, discrimination, government indifference to basic needs of the population are all complementary factors in the growth of radical Islam. Amelioration of the social tensions in Muslim societies can reduce the appeal of the radicals.

One way to combat the sense of alienation that permeates Muslim communities in the West is by "naturalization" of Islam in the West and absorbing it into the fabric of western society. Until now, Islam exists in the west as a "colony", separate from the rest of society and lacking a sense of identification with the surrounding culture. Naturalization of Muslims in the west can be compared to the sense of self confidence that Jews in the United States feel vis-à-vis Israel and the religious authorities of Israel; they have their own institutions and do not feel the sense of inferiority that Muslims feel towards the Islamic institutions of the Arab world.

Radical narratives are inculcated in Muslim societies through the involvement – frequently exclusivity – of the radical movements in education for early ages. Children's books in Arabic show, for example, a picture of a sever dearth of liberal education for the formative years.

### Recommendations

23. **Wean Muslims in the West away from negative influences of their home countries.** This calls for active integration of Muslims and creating a sense of identification. This can be done inter alia through enlisting Arab Muslims into the foreign service and using them as spokesmen on ME and Islamic affairs.
24. **Use caution with use of motifs of empowerment of women.** A central theme in the drive for democratization is the issue of equality for women and religious minorities. However, while this pressure may bring some of those sectors into the sphere of pro-liberalism, these are not the sectors which are generating radicalism and conflict. At the same time this campaign is perceived and presented by radicals as part of the western strategy to undermine Islam. It may be therefore that the emphasis on this agenda is counter-productive to the goal of moderating the conflict.

25. **To engage in massive media propaganda to undermine support for radical groups, including sophisticated disinformation campaigns.**

26. **To focus on the younger generation** which has not yet been radicalized. This should include endowing schools, especially those devoted to primary education, and publication of books in target languages for the young with implicit positive messages.

### Military and Security Issues

### Key Findings

Military force is both a means to combat the terrorist manifestation of the radical Islamic ideology and a catalyst for even stronger radicalization. This does not mean that it should be abandoned, but that its limits should be duly recognized.

### Recommendations

27. **To continue military and covert activity,** including targeted killings of select radical leaders and targets.

28. **To target radical leaders on the basis of an individual analysis** of the different options for neutralizing them: targeted killing, capture and detention (with or without publication), public trial, use in disinformation.

29. **To take into account that setting target dates for troop reduction in Iraq and Afghanistan** without having achieved stability in those countries may encourage the radicals and be perceived as a replay of the hasty Soviet retreat from Afghanistan that was one of the main sparks of the present jihad movement.

# Chapter I

# The Role of Establishment ‘Ulama in Radicalism in Egypt

- Shmuel Bachar, Shmuel Bar, Rachel Machtiger, Yair Minzili-

# The Role of Establishment 'Ulama in Radicalism in Egypt

- Shmuel Bachar, Shmuel Bar, Rachel Machtiger, Yair Minzili-

## Preface

Since the dawn of Islamic history, religion and politics were inseparable according to the dictum that Islam is, in its essence both "religion and state" (*Din wa-Dawla*). The Prophet Muhammad was not only a religious figure but also a political leader, a judge, an administrator and a military leader at the same time. A clear distinction between religion and politics began with the Abbasid Caliphate (750 AC). The religious sphere became dominated by the *'ulama*[1] while the rulers dominated the political sphere (*siyasa*). But this was not an absolute separation. The two types of leadership were interdependent: the Abbasid rulers, who came into power as a result of a revolt against the Umayyads, needed not only political but religious legitimacy. It is this latter that the *'ulama* could provide them, as the authoritative interpreters of divine law; by prohibiting rebellion against a Muslim ruler as a violation of a Qur'anic duty to "obey Allah and his Prophet and those in authority (*wali al-amr*) and as leading to *fitna* (civil war), they held the key to acceptance of the new Caliphate. In return, the *'ulama* received the physical protection of the regime, social, political and economic status and the stable social order needed for Islam to flourish.

However, the Caliph – Umayyad, Abbasid, Fatimid or Ottoman – was first and foremost an Islamic ruler, who perceived his legitimacy to rule as deriving from Islam. This is not the case for most Muslim states today. The rise of the secular Muslim state did not however cut the tie between the state and the *'ulama* and in most Muslim states[2] religion (*din*) and state (*dawla*) remained intertwined; the *'ulama* remained part of the fabric of the state, influencing it from inside. Despite the secular character of the modern regimes, most of them saw the need – like the early Caliphs before them – to bring the *'ulama* under the state's control, and limit their autonomy. Modern Sunni[3] Muslim states enacted reforms in the religious establishment, turning the *'ulama* into its state employees and part of their bureaucracies. Despite their ostensible subordination to the state, the *'ulama* wielded, by way of control over religious and social institutions such as the school (*madrasa*) and the mosque (*jami'a* or *masjid*), religious and social authority that could challenge that of the state.

---

[1] The exact meaning of the term *'Ulama* is – "the learned", or "the one who possess knowledge (*'Ilm*), but it is used to refer to wide range of establishment and non-establishment Islamic religious scholars. The religious establishment in Muslim states usually includes religious teachers and professors of the Muslim community, the theologists (*Mutakallimun*), the Muftis (canon lawyers), *Qadis* (judges), and senior state religious officials The non-establishment 'Ulama sector includes scholars who do not fill official posts or receive their salaries from the state. The term *'Ulama* may also include the leaders of the Sufi "orders" and preachers or missionaries (*da'i* – those who engage in *da'wah* – calling to Islam) in movements such as Da'wah *wa-Tabligh, Jam'iyat al-Ulama, Jamaat Ansar, al-Sunna al-Muhammadia* et alia

[2] Except for Turkey and Indonesia.

[3] Unlike the Sunni 'ulama, the Shi'ite *'Ulama* have developed their own economic base through the mandatory payment of a tithe (*khoms*) by Shiites all over the world to their chosen religious institutions.

However, the very co-option of the *'ulama* resulted in the decline of their religious prestige and consequently of their readiness to give a seal of approval to the state's "non-Islamic" policies (e.g. al-Azhar's approval of Sadat's peace accords with Israel in 1978-9; the Saudi establishment's *'ulama*'s consent to allow the deployment of foreign coalition troops during the first Gulf War in 1991). The weakening of the religious establishment also led to the emergence of non-establishment *'ulama* who called for a radical political, religious and socio-economic agenda. This originally inward looking agenda became externalized as the non-establishment *'ulama* found in the conflict with the West a cause celébre and a rallying cry.

Thus both the regimes and the establishment *'ulama* found themselves challenged. It was the latter though which found themselves between Scylla and Charybdis; support of the regimes became more and more untenable as the Islamic legitimacy of those regimes came into question, while joining the non-establishment *'ulama* in their populist attacks on the regimes' policies would result in the loss of their privileged status. The upshot of this dilemma has been in many Muslim countries a radicalization of the religious establishments towards issues relating to the West and Israel and jurisprudence of jihad, while maintaining a conservative stance towards the regimes themselves.

The relationship between a regime and its religious establishment has important implications for the ability of the regime to impose its policy on the *'ulama*. An understanding of these relationships can help test the argument of many regimes that their levers of influence over the *'ulama* who openly rule that a state of jihad exists between Islam and the West (or specifically between Islam and the US and its allies) are limited and define parameters for demands from those regimes. This paper will address the regime-establishment 'ulama-radical Islamic *'ulama* triangle and will ask the following questions: what is the role of the establishment *'ulama* in encouraging radicalism in society and in the rulers attitude and policy towards the US and the West; and how does the nature of their relations with the rulers (that is to say the extent of their independence), influence their position on this issue. This study explores three models of state-religious establishment relations, which influence the ways that different regimes handle domestic, regional and international challenges. By examining statements and *fatwa*s issued by the *'ulama* regarding contemporary case studies, we will try to find out how each model affects the *'ulama*'s relations and position vis-à-vis the regime, and the effects of the latter on the regime's policy toward the West in general, and the US particularly. The three case studies that are dealt with here are:

---

Thus, the *hawzah* (Shiite religious school) of the holy city of Najaf in Iraq receives khoms from Shiites as far as Afghanistan and Pakistan. This has allowed the Shiite 'ulama to maintain their independence from the regimes under which they lived. This paper will refer therefore only to the Sunni model of state-'ulama relations.

- The **Egyptian** model – this model can be characterized as a relationship of subordination and cooperation between the religious establishment and the regime. The former recognizes the regime's primacy, supports its stability and legitimizes its policies (especially in controversial issues) through the status of al-Azhar as the preeminent religious authority in the Sunni Muslim world. In return, the regime acknowledges the religious authority of the establishment *'ulam*a and allows the religious scholars latitude in issues that are not vital for the regime's survival. The Egyptian regime however, is basically secular; it does not see the religious establishment as a source of authority for itself, but primarily as a potential political asset or domestic constraint.

- The **Saudi-Arabian** model – this is a model, which reflects a more equal alliance between the political rulers and the religious establishment, forged by the founders of the Wahhabi movement and the al-Sa'ud dynasty. In this model, the legitimacy of the Saudi regime derives from the religious authority of the *'ulama*, but at the same time, the regime is the quintessential manifestation of the Wahhabi ideology. The dividing lines between the regime and the religious establishment here are fuzzy; for the orthodox Wahhabi Saudi regime the *'ulama* do represent a genuine spiritual authority and a constraint on their political policy. The Saudi regime allows the *'ulama* wide latitude in religious, social and cultural matters, and in return the *'ulama* provide the rulers with religious legitimization.

- The **Jordanian** model – this model is one in which the religious establishment is totally subordinate, religiously and institutionally to the Hashemite Throne, which created it and prevented it from acquiring its own sources of power. Unlike the Egyptian and Saudi cases, the Jordanian *'ulama* are merely technocrats, who carry out the guidelines dictated by the king. The Jordanian regime does not seek the advice of the *'ulama* in political matters nor does it seek constant legitimization from them for its actions. The Hashemite origin of the royal family has been the main source of Islamic legitimacy for the regime. The king is and acts as the supreme religious authority as a descendent of the Prophet, and thus, does not need the religious establishment's legitimization.

# Egypt

## Historic Background

The case of Egypt is arguably one of the most complex and dynamic cases of relations between the state and the religious establishment. Egypt has been a center of Islamic scholarship and jurisprudence since the early days of Islam and has the only uninterrupted history of predominance in this field due to its status as the home of the most important religious institution of the Sunni Muslim world, **al-Azhar**. Since the 19th Century, and increasingly since the 1952 Free Officers' Revolution, Egypt's rulers have been struggling to control al-Azhar, realizing the importance of this body as a source of religious legitimacy to state policies.

The relations between the Egyptian regime and the religious establishment can be described as a "marriage de convenience", with both sides reaping benefits from the alliance; the former uses the Islamic establishment to legitimize its rule and its policies, the latter gains access to the centers of political power and to generous state resources. However, these relations are not without a price for both sides: for al-Azhar, support of the regime, especially in controversial issues, damages its Islamic credentials and its credibility as an autonomous institution of Islamic jurisprudence; for the regime, the price is the surrender of vast areas of social space to the religious establishment and the strengthening of the religious constraints over its domestic policies and international relations.

The Egyptian regime and its Islamic establishment have a wide range of mutual interests. These include:

- **Preservation of the current regime and the stability of the country** – For the regime, this interest is self-evident. For al-Azhar the aversion to *fitna* (civil war) is deeply imbedded in Islamic political thought. On the practical side, the clerics are government employees and any upheaval would harm their individual interests.
- **The domestic and pan-Islamic prestige of al-Azhar** – Both sides have an interest to downplay the subordination of al-Azhar to the regime, as such an image would damage the formers credibility and prestige, and hence its influence in religious matters. The need to maintain al-Azhar's ability to influence the public was manifested in the wake of the events in Iraq.
- **The struggle against the radical Islamist movements** – Both the regime and the establishment have an interest in reducing the influence of the radical movements that

pose a threat to stability and to the theological hegemony of the establishment. To this interest, we must add al-Azhar's interest in stemming the influence of the "new preachers" (*al-du'at al-gudud*) mentioned above.

- **Preservation of close relations with the West** – Both have an interest not to alienate Egypt's Western friends through anti-Western and radical rulings and preaching of establishment scholars and to project a positive image of Islam as a tolerant religion and of al-Azhar as a worthy partner for ecumenical dialog with non-Muslim institutions and establishments.[4]

However, the regime and al-Azhar also have some conflicting interests:

- **Al-Azhar has an institutional interest in maintaining a high degree of autonomy** not only in the religious and social spheres, but in political issues as well. The regime, on the other hand, seeks to keep the institute as a tool that legitimizes its policy, whatever it may be, completely subordinate to it though projecting an autonomous image, which will assist it in gaining the public's confidence. The clerics' desire to express more independent opinions often cause an internal dissent in the establishment, leading to its further degradation and undermining its ability to speak in one voice and exert its religious authority.
- **Al-Azhar has a basic ideological interest in Islamization of Egypt** and increasing the implementation of *shari'ah*. This interest clearly contradicts the secular nature of the regime.

In 1961 the regime of Gamal 'Abd al-Nasser implemented a comprehensive reform in the structure and function of al-Azhar, with the goal of reinforcing the regime's control over the religious sphere and harnessing it to lend legitimacy to the regime. The reform included: introduction of modern secular studies into the curriculum; reorganization of the administration and subordinating it to the state (including the appointment of the Grand Imam, Sheikh al-Azhar and the Chief Mufti by the President of the Republic); creation of new functions such as the Islamic Research Academy (see below) to replace the "Committee of the Great 'Ulama" (*Hay'at Kibar al-'Ulama*). Nasser's successor, Anwar Sadat (1970-1981) was in even more in need of Islamic legitimacy for his controversial domestic, economic and foreign policies and actively increased the integration of the *'ulama* in the public political and social discourse. However, at the same time, al-Azhar found itself competing with radical Islamic forces with an agenda like its own: Islamization of society and implementation of *shari'ah* and radicalized its own agenda accordingly.[5] Al-Azhar's political involvement grew during the long era of Sadat's successor, Husni Mubarak (1981-), who needed al-Azhar to legitimize both his domestic campaign against militant Islam, and his foreign policy, such as participation in the war against Iraq in the 1991 Gulf War, relations with Israel and the stance on US intervention in Afghanistan and Iraq in the wake of 9/11. Al-Azhar supported the regime against radical Islam and was "compensated" by the regime, which with almost total control over public space.[6]

---

[4] Rose al-Yusuf, January 12-18, 2002; Katherine Zoepf, "An Ancient Islamic University Has a New Role: Explaining Its Faith," The Chronicle of Higher Education, August 12, 2005.

[5] Zeghal, op.cit., pp. 372, 381-385.

The logic of the policy of the Egyptian regime vis-à-vis al-Azhar can be articulated as follows: the foremost enemy is the radical Islamic movement; this movement can only be fought effectively through religious means; however, al-Azhar has lost its predominance as a result of its moderate pro-regime positions; in order for al-Azhar to regain its preeminent status in the religious space in Egyptian society and to enable it to wrest authority back from the non-establishment *'ulama*, it must show its independence from the regime and its loyalty to the tenets of orthodox Islam, in spite of its relationship with the secular regime. With historic hindsight, it seems that the regime's policies towards the religious establishment had additional – often counter-productive long-range effects:

- **Enhancing the political and social influence of the *'ulama*** - The nationalization of al-Azhar was resented by most of the *'ulama*, but in return for their submission to the regime's will, they received powerful levers for political influence. In retrospect, not only did the reform not succeed in subjugating the *'ulama* to the regime, but rather increased their ability to influence the regime's domestic and foreign agendas.[7]
- **Weakening al-Azhar vis-à-vis competing non-establishment religious forces** – ironically, the steps that were intended to harness the authority of al-Azhar to the goals of the regime reduced the very authority of that institution. Once the religious institutions became part of the bureaucracy of a declared secular state, it lost its credibility in the eyes of the masses of believing Muslims, creating a vacuum and a crisis of authority. This vacuum was filled by various Islamic forces that drew their credibility from the same source that deprived the establishment of its own – the attitude towards the regime. The popular non-establishment *'ulama*, who distanced themselves from the mainstream of al-Azhar increased their authority in the Egyptian street.
- **Obfuscating the borderlines between the establishment and the radicals** – the reform of al-Azhar and its modernization also contributed to the blurring of the distinction between the old Azharite *'ulama* and the Islamic radicals who were fomenting in the secular universities of Egypt. Whereas in the past, al-Azhar drew mainly on rural youth, who migrated to Cairo and studied under one roof and under close supervision, the reform made al-Azhar into a wide-spread educational institution with its institutes and faculties spread throughout the country, recruiting thousands of new students each year to its elementary, secondary and academic institutions.
- **Opening the doors for a Wahhabi "hostile takeover"** - Al-Azhar had historically been opposed to the Wahhabi interpretation of Islam. However, the need for independence from the regime encouraged it to accept support from the Wahhabi Saudi state. Gradually, by way of economic perks accorded to the *'ulama* of al-Azhar, scholarships for students and funding of chairs and faculties

---

[6] This control encompassed: censorship of books and movies, intervention in legal processes, enforcing Islamic laws regarding sexual conduct et. alia. Ibid. pp. 383-384.

[7] Malika Zeghal, "Religion and Politics in Egypt: The Ulema of al-Azhar, Radical Islam and the State (1952-94)," International Journal of Middle East Studies, Vol. 31, No. 3, (August 1999), pp. 372-373, 377-378.

by the Islamic World League (*Rabitat al-'Alam al-Islami*) and other Saudi institutions, al-Azhar increasingly adopted elements of the Wahhabi doctrine.[8] By the end of the 1970s, both the Azharite *'ulama* and the Islamic radicals had become intellectuals using the same modernist vocabulary.[9] By the late '90s, almost the entire Azharite elite had benefited from Saudi largesse and most were keen to curry favor with the Saudis out of expectation of even more benefits. Those who did not accept the Wahhabi line have been largely purged.[10]

## The Egyptian Islamic Establishment

The present structure of the Egyptian religious establishment is based on the 1961 law. The religious establishment in Egypt is diversified. It includes thousands of employees in different bodies and in tasks ranging from law courts, primary through academic level education and preaching. The Egyptian Islamic establishment has always been ideologically heterogeneous. The plurality of opinions inside al-Azhar is manifested through the multiplicity of bodies that deal with the issuing of *fatwas*. This pluralism is in the tradition of Islamic *fiqh* that tolerates differences of opinion on matters of interpretation and is said to testify to the flexibility of the *shari'ah*. These include:

- ✦ **The Islamic Research Academy**, which deals with the more complicated issues (matters of government and policy for which there exists a special committee inside the Academy). Since 1985[11], the academy has also been charged with censorship of literature and arts with a bearing on Islam, a role which grew in the mid 1990's[12]. According to the 1961 law, the academy is headed by Sheikh al-Azhar, and there must not be more than 50 members in the Academy, and it is possible to include up to 20 non-Egyptian members (currently there are no foreign members, and the Academy consists of 26 scholars, all Egyptians). The Academy also consists of non-Azharite lecturers, experts of economics and law. All decisions are taken openly and in an absolute majority. The members of the Academy include both conservatives and radicals and the differences of opinion, including with Sheikh al-Azhar, are frequently aired in the open.

---

[8] According to Khaled abu al–Fadl, "In six months on sabbatical (in the Gulf), they (the Azhari *'ulama*) would earn twenty years' salary." He notes the example of his teacher, Muhammad Jalal Kishk, who had mocked the ignorance of Wahhabi Islam. But, in 1981, after Kishk received the $200,000 King Faisal Award and the $850,000 King Fahd Award from the Saudi government, he published a pro-Wahhabi tome called The Saudis and the Islamic Solution. Franklin Foer, "Moral Hazard: The Life of a Liberal Muslim," The New Republic, November 18, 2002. In 2000, Al-Azhar received the "King Faisal Award for Service to Islam" in recognition of its "significant role in preserving the Arab and Islamic heritage, confronting trends of Westernization, and propagating Islam and the Arabic language." http://www.saudiembassy.net/2000News/News/EduDetail.asp?cIndex=2209

[9] Ibid. pp. 378-380.

[10] Sheikh Muhammad al-Ghazali published in 1989 a book called The Sunna of the Prophet: Between the Legists and Traditionalists, accusing the Wahhabi of fanaticism and defiling Islam's reputation. Within two years, the Saudis subsidized the publication of seven books against al-Ghazali and rebuttal of his arguments became staple items at *Rabita* conferences. Franklin Foer, "Moral Hazard: The Life of a Liberal Muslim,"
The New Republic, November 18, 2002.

[11] Law 102 of 1985.

[12] In February 1994, in response to a request from Sheikh al-Azhar, Gad Al Haq to clarify al-Azhar's role regarding artistic works of religious nature, The Administrative Court issued an opinion that al-Azhar is the sole authority to which the Ministry of Culture must refer concerning Islamic matters and it must issue licenses for films, book and tapes which discuss religion, and that the Islamic Research Center has the right "to track and examine publications and arts that deal with Islam.". This ruling has been used to justify banning of books that are viewed by the academy as offensive to Islam, since the very fact that they are deemed offensive classifies them as books with religious content that are illegal if they are printed without the permission of the academy. .

- **The *Fatwa* Committee** was established in 1936. This committee is comprised of 20 members, who are been replaced every three months by the secretary-general of the Committee, on recommendation of the heads of the preaching departments in Egypt's districts. Each week, five different members of the Committee assemble to discuss a large amount of *fatwa*s sent to them by the public, mostly on matters of marriage, divorce, inheritance and other familial conflicts. All nominees to the *Fatwa* Committee must be religious scholars or experts in Islamic jurisprudence with al-Azhar certificates. Regional *Fatwa* Committees are scattered all around Egypt's districts, and *'ulama* from the regional committees are summoned to serve in the Azharite *Fatwa* Committee periodically.
- **The *Dar al-Ifta'*,** for over a century one of Egypt's most important religious bodies, headed by Egypt's Grand Mufti, and under the supervision of the Ministry of Justice. The *Dar al-Ifta'* is not under the jurisdiction of al-Azhar, though both bodies usually work in harmony with each other.[13] *Dar al-Ifta'* directs its *fatwa*s to the Islamic nation as a whole, thus representing Egypt in the transmission of religious and scientific knowledge.

The Egyptian religious establishment also includes an extensive educational system and apparatuses for preaching:

- **Education** – There are approximately 6000 institutions ("*ma'ahid*") around Egypt at all levels (from elementary schools through high-schools), along with the University of al-Azhar, with faculties scattered around the country and more than 300 thousand students.
- **Preaching** – Al-Azhar maintains a Higher Committee for Da'wah headed by sheikh al-Azhar, which collaborates with the Religious Endowments Ministry (*Wizarat al-Awqaf*).[14] The Ministry is in charge of more than 90 thousand mosques throughout Egypt; it gives its licenses to the mosques' preachers (imams) and supervises the content of the *da'wah*. Al-Azhar also has a Directorate of *Da'wah* and Islamic publication which deals in *da'wah* in the schools, in the army and abroad.[15] Al-Azhar also deals in dispatching over 5000 *'ulama* to teach and preach abroad – mainly in the West and the

---

[13] Except for eras of tension between Sheikh al-Azhar and the Mufti, for example in the days of Gad al-Haqq 'Ali Gad al-Haqq as Sheikh al-Azhar and Dr. Muhammad Sayyid Tantawi as Grand Mufti.

[14] The tasks of the committee are: (1) To coordinate work of all da'wah organizations; (2) To propose and draft the laws, regulations and decrees organizing da'wah; (3) To study the problems facing the propagation of the call and propose relevant solutions; (4) To take part in planning to enhance and intensify the religious values indoctrinated by the mass media; (5) To take part in formulating the religious indoctrination program among Pilgrims and in organizing the Hajj and Umrah; (6) To study the condition of Muslim minorities in foreign countries and to aid them materially and morally. http://www.alazhar.org/english/about/highcommittee.htm

[15] http://www.alazhar.org/english/about/da3wa-religious.htm

US – through the department of Islamic Missions.[16]

## The non-Establishment *'Ulama*

The non-establishment *'ulama* are even more diversified politically than al-Azhar. These *'ulama* usually belong to Islamic associations that specialize in *da'wah*; many sympathize with the ideology of the Muslim Brotherhood while others (such as the *Gam'iya al-Shari'ah* and the *Gami'yat Ansar al-Sunna al-Muhammadiyya*) refrain from political intervention. They can be found both at various levels of integration within the establishment – from salaried officials who do not accept the authority of the al-Azhar leadership – to complete "outsiders" who preach in the unregulated mosques, in the streets and through the mass media. Hence, they have diverse and wide audiences; among the *'ulama* and Azharite students and among the common people.

The most formidable challenge of these *'ulama* both to the regime and to the religious establishment are the popular Sheikhs whose scholarship cannot be denied (most of them graduates and even current or former staff of al-Azhar[17]) but are not part of the establishment and do not accept its authority. They challenge the establishment through their use of Islamic jurisprudence to justify or even to impose as a duty acts of terrorism against the regime and Western interests. While many of the establishment *'ulama* may agree with much of the religious logic in these *fatwas*, they cannot accept the loss of their monopoly over legal rulings in "affairs d'etat" (or *siyar* – the branch of Islamic jurisprudence dealing with political affairs). Their ability to refute the arguments of these Sheikhs though is limited both due to a certain community of basic axioms that both accept and since they cannot claim that these Sheikhs are unlearned.

It is hard to estimate the number of these *'ulama*, since many still act within the system, but they have shown their political strength on several occasions since the mid-1980s and throughout the 1990s. These *'ulama* have been involved in public debates, and have shown their affinities with moderate Islamists, and sometimes even with the more radical ones. While most of them rejected the Islamic militants' violence, they also pronounced their objection to the violent repression of the *Gama'at* by the regime. Some of them even tried to mediate between the militants and the government, while promoting social peace and stability. Those of the non-establishment *'ulama*, who are formally affiliated with al-Azhar but publicly disagree with the center, are often "exiled" to provincial faculties or abroad as visiting professors, in order to prevent them from forming permanent factions within the establishment.[18]

Alongside these "semi-establishment" *'ulama*, the phenomenon of non-establishment "street" *'ulama*", who distanced themselves from both the coffers and the official voice of al-Azhar has grown since the 1970's. These Sheikhs influence the public and challenge the establishment through the practice of *da'wah* (the call to religion, mainly by preaching). This process was intensified in the 1980s, with the growing popularity of street Sheikhs such as Sheikh 'Abd al-Hamid Kishk, Salah Abu Isma'il and Sheikh Muhammad al-Ghazali who were educated at al-Azhar but did not hold positions in the civil service, but rather specialized in preaching and were popular among the masses.[19] Therefore, the 1980s marked the end of al-Azhar's monopolistic status, which it had enjoyed in the Nasser and Sadat eras. The need to compete with other religious authorities – which unlike al-Azhar which was tainted by its affiliation with the regime were "morally uncompromised" in the public eye – forced on it to adapt and to adopt a more pluralistic character.[20]

---

[16] http://www.alazhar.org/english/about/deptIslamMssion.htm

[17] Such as Sheikh Yusuf al-Qaradawi, whose televised preaching and internet *fatwa*s enjoy a high rating in Egypt.

[18] Zeghal, op. cit., pp. 386-388.

Another category of non-establishment *'ulama* is represented in a new genre of Islamic "service provider" which has developed since the early 1990's, known as "the new preachers" *(al-du'at al-gudud)*. These "new preachers" have had an enormous effect upon the religious discourse in Egypt and have succeeded in filling the gap between the unpopular al-Azhar and the politically dangerous Muslim Brothers. Most of the new preachers are young, successful, middle or upper-middle class men, whose preaching methods resemble the ones used by the American televangelists.[21] While this genre seems to correspond to the goal of al-Azhar of bringing middle class Egyptians back to Islam, it is in fact a challenge to the establishment both in its popularity and in its non-orthodox Sufi-like content. While these preachers challenge the al-Azhar establishment, most of them do not pose a threat to the regime or preach violence.

## The Struggle for Islamic Primacy in Egypt

The need of al-Azhar to maintain its predominance in the Egyptian Islamic space has motivated its leaders to compete with their rivals on their own field, i.e. – social critique, demands for stronger religious coercion and Islamization and Islamic solidarity in foreign affairs. This trend was particularly manifested during the term of Sheikh Gad al-Haqq as Sheikh al-Azhar (1989–1996), who from 1989 on hardened al-Azhar's positions on social issues and issued a number of anti-liberal *fatwas* that embarrassed the regime vis-à-vis the West. In 1992, Gad al-Haqq himself reestablished the al-Azhar Scholars' Front (*Gabhat 'Ulama al-Azhar*), a group that was active in the 1940s in order to fight secularism in the Egyptian society. The Front's membership grew from 500 in 1993 to more than 3000 in 1997 and encompassed mainly non-establishment *'ulama* and non-Azharite Islamist intellectuals, who were determined to fight secular tendencies and thinkers within the society. During that period, the Islamic Research Academy began to wage a total war against all secular and liberal trends in the Egyptian society, encouraging *'ulama* to attack secular intellectuals such as Farag Foda and Nasr Hamid

---

[19] Ibid. pp. 372, 386.

[20] Ibid. pp. 372, 385-386.

[21] An example is 38 year-old 'Amr Khalid has become the most popular preacher in Egypt and the Arab world in recent years. By keeping himself away from the conflict between political Islam and official Islam, Khalid has managed to create a sort of Western-style "New Age" product that fits the modern expectations of the urban middle class. He speaks about inner peace and spiritual well being, and rejects the religious rigidity of traditional Islam. He wears modern suits and speaks the Egyptian colloquial dialect, instead of the classic preaching style. He holds chat shows on Egyptian TV and Arab satellite channels, and this is how all the new preachers (such as Khalid al-Gindi, al-Habib 'Ali and Safwat Higazi) deliver their message of the need to adapt religion to the pleasures of life, combining materialism with spiritualism. Husam Tammam and Patrick Haenni, "Egypt's Air-Conditioned Islam," Le Monde Diplomatique, September 2003, http://mondediplo.com/2003/09/03egyptislam, Accessed September 12, 2005.

Abu Zayd. In the case of Foda, his murderers claimed that they had but implemented the verdict issued by al-Azhar *'ulama* that had branded Foda an apostate (*murtadd*). In exchange for this freedom of speech, Gad al-Haqq remained unrelenting in his condemnation of the violence of the militants inside Egypt.

Until his death in 1996, common interests and beliefs drew Sheikh al-Azhar and the non-establishment *'ulama* closer on the grounds of promoting Islamization of society, while rejecting the *fitna* between the regime and the Islamic militants. His death in 1996 unraveled this symbiosis. The regime appointed as his successor the pro-regime Sheikh Muhammad Sayyid Tantawi, who has since then proven his loyalty to the regime by issuing *fatwa*s, in line with official policy, thus alienating more radical clerics.[22] Concomitantly, the Al-Azhar Scholars Front, led by its Secretary-General, Dr. Yahya Isma'il, started to embrace more radical and oppositionist positions, and joined the more radical *'ulama* in attacking the regime loyalists within the religious establishment, including Sheikh Tantawi[23] and the Minister of Waqf, Dr. Hamdi Zaqzuq, and secular intellectuals.[24] In July 2000, after Isma'il publicly denounced Tantawi's support for divorce initiated by the woman (*khal'*) Tantawi dissolved the Front altogether,[25] and in December 2001 dismissed Isma'il from his academic post.

While al-Azhar attempted to co-opt those non-establishment *'ulama* who has some affinity with the institution by virtue of their having studied in it or being on its faculty, it has taken a firmer stand – supported by the Muslim Brotherhood – against the "new preachers". The phenomenon is disparaged as *da'wah diet* ("diet" preaching). The preachers are accused of being affiliated with the *Gama'at*, of being superficial and of lacking satisfactory education.[26] Special committees, headed by Azharite functionaries, were set up to censor religious programs in order to prevent "disqualified" people from distorting the "proper" image of Islam. At the same time, in an expression of "if you can't beat them, join them", the religious establishment itself has embraced the current trend. The Ministry of Religious Endowments launched reform projects that focused on the social role of the mosque and on self-sufficiency. Al-Azhar held a seminar, which discussed the rethinking of Islamic preaching, using American-style marketing methods. Moreover, al-Azhar clerics host TV shows, where they answer people's questions, sometimes to the dismay of the religious establishment itself.[27] All these steps however have not succeeded in blocking the popularity of such TV shows as al-Qaradawi's *al-*

---

[22] Ibid. pp. 388-389; Tamir Moustafa, "Conflict and Cooperation between the State and Religious Institutions in Contemporary Egypt," International Journal of Middle East Studies, Vol. 32, (2000), pp. 3-22; Meir Hatina, "Egypt's al-Azhar: Fortress of Orthodoxy and the Challenge of Modernity," Zmanim (Israel), Vol. 74, (2001), pp. 43-55 (Published in Hebrew).

[23] Ismai'l criticized many of Tantawi's moves; among them the latter's meeting with Israel's Chief Rabbi Lau in 1997. See Al-Liwa' al-Islami, December 27, 2001.

[24] The Front did not though always speak in one voice; when Ismai'l published a statement against philosophy professor and thinker, Hasan Hanafi, in 1997, some of the Front's members denounced it, and claimed it was not published on their behalf. Zeghal, op.cit., pp. 390-391; "Egypt's Apostasy Debate Rears Its Ugly Head Once Again," Mideast Mirror, Vol. 11, No. 91, May 13, 1997.

[25] Al-Sharq al-Awsat, July 24, 2000.

[26] Rose al-Yusuf, March 15-21, 2003; Al-Musawwar, October 24, 2003; Al-Liwa' Al-Islami, October 17, 2003.

[27] Ibid.: Al-Sharq al-Awsat, March 18, 2003.

*Shari'ah wal-Hayat* (*Shari'ah* and life) in *al-Jazeera*, or 'Amr Khalid's show.[28] Al-Qaradawi also tried to undermine al-Azhar's monopoly over the field of *da'wah*, by claiming that *da'wah* is not the sole mandate of the Sheikhs and the imams of al-Azhar, but the duty of each and every Muslim according to his abilities.[29]

The gravest challenge that the non-establishment Sheikhs pose to al-Azhar though is not so much their preaching, but their presumption to issue *fatwas* on a variety of issues, from personal matters to jihad. Addressing this challenge to al-Azhar's monopoly, it warns the public against *fatwas* issued by unauthorized individuals. By this it refers both to the young, self-educated layman students from the radical movements who, according to al-Azhar, have only superficial knowledge of religious jurisprudence and have not been trained at al-Azhar and to the television Sheikhs.[30] By linking together both phenomena, al-Azhar fights two battles: against the radicals who disrupt the stability of the country and challenge the authority both of the regime and of al-Azhar; and against the more innocuous TV Sheikhs who threaten the monopoly of al-Azhar on religion.[31]

Another area in which the establishment attempts to regain its religious monopoly is in the control of the country's mosques. Since the second half of the 1990s, a project has been underway for nationalization of all of Egypt's mosques (6000 mosques were to be nationalized annually, and the purpose was to nationalize all 90 thousand mosques in Egypt). This is done through both "sticks and carrots". The regime did not hide the fact that the goal of this action was, first and foremost, to prevent the radical *Gama'at* from penetrating into the mosques by regulating Islamic preaching. The regime claims that the project was very successful, and that even private mosques that were run by radical elements succumbed to the regime's will, after they had received financial propositions from the government.[32] The relations between the regime, the establishment and the non-Establishment *'ulama* can be demonstrated through analysis of three pivotal events: the attacks of 11 September and their aftermath; the war in Iraq; and the al-Qa'ida attacks in Muslim countries – Saudi Arabia and Morocco.

### The 9/11 Attacks

Immediately after the 9/11 attacks, the Egyptian religious establishment was mobilized to deal with the damage to the image of Islam and the Arabs and with the criticism of its own failures in the light of the fact that a considerable number of the members of al–Qa'ida, including the infamous leader of the nineteen terrorists of 9/11,

---

[28] Al-Sharq al-Awsat, March 8, 2003.

[29] Al-Liwa' al-Islami, September 11, 2003.

[30] Al-Liwa' al-Islami, May 15, 2003.

[31] For example, Egypt's Grand Mufti, Dr. 'Ali Gum'a, tried to make a clear distinction between the Azharite clerics and muftis and between those, "who issue fatwas without even studying." Although he refrains from calling them apostates, Gum'a criticizes the radicals with harsh words, claiming they are criminals in the name of Islam, and saying that there is a big difference between knowledge and ignorance, just like the difference between a compassionate merciful Islam and blind radicalism. Al-Musawwar, October 3, 2003.

[32] According to the Minister of Religious Endowments, Dr. Zaqzuq Al-Musawwar, October 24, 2003.

Muhammad 'Atta were Egyptians. This was done by portraying Islam (mainly the West) as monolithic, free of internal dissent and preaching peace and love between all peoples and by initiating ecumenical dialogues with Christian and Jewish representatives. Soon after the outbreak of the war in Afghanistan, however, al-Azhar University's clerics and lecturers began to issue harsh anti-American declarations that did not correspond with Tantawi's more restrained line. While Tantawi and the senior *'ulama* just warned the US against "punishing innocent civilians", many Azharite *'ulama* called for the Afghan – and later the Iraqi – people to wage jihad in order to repel the American attack, calling for divine retribution against the U.S, like against Sodom and Gomorrah..[33] The war in Afghanistan and later the occupation of Iraq, by the US forces, was viewed in the context of the precept of "*al-walaa wal-bara'a*" – the duty to show loyalty to Muslims in any conflict between them and infidels.[34]

## The War in Iraq

Under the strong impressions of 9/11, the tone of al-Azhar was relatively moderate during the Afghanistan campaign. As war in Iraq loomed closer, it became more and more difficult for al-Azhar to maneuver between the interests of the regime and the public opinion of its Islamic constituency. As a result, the al-Azhar establishment became more radical and aggressive towards the US, backing down when its more vociferous declarations conflicted with the regime's vital interests.

The foremost issue in the Islamic discourse in the wake of the US invasion of Iraq was whether or not the situation had made it an "individual duty" (*fard 'ayn*) for all Muslims to join the jihad. A short time before the outbreak of the war in Iraq, the popular radical Sheikh Yusuf al-Qaradawi had called for jihad against the Americans in the event of their invasion to Iraq, forbade any cooperation with the coalition forces, including the use of Arab airports and harbors and ruled that jihad would become an individual duty in the case of an American invasion.[35] This call was echoed by the leaders of the Muslim Brotherhood and spilled into the streets. To satisfy the anti-American sentiment of the street, Tantawi began to open his Friday sermons cursing the Americans and called for jihad against them, even before the curses against Israel and the Jews. The regime took no special measures to prevent such attacks.[36]

---

[33] A not uncommon position was voiced by Hasan Huwayni, a philosophy professor at al-Azhar (considered moderate and pro–regime) in an interview in *Washington Post*. According to Huwayni America is "an arrogant country" (arrogance – *takabbur* – against God being a cardinal sin in Islam), immoral and materialistic, and strives only for power and personal satisfaction; all natural disasters befall the Americans because they break the rules of God with their abnormal behavior; it is a modern "Sodom and Gomorrah" ('*Ad* and *Thamud* in the Qur'an) and will be destroyed as were *'Ad* and *Thamud* were destroyed. Philip Kennicott, "Kneeling in Judgment," Washington Post, July 17, 2004, www.washingtonpost.com/ac2/wp-dyn/A56355-2004Jul16?language=printer, Accessed September 13, 2005.

[34] According to Ibn Taymiyyah – *Wilayah* (closeness) is the opposite of *'Adawah* (enmity). The roots of *Wilayah* is love and intimacy, and the roots of 'Adawa is enmity and being distant. It is obligatory to show allegiance to a believer, even if he wrongs you, whereas it is obligatory to show enmity to the unbeliever, even if he shows kindness. www.islammessage.com/bb/index.php?showtopic=1108&mode=linearplus

[35] Al-Quds al-'Arabi, March 8-9, 2003, March 17, 2003.

[36] Al-Musawwar, April 4, 2003.

More than any other issue, this debate created a dilemma for the al-Azhar establishment. On one hand, the pressure to rule in favor of jihad had both ideological and institutional logic; the argument that such a state of jihad is in effect had validity from he point of view of Islamic jurisprudence and the issue was exploited by the radical Muslim Brotherhood to improve its status vis-à-vis al-Azhar in the streets. On the other hand such a ruling would have grave consequences for the vital interests of the regime. The behavior of the al-Azhar establishment reflected this dilemma.

In March 2003, the Chairman of al-Azhar's *Fatwa* Committee, Sheikh 'Ali Abu al-Hasan issued a *fatwa* that: the West has put together a coalition against Islam; hence it has become a duty for all Muslims to unite in a "jihad for the sake of Allah" until martyrdom or victory; under these circumstances "entering into an alliance with the Americans against Afghanistan constitutes *riddah* (i.e. apostasy, for which the punishment is death).[37] The *fatwa* was not unusual for Sheikh Abu al-Hasan. He had issued previous controversial *fatwas*: forbidding Muslims living in a country that is hostile to Islam to carry its citizenship (December 2002) as that may cause Muslim citizens of the US, to fight against their Muslim brethren in case of a war between the US and a Muslim country and had called on the Muslims to acquire "all kinds of weapons" including nuclear weapons in order to strike back at the enemies and oppressors of Islam (January 2003).[38] Following Western protests, Tantawi dismissed him on the pretext that he had reached the age of retirement.[39]

A few days after the issuance of Abu al-Hasan's March 2003 *fatwa*, the al-Azhar Islamic Research Academy (headed by Tantawi himself) issued a *fatwa* that described the war as a "new Crusader invasion" with the goal of "destroying the sacred places, the lands, and the wealth of the Muslims" and "undermining Islamic honor and faith" and as a prelude to a total invasion to the Arab and Muslim nation, in order to fulfill the American and Israeli interests. The *fatwa* therefore ruled that jihad has becomes an individual duty (*fard 'ayn*) for every Muslim.[40] The *fatwa* – and particularly the reference to a "Crusader War"

---

[37] "Terror in America (22): Egypt's Al-Azhar Clerics: We Declare War on America," MEMRI Special Dispatch, No. 296, November 2, 2001, http://memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP29601, Accessed February 7, 2005.

[38] According to Deputy Head of al-Azhar, Sheikh Mahmud 'Ashur, al-Hasan reached the age of retirement, and was not dismissed for any *fatwa* issued on his behalf. Furthermore, 'Ashur pointed out that there were no pressures exerted upon al-Azhar by the Americans or any foreign element, since all decisions regarding *fatwa*s are taken by Sheikh al-Azhar and the *'ulama*. Abu al-Hasan himself said that he was promised a year extension of his service, but in light of complaints by the American and British embassies, a decision was made not to do so. Al-Sharq al-Awsat, March 15, 2003. Tantawi later on denied having fired al-Hasan following the *fatwa* that encouraged the killing of coalition forces, claiming that al-Hasan had merely reached retirement age. Al-Liwa' al-Islami, March 20, 2003.

[39] Al-Quds al-'Arabi, March 7, 2003; Steven Stalinsky, "The Egyptian Jihad on America," National Review Online, http://nationalreview.com/comment/stalinsky200404120847.asp, Accessed March 20, 2005; Andrew McGregor, "Al-Azhar, Egyptian Islam and the War in Iraq," Terrorism Monitor (of the Jamestown Foundation), Vol. 2, Issue 12, June 17, 2004.

[40] Nagi al-Shihabi, leader of the Democratic Age party (al-Gil al-Dimuqrati), said that the entire Muslim world was waiting for al-Azhar to give such a statement, and that after its publication no Arab leader would be able to prevent his people from going to Baghdad and defend Islam. Another member of this party, Dr. Muhammad Hana'i 'Abd al-Hadi, said it was a magnificent fatwa that was finally calling upon all Muslims to take up the arms and go to Iraq. He defined the Academy's statement as "the mother of all fatwas". Contrary to these praises, Gamal Badawi, a member in the oppositional Wafd party, said the Academy's

– not only did not satisfy the more radical Islamists[41] but it generated negative domestic and foreign "fallout"; from Egyptian Copts and from the West. Here al-Azhar's commitment to the foreign relations and domestic interests of the regime came into play. In a revised statement, which was published a few days later, the Academy retracted the use of the term "Crusader War" and stressed that there is no war between Islam and Christianity, since all "celestial religions" spread peace and security among human beings.[42] Later on, it was claimed that the *fatwa* was issued by a member of the Academy on request of Tantawi without the consent – or even knowledge – of the rest of the members of the Academy and was signed (unusually, perhaps in order to provide an exit strategy in case of severe repercussions) not by Tantawi but by the Secretary-General of the Academy.

The inevitable conclusion from the definition of the jihad in Iraq as *fard 'ayn* was that Egyptians would see themselves obliged to join that jihad. However, such a regime sanctioned movement of volunteers for the insurgency in Iraq would clearly be a crossing of red lines. Therefore, after issuing fatwas that jihad had become "*fard 'ayn*" the establishment had to provide a religious justification against Egyptians physically joining the jihad in Iraq. The Grand Mufti, Dr. Ahmad al-Tayyib, warned that such a move would meet with a harsh response by "the aggressors", and hence may lead to a *fitna* among Muslims.[43] After the war broke out, Tantawi himself clearly defined the borders of the "individual duty". He called upon all **Iraqis** (i.e. not others) to defend their **homeland** in any way, including "martyrdom operations", relying on the principle of *maslaha* (overriding public interest), he stressed that it was forbidden to destroy Egypt (by irresponsible acts of support of Iraq) in response to the destruction of another nation by the Americans and made it clear that the conduct of jihad was a **state responsibility** (*Fard kifayya*), and the sole responsibility of the ruler (*wali al-amr*).[44]

In August 2003, Azharite Sheikh Nabawi Muhammad al-Esh issued a *fatwa* stating that the new Iraqi Governing Council (IGC) was "imposed upon the Iraqi people by the occupation forces, to act as an ally to God's enemy," and as such any Arab or Muslim country that either supported it or even just dealt with it should be boycotted. Again, after a meeting between Tantawi and US ambassador David Welch, Tantawi suspended al-Esh from his post as member in the *Fatwa* Committee and denounced the *fatwa* as an act of

---

statement was actually useless, since it was impossible to translate the jihad call into practical measures. He claimed that it was merely an attempt to mobilize to youth spiritually and nothing further. Al- Quds al-'Arabi, March 20, 2003.

[41] The Muslim Brotherhood's General Guide, Ma'mun al-Hudaybi, praised the statement though others, such as Gamal al-Banna, brother of Hasan al-Banna, founder of the Muslim Brotherhood, who criticized it as powerless and ineffective in the international level. He called on al-Azhar to prove its intention by opening its charity associations for donations for the jihad in Iraq, and demanded that the Muslim countries to use their weapons against the Americans and to contribute money and other supplies to the Iraqi people. Al-Quds al-'Arabi, March 4, 2003, March 19-20, 2003; March 21, 2003.

[42] Al-Quds al-'Arabi, March 17, 2003; Al-Sharq al-Awsat, March 20, 2003; Al-Liwa' al-Islami, March 20, 2003; Al-Musawwar, March 28, 2003; Andrew McGregor, "Al-Azhar, Egyptian Islam and the War in Iraq," Terrorism Monitor (of the Jamestown Foundation), Vol. 2, Issue 12, June 17, 2004;

[43] Al-Quds al-'Arabi, March 17, 2003; Al-Sharq al-Awsat, March 20, 2003; Al-Liwa' al-Islami, March 20, 2003; Al-Musawwar, March 28, 2003; Andrew McGregor, "Al-Azhar, Egyptian Islam and the War in Iraq," Terrorism Monitor (of the Jamestown Foundation), Vol. 2, Issue 12, June 17, 2004;

[44] McGregor, op. cit.; Al-Liwa' al-Islami, March20, 27, 2003; Al-Musawwar, March 28, 2003.

stupidity and arrogance, and an attempt to "circumvent Iraqi scholars and deliver *fatwas* on matters that concern only them." In doing so, Tantawi took the position of "demoted" al-Azhar from its status as an authority for the whole Muslim world in order to relieve international pressure on itself and on the regime. This position These statements aroused strong opposition, causing Tantawi to escape from delivering Friday's sermon at the al-Azhar Mosque, in order to avoid demonstrators.[45] Al-Esh himself later retracted his statement and explained that he had not declared *takfir* on the IGC, and that if the Iraqi people were satisfied with the Council, then that was their own business.[46] Later, members of the Fatwa Committee published clarifications that they were merely civil servants, whose task was to solve personal status matters, and that political issues were the domain of the Academy and Sheikh al-Azhar.[47]

### The Suicide Attacks in Riyadh and Casablanca (May 2003)

The suicide attacks in Riyadh (Saudi Arabia) and Casablanca (Morocco) in mid-May 2003 exemplify the way the religious establishment and its leaders tried to hold the stick at both ends.[48] Sheikh Tantawi and the Islamic Research Center in al-Azhar condemned the attacks on the basis that while jihad was warranted by the "foreign attack against the Arab and Muslim lands", this should be an authorized jihad and not a "frivolous attacks" against innocent civilians.[49] Establishment scholars took pains to emphasize the distinction between indiscriminate murder innocent Muslims and protected non-Muslims (*dhimmi* and *musta'min*) by suicide, which is prohibited by the Qur'an[50], and jihad in Palestine, Kashmir, Chechnya and Iraq – all considered Islamic lands occupied by foreign forces.[51] A more creative tactic was to disown the attacks altogether and attribute them to the enemies of Islam. Dr. Nasr Farid Wasil, former Grand Mufti of Egypt, denounced the attacks in Riyadh and Casablanca and said that their perpetrators were corrupting Islam, and could not be considered martyrs, but murderers. But, according to Wasil, it was a conspiracy plotted by the Americans, their allies and world Zionism to legitimize al-Qa'ida and bin-Laden.[52]

---

[45] Mona el-Nahhas, "A Confusing *Fatwa,*" Al-Ahram Weekly Online, 4-10 September 2003 (Issue No. 654), http://weekly.ahram.org.eg/2003/654/eg6.htm; Al-Musawwar, September 12, 2003.

[46] Indeed, in the pro-governmental religious publication *'Aqidati* of March 9, 2003, Shaykh Nabawi al-Esh was mentioned as a member in the *Fatwa* Committee, and that was long after the affair had been publicized in the media.

[47] Ibid.

[48] On May 12, 2003, 25 people (including 8 Americans) were killed in a suicide attack in Riyadh. Four days later, 31 people were killed in a series of suicide attacks in Casablanca, the targets of which were Jewish religious and communal institutions, a hotel and a Belgian Consulate. CNN report, May 19, 2003, http://edition.cnn.com/2003/WORLD/africa/05/18/morocco.arrests/, Accessed June 26, 2005.

[49] Al-Liwa' al-Islami, May 29, 2003.

[50] Dr. Nabil Ghnaim, a *Shari'ah* lecturer in Cairo University, quotes several Qur'anic verses, which forbid indiscriminate murder, among which is a famous verse from *Surat al-Isra'* (the Night Journey): "And slay not the life which Allah hath forbidden save with right" (Chapter 17, Verse 33). Al-Liwa' al-Islami, May 29, 2003.

[51] Al-Liwa' al-Islami, May 29, 2003.

[52] Ibid.

# Saudi Arabia

## Historic Background

The Saudi case holds particular significance. It is the Saudi Islamic establishment – and not al-Azhar – which stand actively in the front of spreading the radical Wahhabi message throughout the Muslim world. The Islamic World League (*Rabitat al-'Alam al-Islami*), the World Association of Muslim Youth and the World Association of Mosques are notorious for their support of radical and terrorist organizations throughout the world and for spreading texts that indoctrinate Muslims to intolerance of non-Muslims.

Saudi Arabia was born as an alliance between two symbiotic establishments – a political and a religious. The regime provided the religious establishment with positions and funding, and enforced domination of the conservative religious and social values represented by the *'ulama* over the Saudi State. In return, the *'ulama* provide the regime with the religious legitimization needed for it to rule.[53] For most of the history of the Kingdom, these two parts of the body of the regime acted in relative harmony.

Unlike the old and respected al-Azhar establishment, the Wahhabi *'ulama* had not been there before the state. Mecca had not been a center of Islamic learning since the 9th century. The Wahhabi Islamic establishment was cultivated by the Saudi state and gradually took roots in the colleges and mosques of Mecca, particularly after the 1973-4 Oil Boom. Like in Egypt, the Saudi regime needed the clerics' support in times of turmoil: when Islamic dissidents attacked the Grand Mosque in Mecca (1979), or when it needed to legitimize the deployment of foreign Coalition troops in the first Gulf War. These events accorded the religious establishment political power. At the same time, as non-establishment Islamic forces began to express a growing assertiveness, establishment clerics began to challenge the balance of political power in the state and to demand a deeper Islamization of society and foreign policy. Like in the Egyptian case, the religious establishment does not speak in one voice, and quite often its junior clerics express more radical opinions in these crucial matters.

It is extremely difficult to separate the vested interests of the Saudi Islamic establishment from those of the royal family. Unlike the Egyptian model, both parties in Saudi Arabia are aware that they either "hang together or hang separately". Also unlike the Egyptian regime, the Saudi royal family does not purport to have a worldview which is separate from that of the *'ulama*. The Islamic establishment does not have the predisposition to become the core of a revolutionary Islamic government and it realizes that its material wellbeing is contingent on the survival of the existing regime. The royal family also knows that an Arabia without the religious legitimacy of the Wahhabi clerics will not be a **Saudi** Arabia; it would probably pass on to a theocracy (or hierocracy) of the non-establishment clerics (with some "fellow travelers" from the existing establishment). This awareness on both sides keeps the symbiosis intact.

---

[53] Joshua Teitelbaum, Holier than Thou – Saudi Arabia's Opposition, (Washington, D.C.: Washington Institute for Near East Policy, 2000), p. 10.

The relationship between the political rulers and the religious establishment in Saudi Arabia is based on the alliance of the year 1745 between Sheikh Muhammad Ibn 'Abd al-Wahhab, the founder of the Wahhabi movement, and Muhammad Ibn Sa'ud, the ancestor of the Saudi dynasty. Ibn Sa'ud became the political leader (*wali al-amr*), and Ibn Abd al-Wahhab became the supreme religious authority and spiritual leader (Grand Mufti, Supreme Judge and Official Administrator of Religious Affairs).[54] After the death of Ibn 'Abd al-Wahhab in 1792, the ruler of al-Sa'ud assumed the title of Imam. Thus, the Saudi leaders were recognized not only as Sheikhs or leaders, but also as Wahhabi Imams, political and religious figures, and their rule gained an element of religious authority.[55] After 'Abd al-'Aziz conquered the Hijaz in 1924, and become the ruler of Mecca and Madina, he assumed the title of *Khadim al-Haramayn* (the servant of the two shrines), and thus assumed an important status in the wider Muslim world.[56]

But the relations between the *'ulama* and al-Sa'ud were not based solely on this alliance. Historically, the al-Sa'ud family had close ties with the *'ulama,* especially with the Al al-Sheikh family.[57] Thus, Al al-Sheikh's reputation derived not only from their religious status but also from their position as part of the ruling elite. Traditionally, certain key positions in governmental and private sector, including the religious ministries, and the post of the Grand Mufti belongs to the al-Sheikh family. There are some other families like al-Lahidan who hold key posts in the *'ulama* establishment: Al-Sheikh Salih al-Lahidan is the chairman of the Higher Council of the *Qadi*s and a member of the Board of Senior '*ulama* (BSU); Sheikh 'Abdallah bin Muhammad al-Lahidan is in charge of Religious Affairs, Endowments and *Da'wah* in the eastern region. Today, there are less high level intermarriages between the members of the al-Sa'ud house and senior *'ulama*, since the royal family became very big, enabling intermarriages within the family itself. But it is possible that there are such intermarriages in the lower level.

As a sector, the *'ulama* and their families include an estimated 7000 to 10000 people, though only thirty to forty of them have substantial political influence. Since the establishment of the Saudi Modern state, the *'ulama* whose origin is from Najd have gradually replaced the Hijazi *'ulama* in key posts.

---

[54] Muhammad al-Atawneh, Fatwas and Ifta' in Saudi Arabia: a Study of Islamic Legal Thought, 1971-2000, Thesis submitted in partial fulfillment of the requirements for the degree of "Doctor of Philosophy", to Ben Gurion University of the Negev, (Beer-Sheva, February 2004), p. 15.

[55] http://www.mongabay.com

[56] Ibid.

[57] This family included several hundred direct male descendants of 'Abd al-Wahhab. Muhammad Ibn Sa'ud, the al-Sa'ud dynasty founder, had married a daughter of 'Abd al- Wahhab, and the subsequent intermarriage between the two families reinforced their political alliance. The mother of King Faisal, for example was the daughter of an Al al-Sheikh qadi (judge) who was a direct descendant of Ibn 'Abd al-Wahhab.

The current structure of the religious establishment was built gradually. A turning point in the *'ulama*'s position was following the development of the oil industry. This development brought about intense changes in the country, which reached its peak in the 1970s. A new administration and bureaucratic system were needed to respond to this situation, and an institutionalization process was launched, to address these needs. The regime started pouring huge sums of money to train new *'ulama*, developing a Wahhabi oriented teaching system and *da'wah* apparatus. The boost that the Saudi national wealth brought to the *'ulama* sector, turned them into a more loyal element in the Kingdom, with a vested interest in the survival of the Saudi regime. At the same time, the cultivation of Islamic scholarship in the holy cities of Mecca and Medina enabled them (and the Hijazi *'ulama*) to regain their status– lost since the 9th century – as a recognized religious center in the Muslim world.

As early as 1973, the *'ulama* had flexed their muscles by putting pressure on the regime to enforce an embargo of oil. An important milestone in the *'ulama*'s relationship with the regime was the occupation of the Mecca Mosque in 1979 by a descendant of the original *ikhwan*. This event, along with the Islamic Revolution in Iran and the open rebellion of the Shiite communities in the oil-rich eastern province of the kingdom set in motion a fundamentally changed Saudi Arabian religion-political order. It was the first time the *'ulama* were asked to support the regime in political issues. Over a decade later, the regime's turned to them for a *fatwa* to legitimize the deployment of coalition troops on Saudi soil during the first Gulf War in 1991.[58] Feeling threatened, the regime decided to re-empower and co-opt domestic critics, and promote religiosity.[59] The Establishment *'ulama* became actors within the power structure.[60] All these marked the politicization of the *'ulama*, and their transformation from a loyal challenge within the society into a more serious opposition.

The newfound status of the *'ulama* galvanized them to take more political positions. Cases in point of this process of politicization included:

- **On domestic affairs** –Sheikh bin Baz and Sheikh Muhammad al-'Uthaymeen and other establishment *'ulama* supported a petition by non-establishment *'ulama* and Islamists, calling on the regime to undertake far-reaching reforms and criticizing the dependence of the state on the West. Typically, the support was expressed through secret letters to the King, in which they supported the petition and suggested in a form of *nasiha* (advice) to convene the BSU to discuss the implementation of the reform.[61]

---

[58] Ibid. p. 55.

[59] Toby Craig Jones, "The Clerics, the Sahwa and the Saudi State," Strategic Insights, Vol. iv, Issue 3 (March 2005), an electronic journal produced by the Center for Contemporary Conflict, http://www.ccc.nps.navy.mil/si/2005/Mar/jonesMar05.pdf.

[60] Atawneh, op. cit., pp. 51-54.

[61] Muhammad Qasim Zaman, The *'Ulama* in Contemporary Islam: Custodians of Change, (New Jersey: Princeton University Press, 2002), p. 155; Teitelbaum, op. cit., p. 33; Larbi Sadiki, "Saudi Arabia: Re-reading Politics and Religion in the Wake of September 11," in: Shahram Akbarzadeh and Abdullah Saeed (eds.), Islam and Political Legitimacy, (London: Routledge Curzon, 2003), pp. 37, 88.

- **On foreign policy** The *'ulama* pressured King Faysal to impose the oil embargo on the West in 1973.[62] Later, the regime controlled Muslim World League (*Rabita*) called on Muslims to "actively participate" in the 1994 UN Conference on Population and Development and to express their objections. The BSU called the conference "an insult to Islam" and directed the Saudi government to boycott it. This caused the regime to cancel its participation.

These expressions of self-assertion by the establishment *'ulama* occasionally ignited conflicts between them and the regime. Signs of this conflict included:

- In the wake of the Gulf crisis of 1990-91. A five members committee, headed by bin Baz, was established, and its aim was to examine the functioning of the preachers (*du'at*). Following the findings of this committee, hundreds of preachers were sacked.[63]
- In January 1992 the regime dismissed (January 1992) the preacher of King Sa'ud University Mosque, because he refused to endorse the Madrid Peace Process that was supported by Saudi Arabia. Later on, the authorities arrested several preachers and Imams, who criticized the Saudi support for direct negotiations between Israel and the Arabs.[64]
- In July 1992 the BSU was asked by King Fahd to condemn a memorandum of grievances that condemned the monopoly on religion granted to the establishment *'ulama*. The BSU responded in September 1992 in a statement signed by Sheikh bin Baz and other BSU members, but it seems that some of the BSU members shared many concerns with the radical fundamentalist *'ulama*. The Saudis denied reports on disagreements with the senior *'ulama*, but in November 1992, the King nominated ten new *'ulama* to the BSU, and later removed seven others.[65] In recent years, and particularly after 9/11, the religious establishment is usually obeying the rulers and adopting their policy.

Since the early 90's, there seems to be more of a sense of harmony between the regime and its religious establishment. One explanation is that these conflicts derived from the still fresh trauma of the Iraqi invasion and the sense that the Kingdom was in danger. As this sense declined, the regime retired to its old formula of appeasement of the 'ulama, backing down whenever a possible conflict loomed. The absence of conflict therefore does not indicate accommodation of the 'ulama to the interests of the regime, but rather vice versa; the regime has resigned itself to the predominance of the 'ulama in domestic and major foreign matters.

---

[62] Nawaf Obeid, "The power of Saudi Arabia's Islamic Leaders," Middle East Quarterly, Vol. vi, No. 2, pp. 53-54.

[63] Minbar al-Tawheed wal-Jihad http://www.tawhed.ws/r?i=1377&PHPSESSID=7b78e15030b4c75c0764cb3da41e560e.

[64] Teitelbaum, op.cit. pp.37-37.

[65] Ibid. pp. 38-40.

## The Saudi-Arabian Islamic Establishment

As a sector, the *'ulama* and their families include an estimated 7000 to 10000 people, though only thirty to forty of them have substantial political influence. Since the establishment of the Saudi Modern state, the *'ulama* whose origin is from Najd have gradually replaced the Hijazi *'ulama* in key posts.

During the early history of Saudi Arabia as a state, the regime allowed the *'ulama* wide scope of activity for expanding their autonomy and authority, and did not attempt to place them under a rigid governmental structure.[66] In the 1980s, and particularly following the first Gulf War, with the rise of the *Sahwa 'ulama*, the regime made efforts towards centralization, with the corollary of enhanced co-optation. The first step was to introduce institutions, which gave the impression that the regime was willing to allow the *'ulama* a more active role in the decision making process. This was done, inter alia, by the establishment of the *Shura* Council in 1990; personal changes in the BSU; the nomination of a Grand Mufti; structural changes in religious ministries and the establishment of two new bodies: The Supreme Council of Islamic Affairs (*al-Majlis al-A'la lil-Shu'un al-Islamiyya*) in October 1994, and the Council for Islamic Mission and Guidance (*al-Majlis lil-Da'wah wal-Irsha*d).[67]

Presently, the senior religious establishment in Saudi Arabia is comprised as follows:

- **The Board of Senior *'Ulama*** (BSU)- *Hay'at Kibar al-'Ulama*, which issues *fatwa*s on major public issues. The BSU was established in 1971 and was headed by the Grand Mufti, stands at the top of the Saudi religious pyramid, providing the ultimate decrees on *Shari'ah*.[68]
- **The Permanent Committee for Scientific Research and Legal Opinion** (CRLO) – *al-Lajna al-Da'ima lil-Buhuth al-Ilmiyya wal-Ifta'*, which is responsible for conducting research, administering private *ifta'*, and providing bureaucratic support for the BSU;[69]
- **The office of the Grand Mufti**, who is the chairman of both the BSU and the CRLO;
- **The Supreme Council of Islamic Affairs** (*al-Majlis al-A'la lil-Shu'un al-Islamiyya*) and **The Council for Islamic Mission and Guidance** (*al-Majlis lil-Da'wah wal-Irshad*), both created in October 1994. The defense minister and the minister for Islamic affairs, religious guidance, and endowments were respectively nominated as the heads of these two councils. They became responsible on guidance over Saudis abroad, moral behavior and proper conduct of mosque functionaries, and mosque activity at home. This was an attempt to regulate the mosques and thus, bypass the *'ulama* authority.[70]

---

[66] Zaman, op. cit., pp. 153-154.

[67] Teitelbaum, op. cit., p. 99.

[68] Atawneh, op. cit., p. 30.

[69] Ibid. p.3

[70] Al-Hayat, October 5, 1994, Sharq al-Awsat October 9, 1994, from Teitelbaum's chapter in MECS 1994.

The dozens of *'ulama* who are members of these agencies are the most influential figures of the religious sector. Besides them, there are thousands of less senior *'ulama*, who hold various posts in various governmental agencies. They are active in:

- **The Ministry of Islamic Affairs**, Endowments, [Religious] Instruction, and Preaching, that deals also with both *da'wah* and *irshad* - propagating Islam, and [religious] guidance;[71]
- **The Committee of Commanding Right and Forbidding Wrong** – *Hay'at al-Amr bil Ma'ruf wal-Nahi 'an al-Munkar* (known also as *mutawwi'ah)*, which enforces Wahhabi *fatwa*s and punish those who do not fulfill their religious obligations.[72]
- **The Moslem World League** – a government body for spreading Wahhabi doctrines among Muslims in the world.
- **The Higher Council of *Qadi*s**;
- **The Muftis of the Grand Mosques** in Mecca and Madina;
- **The *Shar'i* (religious) Courts** (judges, lawyers);
- **Imams and *Khatibs*** in the Mosques;
- **The Islamic Universities.** Officially they are subordinated to the Education Ministry and have to follow the Grand Mufti's instructions. However, *'ulama* who are members in the education board might have influence on the curricula;
- **The Education Ministry**. In this case as well, local schoolmasters and teachers might have unofficial influence ability.

The field of education is one of the main fields where the Wahhabi ideology of the Islamic establishment is felt. 30-40% of the curriculum focuses on religious ruling.[73] Over 70 % of the curriculum in the four "secular" universities, involves religious studies and Arab and Islamic history. Thus, religious studies hold a central place even in educational programs for science, geography and the like.[74] In this field there is a process of radicalization, mainly in the attitude towards non-Muslims. Saudi Prince Khaled al-Faysal, the Governor of 'Asir region, admitted in an interview in *Al-Arabiya TV* on July 14, 2004, that ideological extremism controls Saudi Arabia's educational system.[75] Leitmotifs of the Saudi curriculum include: negative portrayals of Christians and Jews, and intolerance to non-Wahhabis;[76] support for jihad; against the enemies of Islam; the necessity of military self-sufficiency for this jihad;[77] takfir of Shiites;[78] denouncement of democracy, because it arrogates law-making to man instead of to Allah; and because it maintains that "government and religion should be separate."[79]

---

[71] Ibid. pp. 35-36.

[72] Ibid. p. 17.

[73] "The Muslim World after 9/11," RAND project AIR FORCE, http://www.rand.org/pubs/monographs/2004/RAND_MG246.pdf.

[74] Mordechai Abir, "Saudi Arabia, Stability, and International Islamic Terror," Jerusalem Letter/Viewpoints, July 1, 2002, No. 481, Jerusalem Center for Public Affairs, http://www.jcpa.org/jl/vp481.htm.

[75] Ibid; http://memritv.org/Search.asp?ACT=S9&P1=153.

[76] "The Muslim World After 9/11," RAND project AIR FORCE, http://www.rand.org/pubs/monographs/2004/RAND_MG246.pdf.

[77] Saudi Publications on Hate Ideology Invade American Mosques, (Washington: Center for Religious Freedom, Freedom House, 2005), p. 15, www.freedmhouse.org/religion.

[78] Isaac Hason, New-Wahhabism.... (unpublished paper).

Following external pressure to change its hostility toward the West and the jihadi curricula in the educational system, Saudi Arabia launched an educational reform in 2003, which included more centralization. However, within the Saudi religious establishment, there is opposition to this reform. The regime finds it difficult to dismiss t *'ulama*, but it tries to purge some of them and to reduce the influence of the religious establishment on political, social and educational issues. And indeed, following 9/11 the government dismissed about 2000 preachers, in order to reduce their influence in education.[80] This however did not alter the basic picture.

Moderate establishment *'ulama* are few and far between. In a rare and unprecedented statement in Saudi Arabia that was made by Dr. Muhammad bin Suleiman Al-Mani'i during a talk show on Saudi *TV-1*, on June 20th, 2004, he stated that "Islamic law prohibits from raising a weapon against any lover of peace - *dhimmi* (protected person), Jewish or Christian, a merchant, or anyone who enters (the country) on a work contract. Islamic law permits raising a weapon only against whomever aims a weapon at the Muslim in order to fight him." He went on to explain that if non-Muslims were treated well by Muslims, they would eventually convert to Islam.[81] Another cleric - Saudi Sheikh Saleh al-Sidlan stated in his weekly religious ruling show on Saudi *TV-1* that the terrorists distorted the religion of Islam by killing both infidels and the Muslims who were near them. He blasted those responsible for the terror attacks in Saudi Arabia in mid-2004.[82] Another unusually moderate reference was that of Sheikh 'Abd al-Muhsin al-Ubaikan, a member of the *Shura* Council, who stated in a meeting with young Saudis that he is against the call to join the jihad in Iraq, because it might cause *futun* (sing. *fitna* – strife, civil war) and it deviated from the basic condition of jihad, i.e. it was a decision had to be made by the ruler (*wali al-amr*) himself.[83]

### The non-Establishment *'Ulama*

The non-establishment *'ulama* can be categorized geographically, ideologically or sociologically. Geographically, since the 1990s, Hijazi "neo-Salafi" groups, which were oriented to strict interpretation of the *shari'ah*, began to chafe at the Najdi predominance and to reject the rulings of the Najdi *'ulama*. Today the Hijazi *'ulama* do represent a large proportion of the radical Sheikhs. However, the list of the "wanted" *'ulama* consists of *'ulama* from diverse regional and tribal origins and from rich and poor families. This indicates that the geographical categorization is losing its relevance as "globalization of the jihad" prevails. On the ideological level three main trends of non-establishment *'ulama* can be cited:

---

[79] Atawneh, op.cit. p.43.

[80] Majalat al-'Asr, June 4, 2003, www.alasr.ws/index.cfm?method=home.con&contentID=4123.

[81] www.fatwaonline.com

[82] Saudi TV channel 1, June 23, 2004, http://memritv.org/Search.asp?ACT=S9&P1=131.

[83] Al-Watan, June 16, 2005, www.alwatan.com.sa.

- ***Al-Sahwa al-Islamiyya,* or "Islamic Awakening Sheikhs".** The *Sahwa 'ulama* emerged in the 1980's. They did not occupy official positions of power, however, they benefited from the regime's policy of supporting the religious institutions during that period and strengthened their own positions. During the first Gulf War (1990-1991) they criticized the regime for inviting foreign troops to defend the Kingdom. Of particular interest among this group of *'ulama* - are two of the *Sahwa*'s most prominent and remarkable members, Salman al-'Awdah and Safar al-Hawali, both of whom are considered hardliners supporters of al-Qa'ida.[84] They were jailed in September 1994, together with 1300 of their supporters and spent two years in prison. Sheikh 'Abd al-'Aziz bin Baz, the charismatic Saudi Grand Mufti at the time, issued a *fatwa* that justified their arrest, but many of the *'ulama* were hesitant to denounce the *Sahwa,* probably because they identified with their preaching.
- **The Wasatiyun** – A group of modernist Islamic intellectuals who sometimes refer to themselves as tanwiriyyun (enlighteners, islahiyun (reformers)) or 'aqlaniyun (rationalists). These include former Sahwa Sheikhs such as 'Abd al-Aziz al-Qasim[85], Abdallah al-Hamid[86], Hasan al-Maliki[87] and others. The common denominator between them is their call for a rationalist review of Wahhabi doctrines.[88]
- **The *Takfiri 'Ulama*** – militant, jihadi-centric *'ulama,* that declared *takfir* (calling a Muslim an apostate) against the regime and its supporters. The *takfiri* Sheikhs included Sheikh Shu'aybi, Nasr al-Fahd, 'Ali al-Khudayr, and Ahmad al-Khalidi. The latter three were arrested in 2003. Members and supporters of this group have carried out the terrorist attacks in residential compounds in Saudi Arabia, in recent years. As a result of a military campaign against them, most of them were killed in clashes with the Saudi security forces, and the rest were declared "Wanted" by the regime.
- **Popular preachers –** Along with the above ideological trends, there exists a large group of popular preachers that can be called "street *'ulama*". The growth of the Islamic schools produced a large number of graduates, but relatively small number found suitable jobs in the Saudi establishment. Many others became frustrated because they did not, thus utilizing their limited religious knowledge to gain public and political status, especially among the embittered population. As their platform

---

[84] Jones, op. cit.

[85] Sheikh 'Abd al-'Aziz al-Qasim was one of the 52 *'ulama* who presented the 1991 "letter of demands" to King Fahd and was prominent in the oppositionist Committee for the Defense of legal Rights (CDLR). He was arrested and freed in 1997. Since then he has become an advocate of *ijtihad,* democratization and Saudi nationalism. On the other hand, his liberal thought does not extend to women's rights and he considers jihad to be a fundamental pillar of Islam and not the sole prerogative of the ruler.

[86] A former *Sahwa* Sheikh from Bureida. Al-Hamid also proposed a return to *ijtihad* and "innovative *salafiyya*", claiming that the true "*salafiyya*" was imaginative and innovative and was able to bridge the gap between the text and the real world.

[87] A former Salafi from near the Yemeni border (where Bin Laden also came from), al-Maliki is a critic of Saudi historiography and educational curriculum and was dismissed from his government post for his iconoclastic views.

[88] See Stephane Lacroix, Between Islamist and Liberals: Saudi Arabia's New "Islamo-Liberal" Reformists, MEJ, vol. 58, No. 3, (Summer 2004), pp. 345–365.

is the street, they do succeed in gaining popularity, or at least to plant oppositionist ideas in the areas where they are active.

## The Struggle for Islamic Primacy in Saudi Arabia

During the 1980s, and especially since the beginning of the 1990s, the status of the establishment *'ulama* has steadily declined. Sheikh bin Baz had enjoyed the respect of the Saudi King and of the rank and file of the *'ulama* (including the more radical *'ulama*). Thus he lent his own credibility to that of the *ifta'* institution which he headed.[89]

Following His death in 1999 and after the death of his successor 'Uthaymeen, the religious establishment lost part of its weight and credibility.[90] At the same time, its support of the regime's controversial policies (form an Islamic point of view) weakened their status in the eyes of the populace and presented them as "collaborators" of the regime. At the same time, they encountered formidable competition in the form of the non-establishment *'ulama*, particularly the *Sahwa 'ulama*, who come from the same social and cultural milieu of their establishment colleagues, absorbed their concepts from the same sources[91] and ultimately see eye-to-eye on many areas, such as their hostility toward Western values.

The erosion in the establishment *'ulama*'s position and influence in Saudi Arabia in the last decade has been accelerated by the employment of modern media by the non-establishment *'ulama*, in particular the *Sahwa* and the ultra radical *'ulama*. This includes the internet, radio and television, the written newspapers and magazines, and audio and video cassettes and CD's. Like in Egypt however, the real challenge to the establishment is not in pluralism of preaching, but in the "privatization" of the *fatwa* institution, which had been exclusively in the hands of the establishment *'ulama*. The growing number of the *'ulama* and the fact that not all of them were able to find a proper job, made the unemployed *'ulama* more frustrated and more critical of the regime. They found modern media, and particularly the internet, a very convenient tool to express their views and garner influence. The establishment lost its ability to control the number and the contents of the speeches and the *fatwa*s given by the *'ulama*.

The growing public demands of large sectors in the Saudi society for more participation motivated it over the last four years to take minor steps towards liberalization.[92] In this framework, the regime allowed the *Sahwa 'ulama* more freedom of speech in order to articulate their grievances towards the regime, and at the same time to commit them to acting within the boundaries of what the regime permits.[93] From the *Sahwa* point of view, it is also *their* interest that the Kingdom will survive, that the radicals will be weakened, not to mention the fact that the regime rewards them for their support by giving them publicity and influence through the Saudi official media. Paradoxically, the regime's policy led to the decline in the status of the establishment *'ulama*, while at the same time upgrading that of their rivals – the non-establishment *'ulama.* The post-*Sahwa* clerics, building on the credibility and legitimacy they gathered in the 1990s as critics of the regime, have in the eyes of many Saudis supplanted the official religious establishment with regard to religious authority.

---

[89] Atawneh, op. cit., p. 78.

[90] An interview with Joshua Teitelbaum, May 19, 2005.

[91] Thus for example, Safar al-Hawali was a lecturer and later the head of the religious department in the Islamic University in Madina; Salman al-'Awda learned natural sciences and law, and later became a lecturer for religious studies in Imam Muhammad University in Bureida. He has a brother in the security forces.

[92] Examples of these steps are the "National Dialogue", an initiative established in 2003 by then Crown Prince 'Abdallah, aiming to achieve consensus on political, religious and economic reforms through dialogue with the participation of all the sectors of the society.

While the establishment *'ulama* accept the *Sahwa 'ulama* as genuine scholars with whom they disagree on the nature of the Saudi state, both the *Wasatiyyun* and the *Takfiri* streams are de-legitimized in harsh terms. The former have been declared by *Sahwa* Sheikhs slanderers of the forefathers (the "*salaf*") and defenders of the school of *irja'*[94] and of the Shi'ah. The latter though are perceived as a considerably more imminent threat. In the wake of the Riyadh attacks in May 2003, Sheikh Salih al-Fawzan likened them to three religiously reprehensible categories from Islamic history:

- The *Khawarij*, who justified violence against other Muslims, and were behind the murders of early Caliphs.

- The *Munafiqun* (hypocrites), referring to those who "lurk in the midst" and want the evil of Islam. This is the term applied to those who pretended to join the early Muslims and betrayed them; their punishment is the lowest level of Hell. The justification of applying this term to the *Takfiris* is that they forged the will of God in claiming that the terrorist attacks were carried out on the basis of the teachings of Ibn Taymiyyah and Ibn 'Abd al-Wahhab, and that they ignore the duty of "doing good and forbidding evil"(*al-amr bil-ma'ruf wa-al-nahi 'an al-munkar*), and "jihad for the sake of Allah", which is the "summit" of Islam.

---

[93] Thus, for example, Salman al-'Awda was allowed to freely express his views in the newspaper *al-Jazeera*. This contributed to the erosion in the establishment *'ulama*'s position. This tactic succeeded in moderating the *Sahwa 'ulama*, who came out since 9/11 in defense of the Kingdom, and clearly condemned the al-Qa'ida attacks in Riyadh (May 2003 and December 2004). Safar al-Hawali played a major role in the regime's efforts to combat the radicals. Following Crown Prince 'Abdallah's call for amnesty to al-Qa'ida members, he mediated between the regime and wanted al-Qa'ida members an in mid 2004, one out of the 26 members in the most wanted list of dissidents handed himself over at al-Hawali's Jedda home. http://www.aljazeera.net , July 22, 2004. Following his steps, several dozens of top hard-line pro-militant *'ulama* met with Prince 'Abdallah and agreed to denounce openly terrorist activities in Saudi Arabia. Al-Hawali also rejected a call of Sa'ad al-Faqih (The head of the anti-regime London based "Movement for Islamic Reform") for demonstrations in Saudi Arabia, saying reforms in Saudi Arabia are required, but should be according to the Islamic *Shari'ah*. http://www.arabicnews.com, December 14, 2004.

[94] A school of Islam that can be described as "anti-*Takfir*" since it claimed that punishment in the Hereafter is not permanent (i.e. sins are purged) and therefore in this world a Muslim should withhold judgment and condemnation and refrain from political involvement. This school was, in essence a reaction to the *Khawarij* who saw Jihad as the prime pillar of Islam and used *takfir* against their adversaries.

- Those who flee from the Muslim lands and seek the protection of the *Mushrikun* (polytheists) in their lands, – an allusion to the Shiekhs Mas'aree and Sa'ad al-Faqeeh.[95]

The co-opting of the *Sahwa 'ulama* however remained restricted to the domestic sphere. The regime did not attempt to compel them to change their positions regarding the question of jihad in general and jihad acts in Palestine and Iraq in particular. Safar al-Hawali justified the attacks of 9/11 as a response to Clinton's missile aggression against Al-Qa'eda following the bombing of the American Embassy in Kenya and Tanzania (in 1998).[96] The *Sahwa 'ulama* still differ with the regime on the issue of Jihad in Iraq: on the eve of the war in Iraq, al-'Awdah, al-Hawali and others, called for jihad against the US and its allies, lambasted the regime for offering assistance and military aid to the allies in their war against Iraq, and accused them of heresy and apostasy (*riddah*).[97] Later, in November 2004, on the eve of the siege on the Iraqi city of Falluja, al-'Awda and al-Hawali were among 26 Saudi *'ulama* who signed an "open letter" to the Iraqi people", calling them to join a defensive jihad against the military occupation of the US.[98] Safar al-Hawali, Salman al-'Awda and 'A'idh al-Qarni were among 26 *'ulama* who posted (November 6, 2004) on the internet an open letter to the Iraqi people stressing that armed attacks launched by Iraqi groups on US troops and their allies in Iraq were legitimate resistance, and issued a *fatwa* prohibiting Iraqis from offering any support for military operations carried out by US forces against anti-US fighting strongholds.[99] In February 2005, on the eve of an international conference on counter-terrorism hosted in Saudi Arabia, al-Qarni was preaching hatred towards Jews and Christians: "The Jews and Christians are Allah's enemies"; "The terrorists are these Jews and Christians"; "We ask Allah to strengthen … the jihad fighters in Iraq … against their enemies the Jews and the Christians."[100]

Three main issues can be identified that shed light on the positioning of the Saudi establishment *'ulama* regarding anti-Western and jihadi tendencies. These include:

- **The reaction to 9/11** – After the attacks of 9/11, the regime put pressure on the establishment *'ulama* to temper provocative and anti-Western rhetoric, and to present Islam as a moderate religion.[101] The senior *'ulama* found themselves in a quandary; acquiescence to the demands of the regime would only exacerbate the decline in their status vis-à-vis the non-establishment *'ulama*, while at the same time they were well aware that their interests as an establishment were irrevocably tied with those of the Saudi state – and these latter required the preservation of good relations with the United States. Consequently, immediately after the attacks, senior Saudi *'ulama* echoed the regime's condemnations and published statements denying any Islamic justification for the attacks.[102] It seems that on this issue, the religious establishment adopted the political establishment's line since it understood that Saudi Arabia's position as a state, and of the Muslims as a whole, might be compromised if they do not unequivocally condemn terrorist attacks that were carried out by Muslims, most of whom could be linked to the Kingdom both ideologically (as Wahhabis) and nationally (as Saudis).

---

[95] Salafipublications.com/sps/downloads/pdf/CAF020017.pdf.

[96] http://memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP33302.

[97] Yoni Fighel and Moshe Marzouk, "Saudi Cleric Issues Fatwah on the Use of Weapons of Mass Destruction," July 5, 2003, www.ict.org.il/articles/articledet.cfm?articleid=491.

[98] Jones, op. cit.

[99] http://www.aljazeera.net, November 6, 2004.

[100] MEMRI Special Dispatch Series, No. 859, February 8, 2005, http://memri.org/bin/articles.cgi?Page=subjects&Area=Jihad&ID=SP85905, Accessed July 6, 2005.

[101] Gregory Gause, "Be Careful What You Wish For: The Future of US-Saudi Relations," World Policy Journal, (Spring 2002), pp. 44-45, http://www.worldpolicy.org/journal/articles/wpj02-1/Gause.pdf.

- **The Terrorist Attacks in Saudi Arabia** – Following the terrorist attacks in Saudi Arabia in recent years, the establishment *'ulama* were again mobilized to defend the regime, and condemned the attacks and their perpetrators. Their statements and *fatwas* determined that these acts were in contradiction with shari'ah since they: damage the interests of the Islamic nation; are directed against "protected" non-Muslims (*dhimmis* – non-Muslims living in a Muslim country and *musta'min* – those who enter the country with assurances of safety). Thus, Sheikh Salih al-Fawzan defined (May 2003) the perpetrators of the terrorist attacks as *Khawarij*[103] and Sheikh 'Abd al-Rahman al-Sudais, the Imam of the Grand Mosque in Mecca, called for the perpetrators to be nipped in the bud. In order to preserve the nation against trials and strife (*fitna*)."[104]
- **Jihad Against the US and Israel** – In the beginning of the war in Iraq, the establishment *'ulama* were cautious: in a *fatwa* from March 22, 2003, Sheikh Sulayman al-Ruhaylee called upon the Muslims to ask Allah to protect them and to ward off the evil from them, and added, "It is not permissible to aid the Kuffar [infidels] in this matter..." He also advised to consult the *'ulama* and obey them.[105] The BSU published on March 28, 2003, a clarification regarding the incidents in Iraq, the message of which was to lean on Allah, to stop the war, and refrain from division and gather around the leaders.[106] These statements were seemingly a

---

[102] These declarations included: a statement by the Chief Justice of the Supreme Judiciary Council and member of the Council of Senior Scholars, Sheikh Saalih al-Lehaydaan, (September 14, 2001) that the attacks were "unjustified evils". www.csis.org. Apparently this condemnation was found by the regime unsatisfactory and on the 18th September he On September 18th he stated that "Islam forbids such attacks and aggression upon the innocent" www.fatwaonline.com The Mufti of Saudi Arabia and the head of the Council of Senior Scholars and the Permanent Committee for Islamic Research and Fatawa, said on September 15th and on September 17th that the attacks "constitute a form of injustice that is not tolerated by Islam," and called on scholars of the Muslim nation to spread the true nature of Islam. www.csis.org Sheikh Muhammad bin 'Abdallah al-Sabil, member of the Saudi Council of Senior *'Ulama* and Imam at the Grand Mosque in Mecca, also decried the suicide attacks, saying Muslims must safeguard the lives, honor, and property of Christians and Jews, and that attacking them contradicts the *Shari'ah*. Haim Malka, "Must Innocents Die? The Islamic Debate over Suicide Attacks," Middle East Quarterly, (Spring 2005), Vol. XII: No.2. Sheikh Ibn 'Uthaymeen stated (September 14, 2001) that the suicide attacks against the WTC were *haram*, and regarded their perpetrators as people who had killed themselves (committed suicide), and therefore deserve punishment in Hell. 'Uthaymeen's explanation to his opinion was that the action would not benefit Islam since it would make the enemy more determined, and lead to retaliation like the case with Israel and the Palestinians. http://www.meforum.org/meq/issues www.salafipublications.com.

[103] An allusion to the early Islamic sect that declared jihad against other Muslims and precipitated civil war between them. Salafipublications.com/sps/downloads/pdf/CAF020017.pdf.

[104] www.fatwaonline.com.

[105] www.fatwaonline.com .

[106] www.fatwaonline.com .

response to the calls noted above by the *Sahwa 'ulama* for jihad against the US. Another call for an immediate halt to the war on Iraq was made on March 28, 2003, by Dr. Salih Ibn 'Abdallah Humaid, the imam of the Mecca Mosque and the Chairman of the *Shura* Council, who also warned that the continuation of the war would affect Saudi-US relations.[107] On April 10, Humaid lambasted the US and its allies in Iraq, claiming that while they claimed to be advocates of reform and freedom, they were in fact the forces of destruction and devastation. The Saudi establishment *'ulama* differentiated between jihad inside Saudi Arabia and jihad against non-Muslims outside the state. While they condemned the terrorist attacks inside Saudi Arabia, they continued to call for jihad against "Jews and Crusaders" outside of the Kingdom.[108]

## Exporting Hatred Toward Non-Muslims

Saudi establishment *'ulama* continue to stand behind the export of hatred towards non-Muslims. Books distributed by the Saudi establishment among Muslims in the West justify hostility towards non-Muslims.[109] According to Saudi publications disseminated in the US, Muslims in *Dar al-Harb* should see themselves as if they were in "a mission behind the enemy's lines", in order to acquire new knowledge, to make money that later will be used in jihad against the infidels, or that to proselytize the infidels and convert them to Islam.[110] At the same time, Saudis block American and Western cultural influence in Saudi Arabia: Sheikh Ibrahim al-Khudayri, a cleric and judge in Riyadh, ruled that Muslims were religiously forbidden to watch the *Al-Hurra* station, participate in it or support it. While his *fatwa* was not endorsed by the Commission of Senior Clerics, but two other clerics slammed *Al-Hurra*, and prohibited Muslims from working in the station from watching it or supporting it financially by advertising in it.[111]

---

[107] www.fatwaonline.com

[108] The Saudi preacher Sheikh Sa'id al-Qahtani stated on a March 17th broadcast on Iqraa TV that there is no choice besides defense, self-sacrifice, and defensive jihad. "We attacked their country, and this caused them to wake the dormant enmity in their hearts... Especially since there is global Zionism, the enemy of Islam, and Judaism, and fundamentalist Crusaders... They interpret this whole incident as only the beginning and thus there is no choice but a preemptive strike." Sheikh Ahmad bin 'Abd al-Latif, professor at Um Al-Qura University on May 24, 2004, that since the Jews and Christians were oppressors, cursing the oppressing Jews and plundering Christians and the prayer that Allah would annihilate them was permitted. Sheikh Muhammad al-Munajid, a disciple of bin Baz, stated on April 15, 2003, that defeating the infidels required the mobilization of the nation, and that the stupid acts of the Jews and Crusaders mobilized the nation. On May 10th, 2003, Dr. Yassin al-Khatib, a professor of Islamic Law at Um Al-Qura University, declared that Jihad has become an individual duty that applied to each and every Muslim. He also stated, "As the Soviets were destroyed in Afghanistan, so will this [the US] collapse." Steven Stalinski, "Incitement to Jihad on Saudi Government-Controlled TV," MEMRI Special Report, No. 29, June 24, 2004, http://memri.org/bin/articles.cgi?Page=archives&Area=sr&ID=SR2904.

[109] For example: never to greet a Christian or a Jew first; never to congratulate the infidel on his holiday; never to befriend an infidel unless it is to convert him; maintaining a "wall of resentment" between Muslims and non-Muslims in order to enable jihad. Many of the texts that were found in mosques in the US stress that jihad's purpose is converting infidels to Islam, etc.. Saudi Publications on Hate Ideology Invade American Mosques, (Washington: Center for Religious Freedom, Freedom House, 2005), pp. 11, 83.

[110] Ibid. p. 13.

[111] Jordan Times, March 7, 2004, www.aljazeera.info; http://www.greatestgeneration.com/archieves/001722.php.

# Jordan

## Historic Background

Politicization of Islam is not new to Jordan. Since the foundation of the Emirate of Transjordan by 'Abdallah, Islam has served as one of the building blocks of regime legitimacy and of nation-building. The genealogy of the Hashemite family as scions of the Prophet's tribe was an important source of legitimacy for its rule in Syria, Iraq and Jordan, as it had been in the Hijaz. The ideology of the "Great Arab Revolt" was no less Islamic than it was Arab, and the control of Jerusalem after 1948 was interpreted by the regime as an Islamic responsibility and not only an Arab one. King 'Abdallah and his grandson Hussein, took care to present themselves as believing Muslims, appearing at rituals and prayers, performing the pilgrimage to Mecca and embellishing their speeches with Islamic motifs.

The status of Islam in the Kingdom was also formalized in the Jordanian constitution (1952) by stipulating that Islam is the religion of the kingdom and that the king must be a Muslim and of Muslim parents. The *Shari'ah* is defined in the constitution as **one of the pillars of legislation** in the kingdom, while family law is in the exclusive hands of the *Shari'ah* courts. (However, in contrast to other Muslim countries where Islam plays a pivotal role, the Jordanian regime steered a middle course. It never declared the *Shari'ah* as the sole source of legislation nor did it ever consider the implementation of the *hudud* as in Saudi Arabia, Pakistan and Sudan. The constitution also guaranteed the civil rights and equality before the law of non-Muslims.)

Political Islam has been an integral facet of the Jordanian regime and has traditionally played a prominent role as a social and political force with widespread influence in the mosques and schools. The earliest and strongest representative of the Islamist trend in Jordan is the Muslim Brotherhood, which made its debut in Transjordan and Palestine in the late 1940s and remained one of the most tenacious and deep-rooted political and social forces on both banks of the Jordan ever since. As of the 1950s, the regime cultivated the movement and allowed it a wide range of religious, political and economic freedom in striking contrast to the ban on other political parties. The *raison d'être* behind this policy was the need to provide a counterweight to the clandestine political parties which denied the very legitimacy of the "Jordanian Entity": the Communist Party, various Nasserist groups, the pro-Syrian and pro-Iraqi Ba'th parties, and later on, the Palestinian *fida'i* organizations. At the same time, during the 1950s and 1960s, the Muslim Brotherhood was vehemently anti-Egyptian. Giving the exiled Egyptian (and later Syrian) Brothers political asylum and a base for action in Jordan (fully integrated into and supported by the Jordanian Brotherhood) was Jordan's response, albeit low profile, to incessant Egyptian subversion against the Hashemite regime. Under the protection of the regime, the Jordanian Muslim Brothers succeeded not only in developing their local infrastructure, but also in forging ties with their less fortunate counterparts in Egypt, Syria and as far as Pakistan and Afghanistan. Being one of the few branches of the Brotherhood, which was not suppressed, enhanced the relative importance of the Jordanian group.[112]

## The Jordanian Islamic Establishment

The King's predominance over the religious establishment derives also from the fact that it was created by the regime itself, following the establishment of the Kingdom by the founder, King 'Abdallah. Apart from the various apparatuses of the religious establishment, first and foremost the Ministry of Endowments, and the guardianship of the Holy places, the King established within the Kingdom – the *Ahl al-Bayt* Institution, headed by a prince, nowadays it is Hamza bin Hussein. In September 2000, Khamzah established a board of trustees to this institution, headed by Prince Ghazi bin Muhammad, the King's consultant for tribes affairs, and with the participation of the heads of the religious institutions and leading *'Ulama*. The letter of appointment for the board, that was published by Prince Hamzah on October 12, 2000, dedicated the *Ahl al-Bayt* Institution "to serve as a platform for free culture, educational and social thinking…a catalyst for guidance in life coping with modern age developments and requirements of civilization". It was also designed "to safeguard the roots and principles of Islam in its original character, providing enlightenment and the right answers to the queries of the new generation". The letter authorized the *Ahl al-Bayt 'Ulama* to issue *fatwa*s about events[113].

This Institution is a philosophic and spiritual in its nature, and it provides guidelines to the religious establishment in Islamic issues and their application. The Institution organized the international Islamic conference - Amman Conference in early July 2005 (see below).

In general, the Jordanian religious establishment serves the regime in a number of ways:

- Consolidating the Islamic legitimacy of the regime. The Minister of Endowments, one of the pillars of the religious establishment, stated lately that the King is acting on the basis of a religious, historical and legal heritage;[114]
- Cultivating the loyalty to the Kingdom, through mosques, teaching, *'ulama* training and religious ruling;
- Giving a religious and moral backing to the regime's policy, in both the domestic and external issues.

Besides using the religious establishment, the regime spends efforts to consolidate *its own* legitimacy by various actions like taking the responsibility of guarding the Islamic holy places in Jerusalem and allocating resources for this purpose; participation of the King and the ruling elite in religious sermons in mosques, while giving a wide media coverage to it; the King's sponsorship of domestic, Arab and international Islamic conferences that protect Islam, and spread the peaceful, moderate and humane nature of Islam, while rejecting the "offensive on Islam".

---

[112] Shmuel Bar, The Muslim Brotherhood in Jordan, Data and Analysis, Dayan Center, June 1998, pp. 5-6.

[113] www.kingabdullah.jo/homepage.php.

[114] Jordanian News Agency, April 3, 2005.

Following 9/11, the religious establishment became even more important for the regime, and started being activated by him more often. It was asked to handle, under the sponsorship of the King himself, the growing radicalization in the Jordanian street, in the society and in the opposition, against the West, and particularly the US – a radicalization that threatened to harm the strategic relations with the West.

The Islamic establishment stands between the Devil and the deep blue sea: on one hand, it is required to articulate total loyalty to the Kingdom, and to give its total support for it, against its opponents. In this regard, it leans on Islamic sources in disproving the radicals' claims, which, on their part, use also Islamic sources and religious rulings, including from the modern period. Moreover, it is required to demonstrate solidarity with the harsh measures taken by the regime against the radicals, who crossed the "red lines" drawn by the regime.

Since King Abdallah 2nd came to the throne, the religious establishment has demonstrated its full loyalty to the regime, particularly in the second half of 2004 and early 2005, when the regime took steps against the Muslim Brothers. On the other hand, the religious establishment shares similar concepts of the Islamic opposition camp, since both draw their worldview from the same religious sources, grew in the same Islamic teaching system, and they both believe in further deepening of Islamic values in society. There are even cases when the establishment *'ulama* crossed the lines and joined the opposition camp, while others from the opposition, became part of the leading establishment *'ulama*.

### _The non-Establishment 'Ulama

In Jordan, there is an Islamic opposition, which consists of two main streams:

- A relatively moderate wide opposition headed by the Muslim Brothers, and its political branch – the Islamic Action Front – which lives in coexistence with the regime and enjoys relative freedom.
- An ultra radical (though limited in the number of its members) Islamic stream, whose ideology is based on the radical *Salafi* concepts of Sayyid Kutb and other later-generation Islamic philosophers like Abdallah Azam, Abu Katada, al-Maqdasi and others. This stream regards the society and the regime as infidels (*kuffar*) and therefore preaches for jihad, including against Muslims, as a tool to achieve its goals. This stream constitutes a fertile ground for the rise of terrorist organizations, which intend to use violence against the Islamic establishment. These organizations are operationally being led from the outside, and in particular by the organization of Abu Mus'ab al-Zarqawi, which is active in Iraq. Each of these streams has religious institutions and leaders which give legitimization to their actions, including through *fatwas*.

The common denominator of these two streams is the desire to establish an Islamic state based upon the *Shari'ah*. Therefore, the ideological and religious clash between these two streams and the Islamic establishment is inevitable. This is manifested mainly in the contradictory views regarding the Hashemite State. According to the Islamic establishment, the state's basis is legal and Islamic and its codex is based on Islamic law, even though there is still enough room for further deepening of the religious legislation and the application of the *Shari'ah* in society. According to the moderate stream, headed by the Muslim Brothers, the Islamic *Shari'ah* is far from being applied in the ruling system, a perception that demonstrates that this stream only partly recognizes the legal, religious and moral basis of the state. This stream stands as the spearhead of the propaganda attacks against the West. All its political and religious institutions and apparatus are recruited for these attacks. Their leader Dr. Ibrahim al-Kilani announced on June 14, 2005 the establishment of an association of *'Ulama,* aimed to ward off the attack of the West against Islam.[115] The *Salafi* stream *does not* recognize the Islamic basis of the regime and the society, and desires to destroy the existing system and build an Islamic state, based on its radical concepts.

The Jordanian regime acts in the recent years in complicated and delicate circumstances:

- The 9/11 attacks on WTC, which posed a difficult challenge for the Jordanian regime, as happened in other Arab and Muslim countries. On the one hand, it strongly denounced the attacks and terror in general, but on the other hand, it had to face waves of local hatred toward the US and the West, because of what was perceived as the attack of the West against Islam and the Muslims, and the indiscriminate accusation of Muslims as being responsible for the attacks. From the radical Islamic and other opposition elements' point-of-view, the US was the main factor to be blamed for these attacks, because of the globalization and oppressing policies. The attacks on WTC and later, the occupation of Iraq by the US and its allies, have just added to the existing hatred towards the US and the West, and deepened the propaganda against them in the Muslim world in general, and the Arab world in particular. The Jordanian regime had to respond in such a manner that would preserve its positive image in the West, while avoiding the alienation of the society, and the moderate Islamic elements. At the same time, the regime had to face radicalization of the position of the radical Islamic circles, which regarded the West as heretics (*takfir*) and called for launching Jihad against it. The fact that the Muslim Brothers in Jordan issued a fatwa against aiding the Americans in Jordan, and accused, even indirectly, the regime for giving such an aid during the war in Iraq, put the regime in even more delicate and embarrassing situation.
- Besides the anti West propaganda, there has been an increase in the preaching of radical Islamic organizations and circles, who referred to the West in terms of apostasy (*takfir*), and called to launch Jihad war against it.

---

[115] Al-Sabil, June 14, 2005.

## The Struggle for Islamic Primacy in Jordan

The Jordanian regime took several steps to contain the attacks on the West, and the reemergence of terrorist jihadi organizations, which targeted to harm American, Western and local interests in Jordan. The regime used both the security organizations and the religious establishment to launch a comprehensive war against terrorist organizations. The security apparatus took intensive and harsh measures against the terrorist organizations and the Muslim Brothers since mid 2004; the regime used legislation to cut the freedom of action of both the religious and secular opposition; the religious establishment, and in particular the Ministry of Endowment was recruited to combat the preaching for *takfir* and jihad, and to plant more moderate messages and worldview of moderate Islam, which sanctify life and the peace. In some cases, the regime, and even King 'Abdallah himself, leaded this campaign against the radical Islamic circles and their ideas and terrorist actions. The crown of this initiative was the King's announcement of "Amman Message" in November 27, 2004, during *Laylat al-Kadar*, the holiest day in the month of Ramadan, in which, according to Muslim tradition, the Qur'an was brought down to earth. This timing aimed to give the "Amman Message" legal authority, at least indirectly. This message became the Magna Charta of the Jordanian regime, regarding the presentation of Islam as a " enlightened, tolerant and peace loving.

Feeling threatened by the radical Islamic ideology, the regime launched in mid-2004 a new ideological and political strategy, aimed at discrediting the radical Islamic ideology of the Muslim Brothers and the *Takfir* and Jihad organizations. The new strategy defines Islam as a moderate religion, enlightened and peace loving, and instead, advocates a dialogue between cultures and religions (referring to the West in particular) to settle conflicts and differences. At the same time, it denounces terror and violence. The promulgation of this strategy by the regime has been done gradually: the first stage was the convening of the "**Islamic Golden Mean Conference**: between theory and action" (*Wasatiyya*) in Amman in June 26, 2004. This was the first international Jordanian conference, and was organized by the Golden Mean club in thinking and culture. It was attended by *'ulama* and thinkers from various Arab countries. The chairman of the conference was Marwan al-Fa'uri, the chairman of the Islamic center party and a former senior figure in the Muslim Brothers' leadership. The conference adopted a list of recommendations, including: condemnation of all forms of radicalism and terror, blaming the US and Israeli policies in Iraq and Palestine as the main reason for feeding terror and violence; advocating for golden mean and tolerance for application of Islam; strengthening tolerance, love and freedom of warship, and cultivating inter-religious and cross cultural dialogue; a call to the *'ulama* to act against terrorism, and to Arab and Muslim countries to inaugurate political and democratic reform, and to treat radicalism by the means of dialogue and not by force.

In the second stage, the King himself led the distribution of his strategy by publishing the "**Amman message**" that became an official document of the Kingdom. In general, the message presents the enlightening nature of Islam and its mission to the Muslims and all mankind, while basing on references from the Qur'an and the *Hadith*. According to the message, Jordan and the Hashemite leadership, being attributed to the Prophet dynasty, took upon themselves to defend the image of Islam and to disseminate its mission in the current circumstances.[116]

After pointing at the harsh situation the Islam and Muslims exist in, due to attacks from the West and actions of radical Muslims at home, the conference presented the mission of Islam to mankind, which included: unity of the human race, equal rights in obligations, peace, justice, realization of security and good neighborhood; creating a basis for inter-religious dialogue, avoiding aggression against peaceful citizens and their properties, and joining and contributing to human mankind and its prosperity. The message condemned all kinds of terror and radicalism, meaning particularly the jihadi organizations, though not openly referring to them. In Parallel, the message condemned the attempts of distortion and misinterpretation of Islam as a religion that encourage violence and terror, pointing to the anti Islamic campaign in the West. According to the message, the *'ulama* were asked to educate the young generation the meaning of tolerance, moderation and golden mean.

Although the message is formulated as an inter-religious, crossing cultures and people document, it is in fact, an actual political document, deeply rooted in the difficult situation Jordan and Arab countries exist in, because of the terrorist actions perpetuated by the jihadi Islamic organizations and on their head – al-Qa'ida. This document equally condemn the West for distortion of the image of Islam, and the radicals for offending the image of Islam, besides the killings they involve in.

The "Amman Message" rejects two negative phenomena that endanger the Muslim nation: the danger of harming its identity, distorting its religion and the introducing of Islam as an enemy, on the one hand, and the existence of elements that claim to belong to the Muslim nation and carry out irresponsible actions, on the other hand. Instead, the "Amman Message" introduces Islam as an ideal and a model for moderate and moral religious way of life. The "Amman Message" calls the *'ulama* to enlighten and to disseminate these moderate messages.

The "Amman message" was the base on which two international conferences have been held: one was the **"Preaching and Guidance" conference** (November 2004), organized by the Ministry of Endowment, and attended mostly by *'ulama.* The conference was convened under the slogan of adopting a modern Islamic message. It stated that the Friday preaches in Mosques must avoid from any use of personal interpretation and *fatwa*s, and political factional ideas. It also called to obey the ruler (*Ta'at Wali al-Amr*), which is one of the basics of Islam, and to guide him to the right way.

The more important conference was the **International Islamic conference,** which was organized by *Ahl Al-Bayt* institution, opened by the King himself, and held under his sponsorship on July the 4-6, 2005. The title of the conference was - the truthfulness of Islam, and its role in modern society. It was attended by the heads of the religious establishment and many senior *'ulama* from Muslim countries, both Sunni and Shi'ite. The final statement of the conference was recognized as a collective *fatwa,* which is an unprecedented in the history of the Muslim world. This *fatwa* called for order, overhaul, recognition, equality and reconciliation between the recognized schools in the Islamic world, in front of what was defined as the tragic circumstances in which it exists. From the statement it can be understood that these circumstances are the spread of the radical ideology which accuses as apostates all those who do not respond to the radical's demands and expectations; the outbreak of a violent confrontation between the different schools (mainly between the Sunna and Shi'a); and the fact that unskillful and unauthorized elements, took upon themselves the right to issue *fatwa*s.[117] The statement explicitly argued that the four Sunni schools of jurisprudence – the Ja'fari, the Zaydi, the Ibadi and the Tahiri – are Muslims.

---

[116] www.kingabdullah.jo/homepage.php.

The final statement set the rules authorizing a scholar to issue a fatwa, stating that only those who belong to these schools of jurisprudence are authorized to issue *fatwas*. Relying on "Amman Letter", the conference stated that by this, the conference pulled the rug under those among the *Takfir* and jihad organizations who issued unauthorized *fatwa*s.

The final statement is extensively dealing with the relationship inside the Muslim world, and with the ways and means to settle the internal rivalries, and create inner harmony. Referring to it at the opening session of the conference, King 'Abdallah condemned the grave phenomenon in the Muslim world: the killing of Muslims by other Muslims, especially in Iraq and Pakistan, and accusations of Muslims as apostates (*Takfir*), in the name of Islam. 'Abdallah went beyond the topic of the conference, and referred to the relationship between the Muslim world and the rest of the world in the "Amman Letter" spirit, by openly mentioning it. He condemned the distortion of the image of Islam by foreigners, hinting by this to the West, but admitted that there are severe errors and deviations from Islam, that give legitimacy to non-Muslims to refer to Islam from this point of view, to interfere in Muslim affairs and to exploit them. He also called to respect treaties and agreements between Muslims and other nations and people.[118] The Minister of Endowments and the conference's spokesman 'Abadi added to the King's speech saying that "Amman Letter" is the first and foremost source of power of the conference.[119] He also expressed his Jordan's wish that the "Amman Letter" will not stay as a mere Jordanian document but also a Pan-Islamic one.[120] 'Abadi broadly referred to the King's role in disseminating the Islamic message to the world, in an interview in the eve of the conference.[121] In this interview he said that the conference emphasize the Hashemite leadership role for the sake of Islam, by interpreting the principles of Islam, and recognizing the need for openness towards the modern era, and the challenges that the Muslim nation is facing nowadays.

The strategy that was chosen by the conference recognizes the evils that have been done to Islam, by accusing it for being responsible for the 9/11 attacks, but rejects the attempt to harm the crucial relations with the West. The messages that have been formed were aimed both at addressing the West's expectations, and reducing the anti-Western propaganda. By this strategy, the regime aims to consolidate its image and added value as one that leads an ideological strategy that seeks to reduce the Islamic radicalism and to preserve the West's interests and position in the Middle East. Another aim is to reduce the danger of the Islamic opposition for the stability in Jordan.

---

[117] Jordan Times, July 6-8, 2005; Al-Quds al-'Arabi, July 7, 2005.
[118] Al-Dustour, Jordan Times, July 5, 2005.
[119] Al-Ghad, July 2, 2005.
[120] Jordan Times, July 6, 2005.
[121] Al-Ghad, July 2, 2005.

# Conclusions

In this study, we have analyzed three different models of relations between state and religious establishment in the Arab world, focusing on the case studies of Egypt, Saudi Arabia and Jordan, and trying to examine the development of these relations in the last few years and their effects upon these countries relations with the West in general and the US in particular, in the aftermath of the 9/11 terrorist attacks on the US.

The three cases differ in the timing of the origins of the regimes and their affiliated religious establishments and the and hence in the essence of the relationship between them. This can be expressed in the following matrix regarding a number of cases (and not only the ones we discussed):

| | Secular regime<br>Secular legitimacy | Islamic Regime<br>Islamic legitimacy | "Secular" Regime<br>Islamic legitimacy |
|---|---|---|---|
| Ancient Establishment created prior to the Regime | Egypt, Tunisia, Pakistan; Indonesia | Iran (financially independent establishment) | Kuwait, Bahrain |
| Modern Establishment created with the regime | Syria | Saudi Arabia | |
| Modern Establishment created by the regime | Iraq (the Sunni establishment in the Saddam era) | | Jordan, Morocco, Oman |

*Note: the concept of "secular regime" here relates to a regime which does not base its everyday policy on *Shari'ah* and accepts foreign sources into its legal code. It is clear that the Western concept of secularism does not apply to any Muslim country (except perhaps Indonesia).

In this matrix, the location of the regime reflects the extent of the religious establishment's dependency on the regime on the one hand, and the extent of obligation that the regime feels towards the religious establishment – on the other hand. Thus, for example, the Egyptian regime feels less obliged to al-Azhar's stance than the Saudi regime to the Saudi religious establishment.

Other criteria that can shed light on the behavior of the Islamic establishments and of the regimes towards them are: the current strength and authority of the regime and its need to bolster its domestic legitimacy; the prestige and image of the establishment *'ulama*; the strength of the Islamic opposition against which the regime needs to enlist its own Islamic "forces"; and the strength of the indigenous secular forces and "civil society".

The common denominators of the Saudi and Egyptian models are:

- The two Islamic establishments maintain relative autonomy and a status in their own right – not merely as an extension of the regime. As such they both see themselves as committed to their own particular ideology or set of beliefs and serving their particular constituencies.
- Both regimes have co-opted the Islamic establishments as semi-equals or equals and not as a mere constituent of their own government mechanisms. The moment this was done, the regimes found themselves having to negotiate over and reward the Islamic establishments for their support.
- In both cases, the Islamic establishments are in competition with the more popular radical *'ulama*; unable to compete with them in attacking the regimes, they take advantage of the only area left to them – radical positions vis-à-vis the United States and Israel.

According to the criteria above, **Egypt** is a secular state with a regime which bases its legitimacy on a – albeit worn-out – secular ideology. It has co-opted an Islamic establishment which predates it by centuries and claims to hold religious authority to determine between correct and incorrect political behavior. Though the regime is relatively stable, its relationship with the Islamic establishment was developed over a period of severe instability and domestic Islamic terrorism (including the assassination of President Sadat) and reflects that period of uncertainty. At the same time Egypt has a strong Islamic opposition and a strong secular force both within the regime and in the civil society. This complex set of relationships between the regime and the Islamic establishment creates a certain dualism. While the Islamic establishment is formally subordinate to the regime, it calls on al-Azhar to block the influence of the radicals and to enhance the Islamic legitimacy of the regime. Al–Azhar is aware of this weakness and takes advantage of it to promote its own Islamic agenda. The end result is that the regime "pays" al-Azhar for its services by allowing it a free hand in the social and religious space of the country.

Ironically, the Islamic agenda of al-Azhar, which the regime allows it to promote, does not differ fundamentally from that of the Muslim Brotherhood in the private sphere. Like the Muslim Brotherhood and other radicals, al-Azhar aspires to implement the *Shari'ah* in personal legal affairs. It differs from the other Islamic forces in that it leaves the public sphere and matters of state to the discretion of the ruler and does not attempt to impose on the regime a "*Shari'ah*-motivated" foreign policy. Thus, in order to block the Islamists in the street, the Egyptian regime surrenders the social space to the establishment Islamic forces.

Al-Azhar, on its part, acts under domestic and foreign pressures from different directions, which affect its leadership and clerics in various ways. These pressures include domestic forces such as regime pressure, public opinion, the Muslim Brotherhood, radical Islamic activity, the need to respond to various domestic events, which are taken advantage of by the Islamic movements. They also contain regional and international developments such as the 9/11 attacks, the US campaigns against terror in Afghanistan and Iraq and the perennial debate over jihad and suicide attacks. The stances of the al-Azhar leadership are, in the end, a mixture of all these pressures and considerations. Attempting to be "all things for all people", it is not surprising to hear Sheikh Tantawi himself issue contradicting statements, compatible with the audiences listening to him, not to mention the pluralism of Islamic views within al-Azhar which finds it way into the public space.

The real challenge for al-Azhar is not the regime or the secular civil society, but the radical Islamic movement – the Muslim Brotherhood and the various jihadi groups. It is with these groups that al-Azhar competes over the same constituency. In this competition, the radicals, not constrained by loyalty to the regime, have the upper hand; they can openly criticize the regime – albeit at risk of suppression by the *Mokhabarat* – where al-Azhar cannot. **Thus, like the secular intellectuals in Egypt, who attack the regime through attacking Israel (and by extension, the regime's policy of maintaining the relationship with Israel), the scholars of al-Azhar, who cannot criticize the regime outspokenly, try to curry favor with public opinion by taking radical positions on the issues of Israel, the US and the West.** From the regime's perspective, this familiar method of letting off the steam has many advantages: it strengthens al-Azhar vis-à-vis the radicals by proving that it too takes radical positions; it allows criticism of the outside world; it shows the rest of the world, and especially the US, that plurality of opinions does exist in Egypt and allows the regime to take advantage of this image of pressures within the religious establishment to block foreign pressures. Like the regime, al-Azhar takes advantage of the plurality of opinions within it to block outside pressures and to prove that by accommodating the regime (and the West) it has to overcome serious internal opposition.

Al-Azhar's ambivalence regarding the correct reaction of the Muslims towards the US war on terrorism only strengthens radical Islamic forces, by inspiring people to look for leadership elsewhere. For many Egyptians, the mere impression that Sheikh al-Azhar consults with the American ambassador on his rulings has destroyed Tantawi's remaining credibility. Having said all that, despite the inner fragmentation of al-Azhar, and the open criticism from both secularists and Islamists, who question any Islamic authority submitting to the will of secular political authorities, al-Azhar's leadership still manages to demonstrate its capacity to survive by collaborating unreservedly with the regime, and backs it with an Islamic discourse that legitimizes the regime's political authority when other forces contest it, not only in matters related to the domestic stability of the regime, but also in Egypt's international affairs, especially in its relations with the US.

The establishment *'ulama* in **Saudi Arabia** have become over the last third of the 20th century more and more independent and able to act as a pressure group. The peak of this process was the *'ulama*'s behavior on the issue of deploying foreign troops on Saudi soil in the first Gulf War. Since then, there has been a gradual decline in their status. This decline has not led to the *'ulama* becoming more docile and compliant towards the foreign political interests of the regime. Like in the Egyptian case, the Saudi *'ulama* are party to the regime's definition of its vital domestic interests: the stability and integrity of the Kingdom. But like the Egyptians, the latitude that they take for themselves is in regard to the attitude towards the West. Therefore, the Islamic establishment condemned the terrorist attacks inside the country and supported the regime's efforts to arrest and punish the perpetrators. Regarding the relations with the US, the establishment was more ambivalent. After it issued a general condemnation of the 9/11 attacks, it refrained from taking position that would estrange its constituency and drive it into the arms of the radicals. The formal position of the senior *'ulama* is generally cautious, but the junior *'ulama* feel that they can dare to even call, for jihad against the US in Iraq.

Most of the *'ulama* in Saudi Arabia, both establishment *'ulama* and non- establishment *'ulama*, are Wahhabis in their education and hold anti-American/anti-Western worldviews. **The *'ulama*'s position concerning the 9/11 attacks, indicate that the regime has the power and the ability to influence and even dictate to the *'ulama* what should be the guidelines for their position. Therefore, the regime's silence concerning the issue of jihad against the US in Iraq is interpreted as a green light to continue with this line.** From the regime's point of view, it seems that it is ready to tolerate the calls for jihad against the US in Iraq in order to let off steam instead of allowing them to present all their grievances against the regime. This is the price the regime is ready to pay in return for the establishment *'ulama*'s support in its struggle against radical non-establishment *'ulama*. This compromise though is one of choice and not due to an absence of alternatives; the regime has shown over the last years that although it is willing to take into account the establishment *'ulama*'s position, it makes the strategic decisions and, when necessary, has recourse to ways to enlist the support of the *'ulama* and to shape Islamic public opinion within the Kingdom. It has also been shown, that external pressure can influence the nature and tone of the *fatwa*s and announcements of the establishment *'ulama*. The tension between the pro-Western foreign policy of the Kingdom and the blatant anti-Westernism of the religious establishment however will not decrease; the radical Wahhabi curriculum in the schools of the establishment will continue nourishing intolerance towards non-Muslims and hatred towards non-Muslim and Western values.

Similarly to the Egyptian case, one of the issues in which the Saudi establishment *'ulama* can prove their independence vis-à-vis the regime and not to lag behind the post-*Sahwa* *'ulama* or the more radical ones is that of the US war in Iraq and the legitimacy of jihad against Western troops. Although there are voices inside the Saudi religious establishment that do not support the jihad wholeheartedly, they are usually silent or very restrained. They allow themselves to take this position because the regime has indicated that this is not one of the vital strategic issues that it demands the *'ulama* to accommodate themselves to the regime's foreign policy. The very intervention of the *'ulama* in political matters is a divergence from the traditional position of the *'ulama* in the Kingdom, as "political jurisprudence" (*fiqh siyasi* or *siyar*) has commonly been considered the prerogative of the ruler – the *wali al-amr*.

In both the Egyptian and the Saudi cases, the regimes have not delivered a clear-cut message to the establishment *'ulama*, for them to refrain from talking about the legitimacy of jihad. In the Egyptian case, the government even admitted that it had no intention of forbidding the imams from cursing and blaspheming the Americans publicly in the mosques' pulpits. In the Saudi case, one cannot ignore the role of the post-*Sahwa* clerics, who do not hold official posts in the establishment, but have proven in recent years their support for the regime, for example by mediating between the government and the Islamic militants. These non-establishment *'ulama* actually obfuscate the boundary lines between themselves and the establishment pro-governmental *'ulama*.

Both in Egypt and in Saudi Arabia there are voices of dissent from within the Islamic establishments themselves, especially the marginal clerics, who dare more freely to express radical opinions. More often than not, these voices are tolerated as long as there is no violation of the clear rules, and no one transgresses the limits drawn by the regime. So, wherever one is forbidden from cursing the ruler and undermining the stability of the state, he lets of the steam while cursing the Americans and their allies, when they wage an offensive against his land. Whereas the regime and the religious leaders do not allow preaching for jihad against the Americans on American soil, they shut their eyes and ears when clerics call for jihad against the Americans in Afghanistan, in Iraq or in any other Muslim country (sometimes, as in the case of Tantawi, the religious leaders themselves call for jihad and legitimize it).

The Jordanian model is radically different from the Egyptian or the Saudi cases in two cardinal areas: while the regime itself is secular and Westernized, the King holds a certain religious authority as a descendent of the Prophet's family; the religious establishment is totally the creation of the Kingdom and an integral part of the regime, and its aim is to serve the regime, strengthening the pre-existing legitimacy of the King, nurturing public loyalty and giving a moral and religious backing to state policies. Similarly to Egyptian and the Saudi cases, the religious establishment organizes conferences (especially on an interfaith level) trying to show a more moderate face of Islam, mainly after 9/11, aimed at the West, in order to improve Islam's image there. But unlike the two other models, the Jordanian religious establishment does not have an autonomous position from which it can negotiate with the regime over the extent of its support of the regime's policies or its reward for its support.

The fact that the Jordanian Islamic establishment draws its legitimacy from the regime and lacks inherent authority of its own is both an advantage and a drawback for the regime. It facilitates subordination of the Islamic establishment to the regime and harnessing of its actions to the interests of the regime. However, the effectiveness of the Jordanian religious establishment against the radicals is considerably less than that of the Egyptian and Saudi cases.

In all three countries the religious establishments are facing stiff competition with radical Islamic forces, forcing them quite often to radicalize their rhetoric to win the hearts and minds of their constituencies. The paradox is that the closer the affinity between the religious establishments and the regimes, the less they can influence the Islamic street and their value for the regimes as a lever of influence over the Islamist space decreases.

When necessary, the Arab regimes discussed above have proven their ability to coerce their religious establishments and to force them to play by their rules. The seeming independence of those establishments does not derive from the inability of the regimes to impose their will, but it is due rather to the latitude that the regimes accord the Islamic forces. The Egyptian and Saudi regimes in particular have spelled out to their Islamic establishments that the "red line" is incitement against the regime itself, or calling for terrorism within the country, however, general calls for jihad against the West or Israel do not constitute a threat to the vital interests of the regimes and hence are permissible. Were these regimes to draw the red line at incitement for attacks against the West in general or legitimization of terrorism under the guise of jihad, their establishments – or large parts of them – would most probably toe the line.

# Bibliography

**Books and Articles:**

Abir, Mordechai, "Saudi Arabia, Stability, and International Islamic Terror," Jerusalem Letter/Viewpoints, July 1, 2002, No. 481, Jerusalem Center for Public Affairs, http://www.jcpa.org/jl/vp481.htm.

Al-Atawneh, Muhammad, Fatwas and Ifta' in Saudi Arabia: a Study of Islamic Legal Thought, 1971-2000, Thesis submitted in partial fulfillment of the requirements for the degree of "Doctor of Philosophy", to Ben Gurion University of the Negev, Beer-Sheva, February 2004.

Bar, Shmuel, *The Muslim Brotherhood in Jordan*, Data and Analysis, Dayan Center, June 1998.

CNN report, May 19, 2003, http://edition.cnn.com/2003/WORLD/africa/05/18/morocco.arrests/, Accessed June 26, 2005.

Craig Jones, Toby, "The Clerics, the Sahwa and the Saudi State," Strategic Insights, Vol. iv, Issue 3, March 2005, an electronic journal produced by the Center for Contemporary Conflict, http://www.ccc.nps.navy.mil/si/2005/Mar/jonesMar05.pdf.

"Egypt's Apostasy Debate Rears Its Ugly Head Once Again," Mideast Mirror, Vol. 11, No. 91, May 13, 1997.

Fighel, Yoni, and Moshe Marzouk, "Saudi Cleric Issues Fatwah on the Use of Weapons of Mass Destruction," July 5, 2003, www.ict.org.il/articles/articledet.cfm?articleid=491.

Foer, Franklin, "Moral Hazard: The Life of a Liberal Muslim," The New Republic, November 18, 2002.

Gause, Gregory, "Be Careful What You Wish For: The Future of US-Saudi Relations," World Policy Journal, Spring 2002, pp. 44-45, http://www.worldpolicy.org/journal/articles/wpj02-1/Gause.pdf.

Hason, Isaac, New-Wahhabism.... (unpublished paper).

Hatina, Meir, "Egypt's al-Azhar: Fortress of Orthodoxy and the Challenge of Modernity," Zmanim (Israel), Vol. 74, 2001, pp. 43-55 (Published in Hebrew).

Kennicott, Philip, "Kneeling in Judgment," Washington Post, July 17, 2004, www.washingtonpost.com/ac2/wp-dyn/A56355-2004Jul16?language=printer, Accessed September 13, 2005.

Lacroix, Stephane, "Between Islamist and Liberals: Saudi Arabia's New 'Islamo-Liberal' Reformists," Middle East Journal (MEJ), vol. 58, No. 3, Summer 2004, pp. 345–365.

Malka, Haim, "Must Innocents Die? The Islamic Debate over Suicide Attacks," Middle East Quarterly, Spring 2005, Vol. XII: No.2.

McGregor, Andrew, "Al-Azhar, Egyptian Islam and the War in Iraq," Terrorism Monitor (of the Jamestown Foundation), Vol. 2, Issue 12, June 17, 2004.

MEMRI Special Dispatch Series, No. 859, February 8, 2005, http://memri.org/bin/articles.cgi?Page=subjects&Area=Jihad&ID=SP85905, Accessed July 6, 2005.

Moustafa, Tamir, "Conflict and Cooperation between the State and Religious Institutions in Contemporary Egypt," International Journal of Middle East Studies, Vol. 32, 2000, pp. 3-22.

El-Nahhas, Mona, "A Confusing *Fatwa,*" Al-Ahram Weekly Online, 4-10 September 2003, Issue No. 654), http://weekly.ahram.org.eg/2003/654/eg6.htm.

Nawaf Obeid, "The power of Saudi Arabia's Islamic Leaders," Middle East Quarterly, Vol. vi, No. 2

Qasim Zaman, Muhammad, The *'Ulama* in Contemporary Islam: Custodians of Change, New Jersey: Princeton University Press, 2002.

Sadiki, Larbi, "Saudi Arabia: Re-reading Politics and Religion in the Wake of September 11," in: Shahram Akbarzadeh and Abdullah Saeed (eds.), Islam and Political Legitimacy, London: Routledge Curzon, 2003.

Saudi Publications on Hate Ideology Invade American Mosques, Washington: Center for Religious Freedom, Freedom House, 2005, www.freedmhouse.org/religion.

Stalinsky, Steven, "Incitement to Jihad on Saudi Government-Controlled TV," MEMRI Special Report, No. 29, June 24, 2004, http://memri.org/bin/articles.cgi?Page=archives&Area=sr&ID=SR2904.

Stalinsky, Steven, "The Egyptian Jihad on America," National Review Online, http://nationalreview.com/comment/stalinsky200404120847.asp, Accessed March 20, 2005.

Tammam, Husam, and Patrick Haenni, "Egypt's Air-Conditioned Islam," Le Monde Diplomatique, September 2003, http://mondediplo.com/2003/09/03egyptislam, Accessed September 12, 2005.

"Terror in America (22): Egypt's Al-Azhar Clerics: We Declare War on America," MEMRI Special Dispatch, No. 296, November 2, 2001, http://memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP29601, Accessed February 7, 2005.

"The Muslim World after 9/11," RAND project AIR FORCE, http://www.rand.org/pubs/monographs/2004/RAND_MG246.pdf.

Joshua Teitelbaum, Holier than Thou – Saudi Arabia's Opposition, (Washington, D.C.: Washington Institute for Near East Policy, 2000).

Zeghal, Malika, "Religion and Politics in Egypt: The Ulema of al-Azhar, Radical Islam and the State (1952-94)," International Journal of Middle East Studies, Vol. 31, No. 3, (August 1999), pp. 371-399.

Zoepf, Katherine, "An Ancient Islamic University Has a New Role: Explaining Its Faith," The Chronicle of Higher Education, August 12, 2005.

***Internet Sites***

Majalat al-'Asr, June 4, 2003, www.alasr.ws/index.cfm?method=home.con&contentID=4123

Jordan Times, www.aljazeera.info.

http://www.aljazeera.net .

Al-Watan, www.alwatan.com.sa.

http://www.arabicnews.com

http://countrystudies.us/saudi-arabia/54.htm

www.csis.org.

www.fatwaonline.com .

http://www.greatestgeneration.com/archieves/001722.php.

www.kingabdullah.jo/homepage.php.

http://www.meforum.org/meq/issues www.salafipublications.com.

http://memritv.org/Search.asp?ACT=S9&P1=153.

Saudi TV channel 1, June 23, 2004, http://memritv.org/Search.asp?ACT=S9&P1=131.

http://memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP33302.

http://www.mongabay.com

Salafipublications.com/sps/downloads/pdf/CAF020017.pdf.

http://www.saudiembassy.net/2000News/News/EduDetail.asp?cIndex=2209.

Minbar al-Tawheed wal-Jihad, http://www.tawhed.ws/r?i=1377&PHPSESSID=7b78e15030b4c75c0764cb3da41e560e.

**Newspapers**

'Aqidati

Al-Dustour

Al-Ghad

Jordanian News Agency

Al-Liwa' al-Islami

Al-Musawwar

Al-Quds al-'Arabi

Rose al-Yusuf

Al-Sabil

Al-Sharq al-Awsat

# Chapter II

# The "Re-Islamization" of North-West Caucasus: Competing Religious & Ethno-National Influences, and Region Stability

–Chen Bram –

# The "Re-Islamization" of North-West Caucasus:
## Competing Religious & Ethno-National Influences, and Region Stability

–Chen Bram –

## Introduction

This article examines the re-penetration of Islam to the North-West Caucasus since the disintegration of the Soviet Union, and its influence on inter-group relations and tensions in this region. My analysis will deal especially with two Autonomous Republics: Kabardino-Balkaria (here on KB), the larger Autonomous republic in North-West/North-Central Caucasus, and Karachay-Cherkessia (here on KC), bordering KB to its west. Political division to Autonomous Republics cuts across ethnic division- each republic is inhabited by one part of a larger ethno-national group: The Circassians (Adyghe- as all of them call themselves[1]), are an indigenous group who speak a North Caucasian language, and the Karachai-Balkars, are a Turkic- speaking people[2] who immigrated to the area in the 12th-13th Century[3]. The political division is a product of Stalin's ethnic policy: The Karachai- Balkars live in higher areas in the south and the Circassians in the northern, lower parts of these two bordering republics. Both nations are divided into different sub-groups: the Karachai and the Balkars, who speak similar Turkic dialects, and the Circassian subgroups who speak two main dialects: the Kabardinians and the western Circassians. The Circassians are actually divided into three different republics and one nation ---: besides KB and KC, there is a "titular" group in the Autonomous Republic of Adyghea, which is surrounded by Krasnodar Kri, on the western side of the North Caucasus.[4] However, the majority of the population in Adyghea, as well as in its surrounding areas, are Russian (Circassians make up less then 17% of the small Adyghea Republic). In KB and KC however, the majority of the population is Muslims. Today in KB, the Circassian- Kabardinians consist of more then 50% of the population, while in KC the Karachais are the larger group. Each republic also has a significant Russian population.

---

[1] The term 'Adyghe' implies a common identity and outlook and hints at the ethical-behavioral code that unites all Adyghe – though in a number of distinct variations - the Adyghe Khabzah. See Bram (2004).

[2] The Karachai language belong to the Kipchak branch of Turkic. According to some scholars their ancestry goes back to the Hunn-Bulgarian conglomeration which live along the Kuban river. They were Turkicized by the Turkic tribes which took over the Khazar kingdom in the middle of 11th c. See Salihoglu Hulya, "Karacay", Encyclopedia of Islam, New Edition, Leiden: E. J. Brill, 1978.

[3] Additional group are the Abaza. This group is quite similar to the Abkhaz in terms of language, ethnic identity and culture, but lives north of the main range of the Caucasus – primarily in Karachai-Cherkesia , Abaza live in close proximity to the Circassians (Adyghe) and could be related as part of the overall Circassian population in the context of this discussion. Moreover, the discussion on Islam among the Abkhazians, although the current conflict between Abkhazia and Georgia need a separate discussion.

[4] In addition, there is a small concentration of Circassians in the Shapsug' area, which is part of Krasnodar Kri, on the cost of the black sea ( Shapsug' is the name of one of the Circassians groups, or "tribes").

As early as the 90's, different observers warned that the conflict in Chechnya might penetrate to neighboring areas. However, the western and central areas of the north Caucasus remained comparatively calm during the 1990's. Only in the last 4 years, is there more and more evidence pointing towards a general decrease in stability and expansion of local conflicts in these areas. Russian and Russian-influenced sources claim that most of this tension is connected to the expansion of radical Islamists, or "Wahabbism" in the autonomous republics of Kabardino-Balkarya and Karachai- Cherkesia. My analysis, based on several field journeys to the area, as well as current reports and secondary sources, shows the importance of relating to different inter-dependent variables which influence the nature of Islamic activities in this area. The "quiet" penetration of Islam in the 90's, as well as the changing situation today, gives an opportunity to explore fundamental questions regarding the place of Islam in the Caucasus and in the post-Soviet world as well as its relationship to ethno- nationalism and civil belonging in the Russian Federation. This case has special interest as Islam was introduced to the area very late. Only in the 18th-19th centuries did these groups undergo a process of Islamization, and even then, Islamic influence in NW Caucasus remained superficial. Soviet rule marked a long period of secularization and Islamic influence hardly existed. Islam started to re-emerge in this area only after the disintegration of the Soviet Union, and its influence was limited. Current reports on the rise of radical Islamists activities in this area, within the context of the short and limited Islamic history in the area, raises questions on the sources and influences of current dissemination of radical Islam in the area. This is especially interesting in relation to Kabardino- Balkarya, where the majority of the Muslims are Kabardinian (one of the Circassian groups) who were one of the least Islamized people in the area. This brings to the discussion questions on the relationship between Islam and other collective identities, which are important to the general discussion of Islam, radicalism and conflicts today.

## Islam and North West Caucasus: Background

The north-west Caucasus, or "Circassia", was a borderland between Christian and Muslim rulers. While Islam reached the North-East Caucasus as early as the 7th century with the conquest of southern Dagestan, its first penetration into NW Caucasus came only after the complete fall of Byzantium. Although connections between Kabardinian leaders and the Russian Empire (in the 15th century) strengthened Christianity (Emelyanova 1999: 31), beyond its political meaning it seems that Christianity among the Circassians was superficial (Traho 1991) and their particular polytheistic-naturalistic pantheon survived. The first important influence of Islam, mainly from the 17th century, was limited and connected to the political struggle between Russia and her Muslim rivals: the Ottoman Empire and the Tatars of Crimea. The influence of the later marked the beginning of a slow introduction of Sunni Islam, of the Hanafi madhab[5]. However, most of these first contacts with Islam were among leaders and didn't have a strong affect on the masses. Practically speaking, Circassian continued to hold Pagan beliefs. Elements of these beliefs can still be seen today, both in everyday customs and language, and in their Epos, the Nart[6]. Karachais- Balkars were officially converted to Islam in the 18th century through the influence of Crimean Tatars, later by the Ottomans and by the Kabardians who had Feudal control over the Balkars. However, this Islamization was even more superficial than among the Circassians, and they continued to keep their nomadic shamanistic and animistic traditions.

---

[5] Both Circcassians and Karachai- Balkars, like the great majority of the Muslims of the European Russian Federation, are Sunni of the Hanafi School of law to these days. In North Caucasus, only Daghestani people adhere to the Shafii School of Law. (Benningsen 1972:135).

Russian Colonialism and settlement in the Caucasus in the 19th century changed the situation, and the struggle with Russia enhanced a process of actual Islamization of the Circassian as part of the struggle of the local population against Russian expansion, a process which also influenced the Karachi- Balkars. Islamic influences came from several directions, including some influence through Sufi orders that were active in the east Caucasus, such as the Nakhshebendia. However, "It was only contact with the Ottomans and the advent of the Russians that hastened mass conversion to Islam in the 18th and 19th centuries. By the middle of the 19th century, most Circassians had become Muslims"[7]. Hence, most of the today's Muslim population of the NW Caucasus went "formally" under collective Islamization in a situation of war with a Christian "superpower" of that time.

Although the struggle with Russia was a crucial element in the Islamization of the Circassians, it is important to differentiate between their struggle and the struggle led by Shamil who united the people of the eastern Caucasus in a holy war against Russia and succeeded in building a Muslim state in the East Caucasus. Although there was cooperation between Shamil and the Circassians, it cannot be seen as one struggle (Gammer, 1994, 1995). The Circassians continued their struggle until 1864, long after Shamil surrendered (Henze 1986). While Shamil united the east Caucasus under the flag of Islam, the efforts to unite the Circassian can be seen as ethno-national in character, and only partially successful. There was not full participation of all the local, supposedly Muslim, people in the war. There are different opinions among scholars as to what extent Karachi- Balkars took part in the struggle[8]. The Circassians themselves were not fully united: most of the Kabardinians resisted Shamil and especially his Chechen allies (Emelyanova 1999:44-5). [9] At the same time, although the role of Islam is very different between these cases, it is important to note that Shamil was- and to certain degree still is - revered as a nationalist icon in the region (and not merely a religious one) –pointing out the important ties between ethno-nationalism and religion in the Caucasus in general. It is clear that Islam had symbolic importance in the struggle against the Russians, but adopting Islam as a political strategy was not followed by a deeper processes of Islamization. Such a process of Islamization involved what Levtzion called communal or group cohesion (differentiated from individual conversion) – Islam adopted by an ethnic group in their own milieu, while maintaining their own cultural identity. There was hardly a break with past traditions, and pre-Islamic customs and beliefs survived. (1974: 19) Levtzion stressed that this kind of conversion might fit with A.D. Nock's (1933) definition of Adhesion "where there is no definite crossing of religious frontier, and ...the acceptance of new worship, [is] as useful supplements and not as substitutes"[10].

---

[6] Nart epos is related also to neighboring Ossetians, who unlike the Circassians remain officially Christians (and practically preserving many pagan practices) to this days.

[7] Jaimoukha 2001:151. He also state that the Ottomans converted the Circassians through evangelism: Mullahs sent by them used popular religious belief in the afterlife and in the punishment of sins, promising that Muslims can make offerings and then admitted to blissful and eternal life in paradise.

[8] H. Salihoglu, for example, claim that Karachai "did not play any active rule in the resistance to Russia from 18th C. onward." (Salihoglu, Cf. cit.). For a different opinion see Maulavi Al-Haq,2001 (cf. cit). Analysis of the patterns of exudus/eportation vs. remaining in the Caucasus of this group show that probably only some groups took important active rule in the struggle of the Circassians.

[9] Kabardinians, "have been considered the most pro-Russian of all Caucasian Muslim people, and their feudal elite was co-opted to a great extent by the Russians" (Cornell 2001:262).

The exodus of the majority of Circassians (and of some Karachai- Balkars) to the Middle East (from 1864 onwards) interrupted the processes that Circassians underwent after this mass Islamization, and the Circassians who stayed in the Caucasus were cut off from further Muslim influence. In the Middle East, the emigrants went through a different process: they kept their old traditions and beliefs, but as time went on, the influence of Islam upon them increased.

Under the Soviet regime "the already weak hold of Islam in the NW Caucasus was further loosened through anti religious campaigns and atheist propaganda".[11] The situation among the Karachai- Balkars was a little different: following their deportation to Central Asia for alleged collaboration with the Germans in War World II, at least some Karachai- Balkars became more religious than their Circassian neighbors[12]. Karachai- Balkars brought with them some Islamic influences from Central Asia when they were allowed to return, but even this influence was very limited.

Islam became a mark of identification which helped local people maintain their- separate- collective identities through the difficult times of deportation in the case of Karachai- Balkars, and through the difficulties of Soviet rule in general in the case of Circassian as well. Hence, a clear-cut distinction between "religious" and other identities are sometimes an artifact imposed by scholars. This is especially important to the understanding of Islam during the Soviet era. Under Soviet regime, secularization processes and Soviet policy on the one hand, and the clear distinction between colonialist Christian Russians and local Muslim people on the other hand led to a situation where "even convinced atheists declare[d] themselves 'Muslims' since for them religion is confused with the national belonging".[13] Among Circassians, similar patterns were found in the basic patterns of collective identity: when people declare themselves to be 'religious' in Kabarda, they do not necessarily differentiate between 'religious laws and the social and moral ethos of the Adyghe (=Circassian people).[14] Religion had an important juxtaposition with nationalism, and religious beliefs and practices primarily do not challenge ethnic boundaries. This, of course, suggests a very different starting point than radical "purist" Islamic ideology, which stresses the unification of the Muslim Umma beyond ethnic and national boundaries. Islam, therefore, kept some symbolic importance during the Soviet era even in the NW Caucasus, importance which was derived from its connection to group- identity. However, if one is to concentrate on religious practices, Soviet influence erased most signs of Islam except burial practices among Circassians. The situation was not very different among the majority of Karachai- Balkars. Hence, the current Islamic influence on the North West Caucasus can be seen as a second wave of "Islamization" or "Re- Islamization".

---

[10] Balkars and Karachais, for example, who were fully Islamized only in the mid nineteenth century, not only maintain certain aspects of animism, but some continued to raise pigs. see Karachai Maulavi Al-Ḥaq, 2001, Encyclopedia of the World Muslims, ed. By N. K. Singh and A. M. Khan, Delhi: Global Vision Publishing House. pp. 675-679.

[11] Jaimoukha 2001:152.

[12] Cornell, 2001: 262;

[13] Benningsen 1972:160]

## The dissemination of Islam in the 1990's

The years 1991-2000 marked a significant change in the situation of Islam in this region. In a visit to this region in 1990, I found almost no working mosques among the Kabardins of Kabardino- Balkaria, and the situation was the same in Adyghea and Karachai- Cherkesia. But Glasnost and the subsequent disintegration of the Soviet Union began a gradual process of the rehabilitation of Islam. During the decade of the 1990s, mosques were built in almost every village in the North West Caucasus. In addition, new Madrasas and Islamic institutions were opened in the capitals and towns of KB and KC, introducing Islam to people who were previously nominally Muslim but knew very little about its principles.

The development in KB, the larger Autonomous Republic in the NW Caucasus is an example to this process. In 1993 the first official Madrasa was opened in Nalchik (KB) in order to train religious clergy who knew Arabic as well as the languages of Kabardino- Balkaria. In 1994 about 100 religious [Muslim] communities were registered in the Republic, an Islamic newspaper was launched, and more Islamic publications started to appear. School curricula began to include the fundamentals of Islam[15]. In addition, "Islamic institutions and universities.. were organized in Nalchik (KB)… [and in]..Cherkessk (KC)", although their activity was limited and they faced many difficulties ([16]).

In 1997 the number of Muslim communities registered in the juristic borrows of the NW Caucasian Autonomous Republics were: 96 in KB, 91 in KC, and 14 in Adyghea, but "the number of Muslim associations in the Post-Soviet era at that time were still half of what they were before the [Bolshevik] revolution"[17].

The growing influence of Islam in the area during the 90's was therefore very impressive given its situation during the Soviet Period, but this does not mean that Islam became a dominant factor, or that this process is similar to the growing Islamic influence in other parts of North Caucasus .

---

[14] see also Emelyanova 1999:92-93

[15] Emelyanova' 1999:100-101

[16] Iarykapov, 2003: 166-168

[17]. Emelyanova, 1999:102. The source of this information is not mentioned.

One example of these differences can be seen in patterns of Islamic identification. Surveys show that most people in Adigea and Kabarda [where most Muslims are ethnically "Circassians"] identify themselves as "Muslims" in general, while at least half of the population or more in Ingushetia and most of the population in Chechnya see themselves as "Sunni Muslims". Surveys also show that in 2000 there were about 400 Mosques in Chechnya and Ingushetia, as compared to only 96 in KB and 91 in KC[18]). This also explains why the attention of scholars who study Islam in the Russian Federation and the Caucasus were naturally focused on other, neighboring areas. Although there is only limited research and information about the dissemination of Islam in North- West Caucasus, most of the scholars agree that there was a gradual difference in the dynamics of Islamic development between NW Caucasus and Daghestan and Chechnya in Northeast Caucasus. Another important characteristic of Islamic influence in NW Caucasus during the 90's is related to Islamic radicalism. Although there is clear evidence that Islamic activity intensified in the area in the 90's, there was almost no evident for an influence of Islamic Radicalism. Chechen attempts to bring the Muslim people of NW Caucasus to side with them against the Russians in the first Chechen war did not succeed. Even later on, when foreign "Wahhabism" intensified their activities in neighboring Chechnya, and tried to gain influence in many areas of the Caucasus and Central Asia in the second half of the 90's, the NW Caucasus remained relatively calm, and the influence of Islam in general, and Wahhabism in particular limited. This situation raises questions about the processes and powers that influence the specific mode of re-Islamization in the area: how important is external Islamic influence on the processes of Islamic activities in the NW Caucasus? What were the factors and processes that influence the place of Islam? And what were the reasons for the limited extent of Islamic awakening?

## Ethno-nationalism in NW Caucasus and Islam

While the re-introduction of Islam to NW Caucasus was indeed an important and interesting phenomena, in the region politics of identity Islam was a secondary factor, usually subordinate to ethno-nationalism. Hence, ethnicity and ethno-nationalism are crucial not only to the understanding of the political and social dynamics in this area, but also to any discussion of Islamic activity.

The dynamics of ethno-nationalism in the North West Caucasus is highly connected to the local context, where Soviet ethnic policy had a specific form. Stalin's "divide and rule" policy in this area led to the creation of 3 different ""republics with the Circassian- Adyghe as titular population. At the same time, the two bigger republics, KB and KC, were shared between the Circassians (or Kabardians- a specific Circassian-Adyghe group) and another divided group, The Karachai and the Balkars. Therefore, any discussion of NW Caucasus should take into account a complex situation, where there is no correlation between the Political-administrative bodies (e.g. the republics) and the ethnic divisions. This raises a methodological question of the frameworks for analysis which is especially important in understanding Islam in NW Caucasus and for interpreting the limited data existing on Islamic activity. Most of this data relate to Islamic activities in the different autonomous republics. The republics, as the main governmental power units are indeed central to the understanding of Islam as well as to the understanding of ethno-nationalism in any post-Soviet context[19], but at the same time such framework might lead to misleading generalizations in understanding Islam and ethno-nationalism. Except the few main cities, most of the population of this area lives in different areas according to ethnic belonging, Karachai and Balkars in the mountains area, and Circassian in the lower regions, closer to the Russian population in the plans. Data, however, usually do not differ between them and does not give information about the ethnic/community dimension of Islamic activity, although most of this activity is taken place within separate ethnic groups. This situation makes the "administrative" and "ethnic" factors two different potential modes of analysis (e.g. it is possible to discuss Islam in the different Republics or to discuss Islam among different ethnic groups). But each of these frameworks is at the same time limited, since it is crucial to understand their inter-relations. Hence, it is not possible to understand the religious developments in KB and KC without paying specific attention to ethno-nationalism and ethnic relations- in the context of social and political structures in transition from the Soviet to the post-communist period.

---

[18] Malashenko, 2001

A small anecdote from a visit to KB in 1990 give another aspect of the need to consider the interaction between Islam and specific ethnicity and cultural traditions - in this case the Circassian culture which was crystallized long before the late Islamization. One of my hosts during this visit, a local Kabardinian ethnographer, claimed that there was no working Mosques among Kabardinian. After a long process, he received information about a small Mosque in Baksan area (KB). During my visit there, the local Imam said that he fill uneasy when I started to took off my shoes in order to go into the Mosque. He said that I could enter with my shoes on since the guest is above everything in the Adyghe K'hase, the Circassian code of behavior (I remained barefoot, out of respect). This event could not have happened from the mid-nineties on- and probably would have had a different character among Karachai- Balkars. Dualities between local ethos and law and the Shari' is a common phenomenon. However, it takes different features in different societies, which can have different implications to the rule of Islam in each society. Unlike the salient contradictions between some features of Circassian traditional culture and Islam, in the case of Karachai- Balkars, following some Islamic influences that this group(s) went during their deportation, national and Islamic awakening seems to be more connected. Indeed, it seems that a lot of the data regarding Islamic activities, (|Islamic organizations, new Mosques - especially in the countryside etc. ) which were brought before is dealing with Karachai-Balkars, while referring only to the republics.

---

[19] Slezkine (1994) discussed Soviet policy towards the different nationalities and pointed out how this policy actually gave different ethnic groups a (controlled) degree of cultural autonomy. Roy (2000) showed how this policy created an important base for the creation of new nations in Central Asia. The implications of these analyses to the NW Caucasus are however, limited, due to structure of the "binary" republics (Two groups together in each republic) , and due to the differences between the geographical settings in Central Asia and the Caucasus, as well as the different historical and ethnographic trajectories of their populations regarding ethnicity and religion

In order to analyze the specific features of Islamic influences in the NW Caucasus it is thus important to understand the place of Islam, and the inter-relations between ethno-nationalism and Islam within each different group.

## Ethno-nationalism and Islam: Karachai-Balkars and Circassians.

Karachai national movement - Jamagat – was one of the first to organize and promote its claims. Since 1988 Karachais began lobbying for the division of KC, at that time an Autonomous oblast. Moscow reaction was raising the status of the region to Autonomous Republic. The Karachai claims derive from their aspiration, as the bigger group in KC, to have there own Autonomy- a position which they lost as a results of their deportations to Central Asia, as can be seen in the words of a Karachai leader who addressed the question of 'rehabilitation' in 1991:

> It's not like in the United States where the Japanese-Americans who were put in camps during World War II were apologized to and given financial compensation. Or look at the Germans, the way they have apologized to the Jews and banned anything anti-Jewish. Instead, our repressed peoples came back in the late 1950s either to have their oil exploited in the case of the Chechens, their best lands taken away in the case of the Ingush, their autonomous status removed in the case of the Karachai and, again, a loss of territory in the case of the Balkars.[20]

This connect (symbolically, at list) Karachais and Balkars to other deported groups in North Caucuses, including the Chechens, but at the same time stress contradictions of interests between them and there neighboring Circassians. Still, during the 90's the relationships between the communities remain calm, although this background probably gave more motivation to local Cherkess of KC to play an important rule in the evolving Circassian ethno-national organizations, and to stress their affiliation to other Circassian in KB, Adyghea and in the Diaspora. Tension erupted in 1999, while a competition between Cherkess and Karachai candidates during the election for the president of the Republic developed to a general tension between the communities. This led to an intervention by Moscow new representative to the Caucasus which at the end stopped the events. The final election of a Karachai as a president kept the main power among Karachais.

While Karachai were the biggest community in KC, the Balkars, ethnically and linguistically related to the Karachais, form a small minority In KB. During the 90's- Kabardians political aims was restricted to more Autonomy from Russia. Balkars feared from the changing demography of the republic, with Russian emigration and a bigger majority to Kabardians[21] Balkars claimed for full territorial rehabilitation (regarding lands taken from them during their deportation) and some even claimed for a Balkar republic. In 1996 their organization, the congress of Balkars, even voted for the establishment of a Balkar republic, which led to strong acts of the KB government against the initiation of this decision. Albeit this, the overall relations between the communities remained calm. This developments show that the potential for instability in NW republics in the 90's was based mainly on ethno-nationalism and ethnic relations between local people rather then on confrontation with Russia or neither on the influences of religious ideology. Moreover, Karachais and Balkars made there claims separately, practically accepting the separation between them due to the existing administrative division of the area, although both, and especially the Karachais thrived for some changes within this framework.

---

[20] Smith, *Allah's mountains*, p. 91. I thank Moshe Gammer for directing my attention to this example.

[21] Cornell: 2001:266

Islamic awakening among Karachai- Balkars during the 90's seems to be connected to ethno-nationalism, although the information about the different influences on Islam among these groups is limited. It is a question to what sense the history and traditions of Karachais and Balkars as a Turkified former nomads of the high-mountains were sufficient to create a strong ethno-national fillings. This might explain a further importance of Islam as another source for meaning and an integral part of the frameworks to this ethno-nationalism. According to some sources, among Karachais some groups adopted a "Salafite" ideology, maybe a further development of processes started already during the deportation in the 1950's. Other possible source of influence was the Karachai community in Turkey. However, most of Karachais and Balkars were not religious, and only started to underwent processes of Islamization in the 90's.

Circassian Ethno-nationalism took a different shape. Since most of the Circassian lives in the Diaspora, the fall of the Soviet Union marked a real possibility of establishing connections with the homeland and even repatriation became valid. Diaspora Circassians had influence on the construction of ethno-nationalism, which also brought with it a specific mode of re-Islamization. Circassian ethno-nationalism had local manifestation in each republic - the activity of ethno-national organizations, the "Adyghe Khase". At the same time, already in the beginning of the 1990's, the "International Circassian Association" (ICA) was established, uniting Circassians from the different Republics in the Caucasus (KB, KC, Adyghea) and from the Diaspora. The ICA held 5 Congresses between the years 1991-2000, each in a different Capital or center of the Circassians in the Caucasus. The Congresses became important arenas for negotiations Adyghe/ Circassian identity, and had a clear ethno-national agenda.[22] Abkhazian were also, officially, part of this association-although they constructed their own ethno-nationalism at the same time. The collaboration between Abkhazian and Circassians led to the participation of a few thousands Circassian volunteers along with the Abkhazian in their war with Georgia in 1992-3. Chechens volunteers also fought in Abkhazia, but Chechens efforts to bring Circassians to their side in the 1995 war failed. The Circassian Association adopted a moderate policy and tried to progress towards achieving their goals through negotiation with Moscow. This was echoed by Moscow policy, who tried, to some degree, to negotiate with the organization and to co-opt the leaders of this movement. The first president of the ICA, Yuri Kalmikov even served as a minister of low in

---

[22] For a broader discussion of Circassian ethno-nationalism see Bram (2004).

Yeltsin government[23]. Among the major issues that the ICA addressed were themes like the status of the Circassian regions (especially Adyghea), the future of Adyghe (Circassian) language and especially- the right of repatriation to the Caucasus. As a result of this Russian low were changed in the 90's, and potential Circassian repatriates from the Diaspora were able to settle in the Caucasus and start a process of becoming citizens. While only a few thousands Circassians re-emigrated to the Caucasus (Bram 99), cultural and educational ties have grown, taking the forms of students arriving to study in the Caucasus, of mutual visits, of exchanges of youth delegations as well as delegations from cultural clubs, etc.

In difference to other ethno-national movement in Northern Caucasus, Circassian ethno- nationalism was almost totally detached from Islam. Most of the symbols and gestures emphasized elements from Circassian culture which to certain degree even contradict Islam, such as the Adyghe Khabzah (code of behavior), The Nart epos and different Adyghe customs. Islamic identity themes played hardly any role. In few exceptions delegates from the Middle East related generally to the importance of "religion" – symbolically living place also to non- Muslim Circassian as well [24]. At the same time, the interactions between Circassians from the Diaspora, especially visits to the Middle East, introduced Caucasian Circassians to an Islamic religious world almost completely new to them. Diaspora Circassians came as agents of ethnonationalism, but served also as agents of Islamization. The notion of Islam they brought was moderate, secondary to ethno- national identity. It is important to note that Islamic influences came from different sources, not only from Diaspora Circassians. In the cities there were also manifestations of Islam that went beyond ethnicity- such as the development of small Islamic educational institutions, but there orientation was civil- combining Islamic knowledge with general education, computer and English lessons. These, however, were exceptions. In the second part of the 90's one could also see the beginning of differences between "traditional" representatives of Islam in the villages, and new generation of people who studied Islam outside the Caucasus or in the new Islamic institutions - a process that was vivid even more among Karachai and Balkars. But generally speaking, this younger generation also accepted the general existing political and social framework, and tried to promote Islam within it, while stressing their Russian civil identity and their place in the Russian federation at the same time. Still, the specific juxtaposition of Islam and ethno-nationalism described above had a major influence on the process of re-Islamization among Circassians in KB, KC and Adyghea. Some of the new Mosques and Madrasas were sponsored or influenced by Diaspora Circassians.[25] At first Islamic education was provided by Circassian repatriates from the Middle- East and Turkey. Diaspora Circassians, together with local leaders and activists of the ethno-national movement and local scholars were engaged together in preparing corrected translations of the Koran directly from Arabic to Western-Adyghe and to the Kabardinian dialects of Circassian (and not through Russian). In all this activities, moderate Islam was promoted, but mostly as an accompanying element to ethno-nationalism, and not as a dominant factor in the social or political spheres. "Wahhabism" or any other form of radical Islam didn't find its way to the Circassians and that influenced the character of Islam in KB- where Kabardinian- Circassians are the majority of the population[26].

---

[23] Kalmikov resigned as a protest while Russian tropes were sent to Chechnya in 1995.

[24] In Mozdoc, Ossetia, there is a small concentration of Christian Circassians

[25] Jaimoukha 2001:152

Generally speaking, until the end of the 90's, the level of Islamic penetration into the NW Caucasus, and its political implications in particular, remain limited- although it varied among different ethnic groups in the area. Ethno-nationalism, as well as Islamization, among Circassians and among Karachai-Balkars took very different forms,. The processes of Islamization among Karachais and Balkars were more vivid then the penetration of Islam among Circassians, although mutual influences between theses groups are also important. In both cases they developed along with acceptance of the overall political framework of the Russian federation. In most cases, the main agents of ethno-nationalism and Islamization adopted a pragmatic approach, and rejected radicalism. Islamic influences on theses groups came from different, and even from competing, sources, but it seems that influence of foreign "Wahhabite" were not among them. In most cases Islam developed in each group separately, accompanying- and usually secondary- to ethno- nationalism.

## Radicalism appears: new trends in the beginning of 21st C.

As we have seen, the NW Caucasus was relatively stable during the 90's, and there was minimal evidence to the presence of radical Islam. However, recent reports on clashes between governmental forces and armed groups of radical Islamists mark a significant change.

The "second Chechen war", in fall 1999 can be seen as a land mark for a shift in the situation in the North Caucasus, which had clear influences on the north-western Caucasus republics. The changes, nevertheless, did not occur immediately but in a slow process- hence there is a question as to what degree the evolving conflict in Chechnya had an impact on the NW Caucasus, or rather the shift in Russian policy towards the whole area which went along and developed alongside the events in Chechnya. Although these two elements are strongly connected, the differentiation between them is important to the understanding of the behavior of the local Muslim population in NW Caucasus republics, and its reaction to Radical Islam.

President Putin's rule was characterized by a shift to a centralistic and more "hawkish" policy which had a severe influence on the developments in the area.

---

[26] Emelyanova, Cf. Cit p102). According to this study, Among Kabardinians, there are "a majority of people who define themselves as 'religious' but do not observe all Islamic laws, a minority who do observe Islamic laws, [and] Atheist and Non-Muslim Kabardinians (Christians or other)".[ibid 101]. Generally, this assessment agrees with my own field impressions and data,

During the period of the second Chechen war and shortly afterwards, the main tensions in the NW Caucasus remained tensions between the local ethnic groups, especially between Karachais and Circassians in Karachi-Cherkess. Moscow sent a special representative to the Republic, and this policy was affective in reducing and controlling the ethnic tensions in Karachai- Cherkesia. However, in the long run, this act seemed to be only a temporary solution, which did not affect any other basic problems of this Republic, such as the growing frustration of the local population from poverty and growing corruption in the Republic.

The new centralistic policy and new regulations imposed by Moscow it seems, were more concerned with expanding control over the area and the different political players, then in addressing the continuing and growing harsh economic situation in the area. This can be seen especially in its attitude towards the newly established connections between local Circassians and Diaspora Circassians. During the nineties Russian authorities enabled, albeit limitedly, reconnections with and even immigration of Diaspora Circassians to the Caucasus. This policy changed in the end of the nineties with new re-immigration restrictions and even one case which earned symbolic importance when authorities tried to deport one of these national activists. This case gained the attention of Circassian nationalists as well as human rights organizations.

These new restrictive and centralistic policies were mirrored by the weakening of the nationalistic organizations among the Circassians. In Kabardino- Balkarya the local administration continued its struggle against Balkar nationalism. The Republic Authorities also used the shift in policies in order limit the power of the local Adyghe Khasa, the Circassian (Kabardinian, in this context) national organization. The Circassian national organizations – both the international Circassian Congress and the local Adyghe Khasa in the 3 Circassian Republics – lost power for many other reasons, such as the unresolved tension between the different Circassian centers in the Caucasus[27], and the limited cooperation between the Caucasus and the Diaspora[28], and leadership dilemmas. But the new centralistic policy, as opposed to the former attempt of Moscow to legitimize and co-opt this organization, seemed to accelerate the weakening of nationalism as a legitimate channel of collective expression among Circassians.

Meanwhile, the years 1999-2004 were marked by an increase in terror attacks, as a result of the second Chechen War and the shift of Chechen radical activists (especially Shamil Basayev) towards terror attacks as a main means of their struggle against Russia. This affected all of the north Caucasus and neighboring areas as well as Moscow and other big cities in Russia.[29] This strategy, together with the intensification of Russian operations against the rebels in the highlands of Chechnya, made it possible for some Chechen guerilla groups to look for temporary shelters in the highlands of neighboring Republics, and for Chechen radical leaders to intensify there attempts to collaborate with local Muslim groups. Although evidence that Chechens scientifically strengthen their influence on radical Islamists in NW Caucasus has not yet been provided, there is evidence to the existence of local radical groups who preach Jihad and see their struggle as part of a larger Muslim holy war. According to different reports, such groups are the Jamaat "Hizb- At – Tawhid" which operate in Karachai- Cherkesia, and the Jamaat "Yarmuqe" in KB.

---

[27] After the International Circassian Congress in Nalchik, the capital of KB in 2000 the center of the conference were moved to this city, but this attempt to create one center to the movement seems to weaken it.

[28] These were influenced by processes among Diaspora Circassians. The shift from "community in exile" to "diaspora communities which followed the establishment of connections with the Caucasus paradoxically brought to more emphasize on the local, civil, place of this communities in the different locations (Turkey, Jordan, etc). See also Bram 1998.

According to an interview given by Dagir Bejiv, the supposedly Amir of Karachaevo Jammat to "Radio Kavkaz" on the 17th of July 2002[30], Hizb- At – Tawhid contains over 1000 Karachais, and its activities were inspired by the Karachai Amir of madrasa Ramazan Burlakov, who came to fight in the second Chechen war with 150 Karachais, 30 of them were killed. It is hard to tell how valid this information is, but if so- it goes hand in hand with the assumption that radical Islam succeeded in gaining some support among Karachais in KC. The bases for these groups might be the Salafits groups who operated in KC already in the 90s, but at the same time- they represent a younger generation, and there relations with the Salafite groups among Karachais are still a question. In any case, the actual influence of these groups, and there percentage in the overall Karachai population seems to be limited. In the last years the main issues that most of the populations in KC were occupied with were the harsh economic situation, inner ethnic tensions and recently organized crime and corruption. Although such a situation can be a fertile ground for "Purist" Muslim ideology, it seems that this ideology has had influence mainly in the margins, and most of the KC population is not involved in a religious campaign against Russian sovereignty in the area. Malashenko (2001: 117-119 ) suggests that when the population sees the instability caused by radical Jihad, they reject Islamic Radicalism. He also refers to the different meanings of the term "Wahabis": "In Karachi-Cherkess and in Kabardino Balkarya, people who break the law or go against the government are called by the authorities "Wahabis". Thus, he questions the credibility of publications that claim that Karachi-Cherkess is a center of Wahabism "(ibid).

While local history suggests some explanations to the development of Radical Islamism among the Karachais, the majority Muslim group in KC, the appearance of radical Islam in KB raises difficult questions, especially regarding the amount of participation of Kabardinians (Circassians), the majority Muslim group in this republic, in these organizations.

---

[29] See Henkin, cited in Gamer, [in this volume]

[30] "Our march is Jihad", Interview with Amir of Karachaevo Jamaat, Radio Kavkaz (taken from list- Chechniya sl@ Yahoogroups, 20.7.2002).

In 2003, following bomb explosions in Moscow and in Mozdoc (The capital of the neighboring Autonomous republic of North Ossetia, eastern to KB), the Russian forces reported that one of the terrorists responsible for these attacks was killed during an attack on a rebels base in the Mountainous area in KB.

Following this event, the policy towards Muslims in KB became more and more oppressed. The limited number of Mosques that previously had been allowed to operate were closed and reports showed brutality of police towards ordinary Muslims.

These policies were justified by Fuad Shurdumov, head of the republic's organized crime-fighting division, who claimed that "Mainstream Islamic clergy have failed to stop the spread of Wahhabism among Kabardino-Balkaria youth" and "..Wahhabites are largely supported by the republic's population".. and that "numerous residents of the republic.. were given small amounts of money and they follow the lead of, and aid Wahhabites[31]" . There is no evidence that these claims have any bases- on the contrary, it is likely that most of the Republic's population does not support any kind of terrorism, and that most of the population is far from being radical in its religious approach. Different approaches toward the connection between radicalism and the local population's religious orientation can be seen in the appeal of the "official" representatives of Islam, the leaders of the "Spiritual Administration" against the closure of Mosques[32]. These leaders stated that "closure of mosques isn't the most effective preventive measure against the dissemination of Islamic radicalism".[33] These different approaches contain a paradox: unlike the situation in Daghestan, were Islam is well established and the Authorities have to collaborate with the different Islamic bodies in their struggle against "Wahhabism"', in KB the "legitimate" Islamic leaders- whether those who represent the state "religious officials" or leaders of other Islamic movements- have no power. On the one hand, this represents the overall weak position of Islam in the area. On the other hand it leads to a situation where the struggle against radicalism becomes a struggle against religious activity in general. It is questionable whether such a strategy will fulfill its ends; maybe it will only result in a greater influence of radicalism as there will be no alternative of legitimate religious alternatives[34].

---

[31] "Two rebel bases found in Kabardino-Balkaria mountains", Nalchik. Sept 9, 2003, Interfax-South.

[32] Maratova Lyudmila , Caucasian Knot; Reported in 14/9/ 2004 that Only the central mosque remain open in Nalchik , The other six mosques were closed at Berdov, the Mayor of Nalchik, direction.

33 Report by Maratova Lyudmila, op. cit. This approach were also expressed by the mufti of Kabardino-Balkaria, Anas Pshikhachev, in an interview to the Cherkess-language service of Radio Liberty: "We are outraged by the actions of the police who - in a blatant violation of the law - have closed down several mosques" Report by Valery Khatazhukov in IWPR'S Caucasus Reporting Service, No. 199, Nalchik, October 9, 2003 (It is important to state that these reports represent interest bodies as well. Valery Khatazhukov, for example, is the executive director of Kabardino-Balkaria's Republican Human Rights Centre in Nalchik).

[34] The implementation of these policies increased side by side with the weakening of the republic's president, Valery Kokov, who successfully ruled KB in the 90's.

The 2003 events were the starting point of a series of clashes between armed Muslim rebels, Wahabists according to official reports, and governmental forces in the territory of KB and KC. These events included both planned operations against the rebels' bases, and terrorists' attacks, mainly on different targets in KB. During this period there was an increase in these attacks: not only in the numbers of reported attacks, but also in their targets: former attacks were carried out in the KB Republic capital Nalchik and its surrounding areas. Information on these events is restricted, and based mostly on governmental reports. Some of these attacks were associated with the Karachai Jama'at, also involving Russian converts to Islam [35]. However, there is another development characteristic of Islamic activity in the area: At least some of the radical Islamic groups seem to be multiethnic, involving also Circassians- not only Balkars/Karachais.

It is possible to accept the claims made by Russian sources that the rebel groups in KB, or at least some of them, have connections with radical Chechen leaders such as Shamil Besayev, and that these groups act on behalf on an ideology of Radical Islam, even that they represent "Purist" or "Wahabbist" ideology. But it is much more questionable as to what degree such groups represent important segments of the population in KB, and if there is such support- who are the local populations that are involved in these developments.

On the one hand, it is not likely that such groups would have succeeded in the mountainous areas without some support from local populations. Some potential for such support might be the conjunction of Islamic dissemination and ethno-nationalism among Balkars and Karachais. On the other hand, it is possible that some of this support was gained both by force and by offering rewards to locals, thus taking advantage of the severe economic situation in the area. The economic crisis also raises the question as to what extent some of these groups – or at least some of their components— actually started as bands of bandits or criminals and were not necessarily derived from Radical Muslim ideology. It is reasonable to assume that both phenomena exist (radical ideological rebels and groups who are motivated by economical situation) and even that the distinctions between them are sometimes blurred. Russian tendency to title every criminal act in the area as "Wahabbist" makes it difficult to understand the real threat of radical Islam, while legitimizing brutal acts against civilians. Moreover, such a reaction seems to gain the opposite of its goal, and to accelerate the potential of radical Islam as a potential resistance channel for local populations.

---

[35] Samedov Timur : "Investigation- "Persons of Slav Nationality. Russians Fought in Karachay Jama'at" Report in Moscow Kommersant , 25 Feb 05 [html version of source, provided by ISP], and also in: Gerasimov Boris: "Police Kill Wahhabite But Lose Out to Him on Ideological Front", Report in Moscow Kommersant ,12 Sep 03 p.4

# Chapter III

# Radical Islamism, Traditional Islam and Nationalism in the North-Eastern Caucasus (Daghestan and Chechnya)

-Moshe Gammer-

# Radical Islamism, Traditional Islam and Nationalism in the North-Eastern Caucasus (Daghestan and Chechnya)

**Moshe Gammer**

Islam in the North-Eastern Caucasus is unique on at least three counts:

1. First, one of the **oldest and most developed centres of traditional Muslim scholarship** is located in it, namely in Daghestan. Already in the 11th century CE major centres of Islamic learning existed in that "Mountainland,"[1] and since then Daghestan had been the beacon of Islamic scholarship for the Northern Caucasus and had supplied spiritual leadership to the entire area at least until the 1920s.[2] Being both a borderland far removed from the heartland of Islamic civilisation and a rural country with no towns or cities seem to have worked in favour of enhancing this tradition of scholarship: The *madrasas*, libraries etc. were located in villages, which strengthened and deepened the roots of both Islam and its scholarship among the rural population.[3]
2. Second, is its strong **Sufi character**. Although, Sufism had not been unknown in mediaeval Daghestan, the Sufi brotherhoods arrived relatively late to the area. Only in the 1810s had a Sufi order been successful in establishing itself in the Northern Caucasus. It has been the Naqshbandiyya-Mujaddidiyya-Khalidiyya (named after Sheikh Khalid al-Shahrazuri, 1760 – 1827, and called "Miuridizm" in the Russian and Soviet sources) [4] which is still influential among some of the Chechens and plays a prominent role in Daghestan. It was followed by the Qadiriyya (called in the Caucasus after the man who introduced it – Sheikh Kunta Hajji, 1830[?] – 1864 – is known as "Zikrizm" in Russian and Soviet literature), which appeared in the Caucasus in the 1850s and supplanted the Naqshbandiyya among the overwhelming majority of the Chechens and Ingush.[5] The fact that the branches of both valued Islamic scholarship and combined it with their mystical paths, helped to make them into the spiritual and intellectual leaders of the

---

**Notes**

[1] Dagh in Turkic is Mountain and Stan is the Persin suffix for territorial names. This Daghestan means literally Mountainland.

[2] Islam reached Daghestan in 643 AD, when the Arabs conquered Derbend (named by them Bab al-Abwab). It took about eight centuries for Daghestan to become completely Islamised. Nevertheless, already in the 11th century major centres of Islamic learning existed in Daghestan. Among the Chechens and Ingush Islam spread considerably later. In fact, the Checehns were finally and completely Islamised only in the first half of the 19th century and the Ingush – only by the beginning of the 20th. Daghestan has, thus, naturally become the religious centre and supplied spiritual leadership to its neighbours. And see, David Wasserstein and Moshe Gammer (eds.), Daghestan in the World of Islam (Helsinki, forthcoming).

[3] The same factors worked in favour of preserving this tradition during the Soviet period, since the authorities' attention was directed first and foremost to the traditional, urban centres of Islam, such as Bokhara, Samarkand and Khiva.

[4] For which, see Moshe Gammer, "The Beginnings of the Naqshbandiyya in Daghestan and the Russian Conquest of the Caucasus," Die Welt des Islams, Vol. 34 (1994), pp. 204 - 217.

[5] Moshe Gammer, "The Qadiriyya in the Northern Caucasus," Journal of the History of Sufism, Vol. 1- 2 (October 2000; Special Issue: The Qadiriyya Sufi Order), pp. 275 – 294.

population. Their late arrival was another reason for the Sufi success in Chechnya and Daghestan. The branches of both brotherhoods which arrived in the Caucasus belonged to those Sufi *tariqa*s which underwent in the 12th/18th century a great number of both organisational and ideological changes that transformed them into *ta'ifa*s.[6] These changes enabled the new *ta'ifa*s more than merely to establish their presence in the Northern Caucasus: it made them an integral part of the social fabric. The new ideologies enabled the Naqshbandiyya and the Qadiriyya to appear, each in its turn, as bearers of solutions to the acute crises suffered by these societies due to the Russian conquest and to resistance respectively. Their organisation, hierarchy and discipline helped them to be incorporated into, become a vital component of, and supply the much needed leadership to local society.

3. Third, **resistance to Russian conquest and rule** -- both Tsarist and Soviet -- had been conducted under the banner of Islam and the leadership of both Sufi brotherhoods. Here the Naqshbandiyya was first. While there is no supporting evidence to the oral traditions which regard the first leader of resistance to the Russians (1785 - 1794) -- Ushurma who assumed the title "al-Imam al-Mansur"[7] -- a Naqshbandi Shaykh, the "Great Gazavat" -- the 30 year long resistance to the Russian conquest (1829 - 1859) -- was led by the Naqshbandiyya-Khalidiyya and its three Imams.[8] The Naqshbandiyya-Khalidiyya supplied also the leadership to almost all the uprisings against Russian rule up to the late 1930s, the most important of which were those of 1863, 1877 - 8, 1919, 1920, 1929-30 and 1937, the latter two in reaction to Stalin's "collectivisation" and full scale attack on religion and in reaction to the massive arrests of religious and secular leaders which were part of the infamous "purges" respectively. The Qadiriyya which started as a "pacifist," to use modern terminology, movement was soon driven to rebellion by Russian deliberate provocation and turned into a sworn enemy of Russia.[9] The Qadiriyya, or at least some of its branches, took part in all the

---

[6] Tariqa is the mystical way of each Sufi brotherhood. Ta'ifa is the organisation. The first to use the term ta'ifa in Western scholarship was Trimingham -- J. Spencer Trimingham. Sufi Orders in Islam (Oxford, 1971). Nehemia Levzion and John O. Voll have borrowed his terminology (though not his chronology) -- Nehemia Levzion and John O. Voll, "Introduction," in: Levzion, Nehemia and Voll, John O. (eds.). Eighteenth Century Revival in Islam (Syracuse, 1982), pp. 3 - 20. Other scholars prefer the term "neo-Sufism," for example, Octave Depont. Les confreries religieuses musulmanes (Paris, 1987). Yet all subscribe to the thesis that in the 12/18th century the organisation and discipline of many Sufi brotherhoods became tighter, that membership became exclusive and that they acquired a solid ideological base.

[7] "The Victorious Leader" in Arabic. The best study of Imam Mansur is still Alexandre Bennigsen, "Une mouvement populaire au Caucase du XVIIIe siecle: la 'guerre saint' de Sheikh Mansur (1785 – 1794). Page mal conue et controversee de relations russo-turques," Cahiers du Monde Russe et Sovietique, Vol. V, No. 2 (April – June 1964), pp. 159 – 205.

[8] For which, see Moshe Gammer, Muslim Resistance to the Tsar: Shamil and the Conquest of Chechnia and Daghestan (London, 1994);

[9] Having taken advantage of the new ta'ifa's views and influence to eliminate remainders of resistance, the authorities arrested on 15 January 1864 its founder and leader, Shaykh Kunta Hajji. This provocation resulted in a massacre -- known in Chechen as "Sha'ltan Tom" (the Battle of Dagger) -- which turned the Qadiriyya anti-Russian.

Naqshbandi led uprisings against Russian rule, and even led some of their own -- the first being in May 1865.[10]

Soviet policies, formulated under Stalin and changed only slightly by his successors, were designed from the very beginning to destroy the hold of Islam and the Sufi brotherhoods over society and to suppress all vestiges of resistance. Thus, the aggressive persecution of religion;[11] the creation of an official Islamic administration to control the believers; and the massive involvement of the secret police – in its successive acronyms from ChK to KGB – in every aspect of the above two.

Far from eliminating the role and influence of the Sufi brotherhoods in the life of society, however, all these only served to enhance it. To start with, the *ta'ifa*s, as if designed on purpose for clandestine activity, filled the vacuum created by Soviet anti religious policies. The *ziyart*s (which they controlled) became the only centres of religious life. These and the *dhikr* ceremonies provided people with their only opportunity to worship. The *ta'ifa*s ran a clandestine education system, in which children and grown ups were taught the essentials of Islam, prayer, the *Qur'an* and some Arabic. Later on they also established their own *samizdat*s which published and distributed underground a great deal of banned religious literature.

Thus, during the last three decades of the Soviet period the *ta'ifa*s had, in fact, successfully established what might be termed "parallel communities" with a flourishing parallel (in Soviet vernacular "left") economy, which maintained as little contact as possible with the Soviet state, society and economy. In large parts of Checheno-Ingushetia and of Daghestan, the *shari'a* and the *'ada* regulated life, not the Soviet legal system (or as an English observer remarked, "there seemed to be three legal systems in force -- Soviet law, local Party extortion and the old customary law").[12]

More important, in both republics, like in other parts of the USSR, the nationality policy of the new Soviet regime was designed to break up the unity of the Muslim community by a sophisticated and complex "divide and rule." It thus created new nationalities, national languages and used the Latin and then the Cyrillic alphabets to divide Soviet Muslims from each other, from the Muslims outside the USSR and from their past. The separation of Chechnya and Daghestan and the creation of two individual national Autonomous Soviet Socialist Republics (ASSRs) within the Russian Soviet Federated Socialist Republic (RSFSR) -- the Checheno-Ingush ASSR (ChIASSR) and the Daghestani ASSR (DASSR) was part of this policy. These new republics would hence develop in separate, even divergent ways.

The Daghestanis, speaking at least thirty two different local languages, were divided by the Soviet authorities into twelve officially recognised nationalities. Each of these developed along separate lines, cultivating its own group identity and nationalism. Furthermore, Soviet massive transfer -- at times by "stick," at others by "carrot" -- of populations from the Mountains into the lowlands created quite a few national conflicts which would come into the open after the dissolution of the USSR. The Chechens and the Ingush -- divided officially into two separate nationalities -- suffered the tragedy of the so called "deportation" to Central Asia in 1944 and "rehabilitation" in 1957.[13]

---

[10] See "O zhitele Ichkerinskogo okruga Terskoi oblasti aula Kharachoi, Taze Ekmirzaeve," Sbornik svedenii o Kavkazskikh gortsakh, vyp. IV, otd. 4 (1870), pp. 55 - 62.

[11] This involved inter alia massive arrests and executions of religious leaders and their families and the closing up of mosques. Thus, in the mid-1980s only seven "official" mosques were open, compared to 1,800 in 1914.

[12] Robert Chenciner. Daghestan: Tradition & Survival (London and New York, 1997), p. 237. And cf. Anna Zelkina, "Islam and Politics in the North Caucasus," Religion, State and Society, Vol. 21, No. 1 (1993), p. 120.

Soviet nationalities policy, however, had dialectical results and its very success in nation building -- the obstacles placed on it by Moscow notwithstanding -- returned to both the Soviets and even more so to their successors with a vengeance. Three campaigns -- in the 1960s, 1970s and 1980s -- against the "vestiges of religion and clericalism" and against "chauvinistic bourgeois nationalism" bore witness to Moscow's failures in both spheres. The Soviets had to face, however, a more serious problem – the "convergence of religion and nationalism." Among all Soviet Muslim populations Islam remained a strong focus of identification and a major component of the new national identity. In the case of Chechnya and Daghestan, however it also meant the involvement of the Sufi *ta'ifa*s with national identity and nationalism. Not only was membership in specific *vird*s and *ta'ifa*s monoethnic, but in many cases "the *tariqah* became [...] the very symbol of their nationhood."[14]

By the end of the Soviet period the majority of the indigenous people in both republics shared at least three tendencies: (1) They identified as Muslims, which did not necessarily mean that they all practised the commandments of Islam and/or had any meaningful knowledge of its doctrines; (2) They belonged to one of the Naqshbandi or Qadiri *vird*s, which did not mean that they were *murid*s. Rather it meant that they accepted the head of the *vird* as their *ustadh* and obeyed him; and (3) They abstained from any contact with the functionaries of "official Islam" whom they regarded as stooges of the Godless authorities (*bezbozhniki*) and suspected as KGB agents.

Like in other parts of the former Soviet Union (FSU) Muslim and non-Muslim alike, four major processes followed and influenced each other in Daghestan and Chechnya since the last few years of *perestroika* (1987 – 1991): (1) The greater (though by far not full) control of the believers of the religious board ("official Islam"); (2) The growing use of Islam by both the authorities and many of the opposition groups for political mobilisation and legitimisation; (3) The increasing involvement, usually reluctant, of the Sufi leadership in politics; And (4) the appearance of foreign-inspired extremist Islamic currents, dubbed in the FSU "Wahhabis". These processes were strongly influenced by three major events: the dissolution of the USSR in 1991, followed by a weak leadership in Moscow; the first war in Chechnya (1994 – 1996) and the access to power of Putin in 1999, which signalled a return to centralising policies and tight control by a strong leadership in the Kremlin.

---

[13] For the deportation of the Chechens and other nationalities, see Robert Conquest, The Nation Killers: the Soviet Deportation of Nationalities (London, 1970); Alexander M. Nekrich, The Punished Peoples (New York, 1978). For further sources, see Brian Glyn Williams, "The Role of Memorialization and Collective Memory in the 1994 –96 Chechen War," Paper submitted at the Fourth Annual World Convention of the Association for the Study of Nationalities, Columbia University, 15 - 17 April 1999.

[14] Alexandre Bennigsen, "The Qadiriyyah (Kunta Hajji) Tariqah in the North-East Caucasus, 1850 – 1987," Islamic Culture, Vol. LXII, Nos. 2 – 3 (April - July 1988), pp. 71 - 72. This was particularly true in Chechnya and Ingushetia, where different branches of the Qadiriyya have become the focus for, and the standard bearers of national identity. In terms of political modernisation they have become the agents of modern nationalism among the Chechens and the Ingush.

Naturally, these processes have differed in many details as well as in scope and intensity. In Chechnya the situation was relatively simpler and more straightforward than in Daghestan because of two reasons -- its national homogeneousness and its being the only ex-Soviet political unit to permanently replace the *nomenklatura* (known all over the FSU as *partokratiia*) in what was officially termed "the Chechen revolution".[15]

Islam being an integral part of Chechen identity, even to the most secularised and westernised nationalists, Islamic symbols and slogans were most naturally used by the new government. Thus, Dudayev took oath as president on the *Qur'a*, the republic was termed "Islamic" (with no definition of this term) and the struggle for independence was termed *jihad.*[16] Furthermore, Islam had been to the Chechens the antithesis of everything Marxist and Soviet. The Islamic alternatives to the Soviet state and code of law were the deeply engraved in national history and tradition *imama* and *shari'a* respectively.[17] Nevertheless, until the first war the regime remained committed to a secular orientation.

Also in Daghestan, where the *partokratiia*, with its erstwhile antipathy to nationalism and "religiophobia", remained in power, religion and nationalism complemented each other. However, in a multi-national state this meant that neither was an integrative force able to replace the defunct Soviet ideology and power structure, and provide the government with legitimisation and the country – with a sense of unity, purpose and security. "Belonging" officially to fourteen titular nationalities, nationalism in Daghestan meant only trouble. With no group even approaching a relative majority, various rivalries and conflict had developed among them. Some of these traversed internal and newly established international borders. Others, internal but more serious, threatened to explode into violence when hundreds and even thousands of men, firearms in hand, confronted each other.[18]

---

[15] the All-National Congress of the Chechen People (ANCCP; the national movement) came to power in September 1991. In November Johar Dudayev, its leader, wan the presidential elections and immediately after entering office proclaimed independence. This was the direct reason that led to the conflict with Moscow and the war of 1994-6.

[16] and was, thus, connected to previous"rounds," and its present leader (i.e., Dudayev) was put on an equal footing with past heroes from the nation's pantheon.16 Nevertheless, Dudayev remained until his death committed to a secular orientation.

[17] The shari'a is the only alternative state legal system to the Soviet one, as opposed to the 'ada which is the traditional tribal law. The shari'a was also the legal system of the imama, the state established by Shamil in the 19th century.

[18] Moshe Gammer, "Walking the Tightrope between Nationalism(s) and Islam(s): the Case of Daghestan," Central Asian Survey, Vol. 21, No. 2 (June 2002), pp. 133 – 142; Moshe Gammer, "Between Mecca and Moscow: Islam, Politics and Political Islam in Chechnya and Daghestan," Middle Eastern Studies; Moshe Gammer, "The Road not Taken: Daghestan and Chechen Independence," Central Asian Survey,

But Islam was not a common denominator either. Two of the titular nationalities are not Muslim and two -- are Shi'is.[19] As for the rest -- their allegiance to Sunni Islam comes second to ethnic and national loyalties. This was clearly demonstrated when the larger say of the believers in the running of the religious board resulted in its division along national lines, with almost each major nationality seceding and establishing its own Muftiate. Also the Sufi *ta'ifa*s proved to be a divisive force not merely because of the traditional inter-*ta'ifa* and inter-*vird* rivalries; their mono-ethnic composition meant that traditional and national frictions intertwined and reinforced each other.[20]

Still, the authorities in Daghestan had no choice but to try to use both nationalism and Islam and to co-opt their bearers. They had to do so because while a weakened Moscow was practically unable to give them any meaningful support, the rise of nationalism and the religious revival had left them no option but to "join them". [21] With regard to Islam it meant not merely to regain control over ex-"Official Islam,"[22] but to co-operate with the Sufi Sheikhs whose inherited aversion to everything Soviet combined with time-honoured Sufi traditions of reluctance to get involved in politics. Only the appearance in Daghestan of political Islam, and most particularly the so called "Wahhabis", compelled the Sufis and the ex-*commissar*s to join forces.

"Wahhabis" has been the pejorative applied by the political and religious establishments all over the former USSR to an array of groups and individuals, in order to denigrate them and neutralise their influence.[23] Not necessarily related to the official religious doctrine of Saudi Arabia and not at all a homogeneous camp, these

---

[19] All these groups are, however, marginal to the political structure of Daghestan. Furthermore, their weight -- both political and demographic has been diminishing in recent years. Russians, Tats and Azsris

[20] Furthermore, almost all of the fifteen Sufi virds (mainly Naqshbandi) officially registered in the republic in 1998 had a Enver Kisriev, "Societal Conflict-Generating Factors in Daghestan," p. 9, in: Moshe Gammer (ed.), The Caspian Region (tentative title; London: Frank Cass, forthcoming). According to Bobrovnikov about 40 virds are active in Daghestan -- quoted by Anna Zelkina, "The 'Wahabbis' of the Northern Caucasus vis-a-vis State and Society: The Case of Daghestan," p. 20 (note 59), in: ibid. (further quotations of Zelkina are from this article).

[21] In September 1997 a Russian newspaper reported that almost 1,700 mosques, 650 Islamic elementary schools, 25 madrasas, 9 "Islamic institutes" and 11 "Islamic centres" operated in Daghestan and that about 1,500 young Daghestani men were studying in Saudi Arabia, Iran, Turkey and Pakistan. At that time three Islamic parties were legally registered in the republic. -- Sergei Ivanov and Vakhtang Shelia, "Talebany idut!" Kommersant, No. 31, 1997 as quoted in: Zulfiye Kadir, "The Rise of Political Islam in Russia" (unpublished paper), p. 6.

[22] The Daghestani authorities have later made a major effort to at least unite all these separate Muftiates under a joint umbrella in the form of Daghestan's Spiritual Board.

[23] The labelling of opponents as "Wahhabis" is not new. The name "Wahhabis" itself was from the very beginning used by the movement's opponents. Founded in the 18th century by Muhammad ibn 'Abd al-Wahhab, the Wahhabi movement brought to extremes the principle of tawhid (the oneness of God), and thus its name used by its followers -- muwahhidun. It tried by all means, including force, to purify Islam from different practices acquired along the centuries which it regarded as shirk (politheism). In 1807 the Wahhabis conquered Mecca, and shocked the entire Muslim world by removing the black rock from the Ka'ba and preventing non-Wahhabis from performing the haj. Wahhabism had thus become the equivalent in Islam of Iconoclasm in Orthodox Christianity and of Anarchism in modern Western perception. Already in the 1820s and 1830s the British in India used the negative charge of the term "Wahhabis" to smear the Tariqa-yi Islami, which tried to overthrow their rule. The present day use of the term in the CIS goes back at least to the 1980s, but its origin has not yet been traced thoroughly. Inter alia it is known that the KGB referred to one of the Qadiri virds in the Checheno-Ingush ASSR as "Wahhabis" -- Zelkina, op. cit., pp. 6 - 7

"Wahhabis" were in the North Eastern Caucasus mainly young, educated people who had completed in the years since *perestroika* religious studies in one of three ways: (1) in the Middle East, (2) in Daghestan by teachers from the Middle East, and (3) in Daghestan from graduates of either of the two above.[24] At first they could be found only in Daghestan. Chechnya proved less of a fertile ground for their activities because the Chechens were "intoxicated with nationalism."[25]

These young men found many deviations from "pure" Islam in the traditional religious practices. Their public criticism of these "deviations," of Sufism and of the traditional leadership -- all sanctified to the believers by 70 years of anti-religious persecution -- aroused a great deal of resentment and animosity. Their call to establish an Islamic order -- social as well as political – challenged the republican leadership.[26] Their preference to lead a segregated life alienated them to the majority of the population and made them an easy target for the authorities to mark as "the enemy".[27] Still, if not the first war in Chechnya (1994 – 1996), these "Wahhabis" might (though not necessarily would) have remained a curiosity.

The war was the major catalyst for the radicalisation of Islam in Chehnya and the entire Northern Caucasus.

1. First of all, it enhanced the Islamic dimension of Chechen identity and brought to the fore memories of the Islamic resistance to Russia in the 18th and 19th centuries. Inside Chechnya Islam proved the strongest relying call. Outside it seemed to be a more effective call for unity than secular ones in mobilising support for the Chechen struggle among other North Caucasian nationalities, first and foremost Daghestanis.
2. Second, during the war, "squads of Wahhabi volunteers came to us from the Arab countries. Since they were very well armed, our Chechens joined them readily."[28] These "Wahhabis" introduced into Chehnya ideologies, or rather trends and fashions from the wider Islamic world and contributed to the legitimisation and popularisation of Islamic language in politics and more particularly the demands for an Islamic state (*imama*) based on the *shari'a.*

---

[24] This version, the more common, can be found in many sources, for example, Igor' Rotar, Nezavisimaia gazeta, 11 August 1998. According to another version purist individuals and groups had appeared in Daghestan in the early 1980s, before establishing contact with the outside world became possible -- Zelkina, op. cit, pp. 5 - 8; Anna Matveeva, "Daghestan: Interethnic Tensions and Cross-Border Implications," p. 7 (and note 13), in: Moshe Gammer (ed.), The Caspian Region. .

[25] Ivanov and Shelia, op. cit.

[26] Nevertheless, in the early 1990s the authorities allowed them to officially register an Islamic party and several of their organisations, such as Nahda and Jama'at al-Muslimin, were tolerated. Ivanov and Shelia, op. cit. For the growth and development of purists groups and their conflict with the authorities, see Zelkina, op. cit., pp. 17 - 22.

[27] According to a local journalist, the "Wahhabis look different: they shave their moustaches and grow their beards; they wear shortened pants. And they live differently, abstaining from drugs and alcohol and promoting physical training for their children to defend themselves and their faith. [...] What most irks the government about the Wahhabis, is that they answer only to Allah. Wahhabis' lives are regulated by the Qur'an and the hadiths, not by the state." -- Abdullaev, op. cit., p. 2.

[28] Chief mufti in an interview with Rotar, Nezavisimaia gazeta, 11 August, 1998.

3. Third, volunteers from Daghestan (and other parts of the Caucasus) met these "Wahhabis," were exposed to their ideas, trained by them in guerrilla tactics and established connections with other like-minded men. Returning home after the war, they implemented all they had studied.[29]

Thus, the inter-war period (1996 – 1999) witnessed a boost in the scope of Islamist activities and their deterioration into violence both in Chechnya and Daghestan.[30] In Chechnya, where the country was completely in ruins and the people – with neither means to survive nor hope, Islam looked more then ever the solution.[31] Hence, practically all presidential candidates in the January 1997 elections pledged to establish "an Islamic order." After the elections both the elected president, Aslan Maskhadov, and his rivals – first and foremost Shamil Basayev -- competed over who was more "Islamic." This competition, which led to Maskhadov's imposition of the *Shari'a* on the country on 3 February 1999,[32] was one of the reasons for Basayev's joining the "Wahhabis".[33] This competition and Maskhadov's inability to control the country made Chechnya not merely a haven for criminals and extremists of all kinds, but into a hub of instability threatening the peace of and Russia's rule in the entire region

In Daghestan the inter-war years were marked by the radicalisation of Islamic political parties, by the proliferation of para-military organisations stating their intention to fight for an Islamic order[34] and by the surge in violent attacks, which some of these Islamic organisations claimed responsibility for. Even the "Alliance of the Muslims of Russia" (AMR; *Soiuz Musul'man Rossii*), which was established in May 1995 as a "secular", anti- "fundamentalist" party,[35] fully supporting "one undivided Russia," and "the unity of all Russian Muslims,"[36] called in 1997 the Muslims of the Caucasus to *jihad* and advocated an *imama*, that is a united *shari'a*-based state as the preferable model for the Muslims of the Northern Caucasus. [37] By 1998 the AMR was accused of an attempted coup, on 21 May, and outlawed.[38]

---

[29] Of particular importance to future developments has been the connection of "Wahhabis" from the a'ul of Karamakhi in with Emir Khattab

[30] See, for example, Mohamed Mahdiyev, a village imam in Daghestan, who said he had tried to withstand the fundamentalist's words to Washington Post journalist Sharon LaFraniere: "A Jordanian cleric named Khabib Abdurrakhman arrived in the early 1990s with a seemingly irresistible deal. To a hamlet made destitute by the collapse of the Soviet Union, Abdurrakhman brought a slaughtered cow and a free feast every week. He handed out [US]$30 to every convert who came to his simple mosque. And to those adrift in the social chaos of the Soviet breakdown, he offered a new purpose in life -- a form of their traditional Islam rooted in fundamentalism and militancy. [...] They tried to lure people in a friendly way at first, but by 1999 they were saying: 'Join us or we'll cut your head off'". – Washington Post, 26 April, 2003.

[31] "People are fed up with the disorder all around them," told a Professor at the University of Groznyi to a Western reporter, "they think that introducing the shari'a will bring an immediate halt to crime." Reuter, 20 January 1997.

[32] According to Russian correspondents, Khozhayev stated that the draft constitution "draws on the Qur'an, the shari'a, the sunna of the Prophet, Chechen customs and traditions and the constitutions of several Islamic states, including Pakistan, Egypt, Iran and Syria." He added that the draft envisaged "governance by a mekhda, or 'Father of the Nation,' who will concentrate in his hands most of the state's powers and a 'Council of the Nation' which will replace the parliament and ensure that all the republic's laws are in accordance with the Qur'an." Quoted by Il'in, Nezavisimaia gazeta, and Kruchkov, Izvestiia, 7 May 1999. the establishment by him, on 7 February, of a Shura (State Council) -- Ibid. -- and the creation, two days later, of a counter Shura headed by Basayev. -- AP, 9 February; ITAR-TASS, 10 February 1999.

[33] Basayev, did not like this nickname. When asked directly whether he was a "Wahhabist," he replied: "I am a 'Khattabist" (after Khattab, the commander of the Arab "Wahhabi" volunteers. -- In a conversation with Sebastian Smith. I am grateful to Mr. Smith for the quote .

[34] Those Islamic organisations who have published their goals differ in their aims as well as in the way to achieve them Among the groups surfacing in 1997 and 1998 were the "Insurgent Army of the Imam," the "Central Front for the Liberation of the Caucasus and Daghestan," the "Sabotage Group of the Islamic Front," the "Fighting Squads of the Jama'at of Daghestan," the "Sword of Islam" and "Shamil's Descendants."

All these activities were, at least partially, inter-connected with events in Chechnya. Many Chechens believed that in order to secure its independence Chechnya had to spread "decolonisation from Russia" to other parts of the Northern Caucasus. Daghestan is the most favourite candidate for such a union. It is the largest in territory as well as population among the republics of the Northern Caucasus and has the smallest -- numerically as well as proportionately -- Russian population. In addition it is the historical centre of Islam in the Northern Caucasus. It caries, therefore, more weight than any other republic in the region and may sweep others to follow it. Daghestan shares with Chechnya the memories (and perhaps the ethos) of the long joint resistance to Russia and the united Imamate under Shamil. It might, therefore, be easier to convince to separate from Russia. Last but not least, Daghestan is adjacent to Chechnya and borders on the Caspian Sea. A "decolonised" Daghestan -- whether independent or united with Chechnya -- would grant Chechnya an outlet to the sea, enhance its political and economic sovereignty and magnify the chances to get recognition of its independence.

---

[35] Soiuz Musul'man Rossii, Kalendar Musul'manskikh prazdnikov ([Moscow, 1995]), p. 2.

[36] [Soiuz Musul'man Rossii,] Programma obshcherossiiskogo obshchestvenno-politicheskogo dvizheniya "soiuz Musul'man Rossii " ([Moscow, 1995]), pp. 1 - 3. This change was due mainly to the fact that the exceptionally ambitious, energetic and able of leadership of the AMR by Nadirshah Khachilayev – a Daghestani businessman and the brother of the Lak national movement -- replaced the founder of the AMR as its leader.

[37] Suffering and humble submission to despotism are unacceptable to us, because we have been blessed by God to struggle for freedom. If we do not unite under the banner of Islam and ghazavat to combat evil, war will knock on the door of each of us separately. N. Khachilaev, "Shamil i kavkazskaya voina: istoriia i sovremennost," Islamskaia natsiia, No. 1 (18-25 November 1997). And cf. idem., "Predislovie k Russkomu izdaniiu," in: M. Gammer, Shamil'. Musul'manskoe soprotivlenie tsarizmu. Zavoevanie Chechni i Dagestana, Transl. V. Simakov (Moscow, 1998), p. 9: "To us any peace with, any meekness before a regime of despotism is unacceptable. We are endowed by God's grace to follow the path to freedom, because by giving in to such a regime we are turned into petty squabblers and wars will ravage within the Caucasian peoples."

[38] ITAR-TASS, 22 May 1998; Timofei Arkin and Aleksandr Sashin, "Chechenskoe znamia nad Dagestanom", Kommersant-Daily, 22 May, 1998, pp. 1, 2. While the information available is too scarce to even try to fully reconstruct the events, it nevertheless points at Khachilayev's entrapment by his opponents. According to the most reliable version, the police tried to disarm Khachilayev's men, when he was on his way back to Makhachkala from a meeting with Aki Chechen leaders. Khachilayev went into the government building to protest to the Minister of the Interior. The Minister as well as a great many other officials escaped, leaving the building in possession of Khachilayev. Returning to Makhachkala, Mahomedali Mahomedov entered singlehandadly the government building and convinced Khachilayev to leave. At first, both Mahomedov and the Federal Minister of the Interior dismissed the incident. However, later their position changed. Khachilayev was officially accused of a coup attempt and in September 1998 stripped of his parliamentary immunity. He escaped to Chechnya only to return and be arrested. the end of 1999 he was in jail awaiting trial.

It should not be surprising, therefore, that following the war quite a few efforts were made to promote "decolonisation" of Daghestan. The most salient two were initiated by persons allied to the "Wahhabis": the "Islamic *Umma* Congress", established on 24 August 1997 by Movladi Udugov,[39] and its successor and substitute -- the "Congress of the Peoples of Daghestan and Ichkeria",[40] established by Shamil Basayev on 26 April 1998. Both included nationalist and Islamist organizations from both republics and proclaimed fairly similar aims: the former wanted to create "a single Islamic nation" and to reinstate "Islam in its previous historical borders";[41] the latter – to unite "the Muslim peoples of Daghestan and Chechnya in one free state" and by that to achieve "peace and stability in the region."[42]

Naturally, the Daghestani authorities saw in the "Wahhabis" "a fifth column threatening the country's stability" and accused them of "receiving funds from Arabic countries and the United States to destabilize the republic" and "to reduce Russian influence in the region."[43] Backed by leaders of both official and Sufi Islam, who charged the "Wahhabis" of being heretics, and stated that "a believer who kills a Wahhabi will get into paradise, as will a believer who is killed by a Wahhabi"[44], the authorities passed, on 25 December 1997, a law on the "Freedom of Religious Confession", which strongly restricted "Wahhabi" activities[45] and following that arrested "Wahhabi" leaders and closed down their organ. All the detained were released within a few weeks and many found refuge either in Chechnya or in Karamakhi.

---

[39] Udugov was widely accused by Russians, Daghestanis and Chechens alike of being a promoter of "Wahhabism" and of "Arabising" Chechnya. -- Evgenii Krutikov, "Petlia svobody na shee u svobodoliubivykh. Kadrovoe obnovlenie Chechenskogo rukovodstva svidetel'stvuet o ee radikalizatsii," Segodnia, 14 July 1998, pp. 1 – 3. He was also widely suspected of supporting "Wahhabi" armed groups in Daghestan and of using them as a weapon for his aims. -- E.g., Rotar, Nezavisimaia gazeta, 12 February 1998, p. 5.

[40] The official name of Chechnya is "the Chechen Republic of Ichkeriya" (in Chechen: Noxçiyin Respublika Noxçiy□çö; in Russian: Chechenskaia Respublika Ichkeriia).

41 RIA-Novosti, 24 August 1997. Russian media attributed to the "Islamic Umma" the aim of uniting Daghestan and Chechnya in a "kind of a state emulating Shamil's Imama." -- Igor' Rotar, "Moskva i Groznyi boriutsia za vliianie v respublike. Mestnykh zhitelei podtalkivaiut k krovoprolitiiu," Nezavisimaia gazeta, 17 September 1997, p. 3. Udugov was by far more circumspect in his wording. "Historically," he told a Russian newspaper, "our peoples have had the closest of relations and hence the borders between Chechnya and Daghestan must remain open. Our task is to prevent the splitting of Chechens and the peoples of Daghestan along ethnic lines, not to allow the isolation of Chechnya from Daghestan." -- Igor' Rotar, "Nezavisimmyi Dagestan zhiznenno vazhen dlia Chechni," Nezavisimaia gazeta, 12 February 1998, p. 5.

[42] ITAR-TASS, 26 April; Alla Barakhova, "Shamil' Basaev ob'edinit Chechniu i Dagestan," Kommersant-Daily, 28 April 1998, p. 3. For that purpose the Congress established a "Peacekeeping Brigade," which as early as July 1998 conducted manoeuvres near the Daghestani border. – Interfax, 6 July 1998.

[43] Ibid, p. 2.

[44] Chief mufti Sa'idmuhammad-Hajji Abubakarov, Head of Daghestan's Spiritual Board, quoted in Abdullaev, op. cit., p. 1. Abubakarov was, in fact, repeating the words of some Sufi shaykhs.

[45] The new enactment empowered the Spiritual Board (that is official Islam) to supervise all religious associations established less then fifteen years before its adoption and authorised it to grant or deny them the right to communal practice of their religion. The law also entitled the Spiritual Board and the Committee for Religious Affairs (a government office) to monitor all religious literature, printed in the republic and imported alike, and to ban publications they disapprove of..

The *jama'at* of Karamakhi, consisting of the three villages of Karamakhi, Kadar and Chabanmakhi in the Buinaksk district (*raiion*) had by then become a (if not the) major "Wahhabi" centre in Daghestan.[46] Here they established in 1996 an alternative order to that of the state and enforced it:

> Wahhabi militia patrols the village and punishes those who openly abuse Islamic order -- people who drink alcohol, smokers, prostitutes, hooligans, and drug dealers. After an initial warning, repeat offenders are beaten with sticks at the presence of a community commission (symbolizing *shari'a* law). Those who refuse to comply are expelled from the village.[47]

A series of confrontations between the state and the "Wahhabis" followed and reached its peak in the summer of 1998. On 22 May 1998,[48] the "Wahhabis" drove out the village administration and the local police from Karamakhi. A force of 1,000 policemen failed to re-occupy the village and cordoned the area off for three weeks instead. In early July, when the siege was renewed, the "Wahhabis" placed road-signs around the area stating: "You are entering independent Islamic territory."[49] According to a Russian news agency they "have declared they will secede from Russia and join neighbouring Chechnya" and that "they intend to scrap the Russian constitution and follow the rules of Islamic *shari'a* law."[50]

The crisis reached a boiling point on 7 August 1998. On that day Chief *Mufti* Abubakarov was assassinated while leaving the central Mosque after the Friday noon prayer. The "Wahhabis" were blamed for the murder. Moscow could not but intervene to cool the situation off. The Russian Minister of the Interior, Sergei Stepashin, flew in to Daghestan and negotiated an agreement between the Daghestani government and the "Wahhabis" of Karamakhi.[51] The agreement was followed by a relative calm for almost a year.[52]

---

[46] The Buinaksk district was a major "Wahhabi" locus. According to a Daghestani journalist, about 90% of the "Wahhabis" in Daghestan were to be found there. -- Abdullaev, op. cit., p. 2. Zelkina (op. cit., pp. 20 - 21) quotes different data, according to which 71.6% of the Wahhabis are concentrated in the 11 mountain districts (raiiony) of Western and Central Daghestan, in which also 75.8% of the Sufis are concentrated. These seem to be also the data used by Matveeva -- note 75 below. Other centres of "Wahhabi" activity have been the districts of Kyzyl Yurt and Khasav Yurt. Their headquarters, according to a Russian newspaper, has been the town of Kyzyl Yurt -- where one of their prominent leaders, Bahautdin Muhammad has been mula -- and they have operated there a television studio, a satellite communications centre and a publishing house.-- Ivanov and Shelia, op. cit.

[47] Abdullaev, op. cit., p. 2. For a more detailed and somewhat different description of the following sequence of events, see Zelkina, op. cit., pp. 22 – 29.

[48] That is, one day after Khachilayev's alleged coup attempt.

[49] Abdullaev, op. cit., p. 3.

[50] AFP, 21 August 1998, quoting ITAR-TASS. According to the report Basayev publically expressed his support for the three villages and offered help.

[51] In mid September 1998The authorities undertook to put an end to the harassment of the "Wahhabis" and to stop to use that term in state controlled media. The "Wahhabis" on their part abandoned their claim to territorial sovereignty and agreed to respect the constitutions of the Russian Federation and of the Republic of Daghestan. They agreed to allow the police into the villages, but refused to permit the reinstatement of the police station in Karamakhi. They also retained the right to organise armed patrols to keep law and order in the villages, while the disarming of the population was agreed to in principle but postponed indefinitely.

[52] Ibid., loc. cit. The September 1998 agreement must have contributed to the relative calm in Daghestan until August 1999. Another reason might have been the internal confrontation in Chechnya between President Maskhadov and his rivals, which escalated dramatically in the autumn and winter of 1998-9

In July 1999 a local conflict involving native 'Wahhabis' erupted into the open in the villages of Ansalta, Rakhata and Echeda in the Tsumada *raiion* in the western, mountainous part of Daghestan. In what seems to have been a repetition of the earlier events in Karamakhi, Kadar and Chabanmakhi, the local quarrel escalated into a confrontation between the 'Wahhabis' and the district authorities leading to the expulsion of the police. Following that, in August 1999 these villages were 'invaded by a large number of Chechen and other foreign [i.e., non-Daghestani] Wahhabis' commanded by Basayev and Khattab.[53] Official Makhachkala regarded it as a full-fledged invasion of Daghestan aimed at reaching Makhachkala and overthrowing the regime. So did thousands of Daghestanis who enlisted into a militia (*opolchenie*) to fight the invaders. [54] These volunteers, supported by the Russian air force, re-conquered the three villages after a fortnight of bitter fighting.[55] In September 1999 Basayev's and Khattab's forces assailed the Novolakskii district of Daghestan and were again repulsed after heavy fighting.[56]

If in August 1998 Moscow saw no danger to Russia from "Wahhabism",[57] this time it reacted completely differently. [58] In Daghestan the 'Wahhabi' organisations were outlawed, their offices and other property confiscated and those of their leaders who had not fled – arrested. Immediately upon the conclusion of the fighting in the Tsumada *raiion*, Russian forces surrounded and conquered in a protracted and costly operation the villages of Karamakhi, Kadar and Chabanmakhi. At the same time, September 1999, Russia used these events and a series of explosions in major Russian cities,[59] to send its forces into Chechnya once again, "to get rid of 'Wahhabi terrorists'." The Russian forces captured fairly quickly all the major settlements and established a cooperating government.

---

[53] Western and Russian news agencies' reports from 2 August 1999 onward. The usual lack of reliable information makes it difficult to reconstruct the events. It seems, however, that unlike in the previous summer, when Basayev's support for the jama'at of Karamakhi, Kadar and Chabanmakhi could not but remain verbal because of geographical realities, this time he and Kattab, had no choice but to act upon their statements and to the help tier allies in a jama'at neighbouring on Chechnya and on their areas of control there.

[54] The Daghestani authorities distributed, with Moscow's approval large quantities of weapons to local volunteers ready to enlist into a militia (opolchenie) and fight the invaders.

55 Russians were reported to have used petrol bombs

[56] The Novolakskii raiion is the ancestral area of the Chechens on Dagestan, from which they were exiled in 1994 and never allowed to return to. They have never given up their demands to return to their home villages there.

[57] Report by the special commission of experts to investigate the issue of the "Wahhabis" established by Russia's Minister of Justice, Pavel Krasheinikov, submitted by the end of August 1998. – Abdullaev, op. cit., p. 4.

[58] One reason for that was the unprecedented nature and scale of the events of August – September 1999. Another and no less important cause was the change of guard in the Kremlin. While the above events were unfolding, Russian president Boris Yeltsin announced that he would not run in the presidential elections due in the spring of 2000. Rather, he announced his support for Vladimir Putin whom he also promoted to the post of Prime Minister. Putin, from his first day in office promoted a more 'hawkish' line in both internal and external policies. In the case of the 'Wahhabis' he belonged to those who had seen them as a danger to the Russian state which had to be eliminated, while with regard to Chechnya he seems to had been among the opponents of any compromise with the nationalists and Maskhadov. .

[59] The authorities immediately blamed the explosions on 'Wahhabi' terrorists based in Chechnya. Proof of these accusations have yet to be produced.

In all this Russia greatly benefited from the cooperation of the Sufi *ta'ifa*s, both of which underwent enormous transformations in their attitude to Russia. The Khalidiyya, which led the thirty year long resistance during the Imamate and all the following uprisings up to the 1920s, encountered the arrival and spread in Daghestan of a rival branch. The Naqshbandiyya-Mujaddidiyya-Khalidiyya-Mahmudiyya, established by Mahmud al-Almali (? – 1877), was against waging *jihad* on the Russian (and later Soviet) authorities and opposed therefore its parent branch.[60] In the course of time, as successive uprisings decimated the older branch, the Khalidiyya-Mahmudiyya became the dominant *tariqa* in Daghestan. During the Soviet period the Khalidiyya-Mahmudiyya enjoyed a dominant position in both republics, though it was in the minority among the Chechens and the Ingush.[61] In post-Soviet Daghestan the Khalidiyya-Mahmudiyya, continuing its line of non-opposition to Russia and under an intense attack by the "Wahhabis", gave its full support and blessing to both the Daghestani and Russian authorities against the "Wahhabis".

The Qadiriyya initially offered a war-ravaged society a way out after thirty years of resistance by accepting outwardly the Russian conquest and rule. However, a series of Russian provocations – the most important being the arrest and exile in 1863 of Sheikh Kunta Hajji – turned the various branches of the Qadiriyya into sworn enemies of Russian rule. The 'godless' Soviet rule generated the same attitude and practically all the branches of the Qadiriyya led opposition to Soviet rule. The "deportation" intensified the Qadiriyya's pivotal role in, and leadership of Chechen society. "For the deported mountaineers deprived of everything", the *ta'ifa* "became not only the very symbol of their nationhood but also very efficient organizers ensuring their survival" and "more than ever before," it "appeared as the only centre around which the surviving mountaineers could organize their national and spiritual life".[62]

Already during the Soviet period Chechen Nationalism and the Qadiriyya had become entangled. This connection intensified in the *perestroika* years and culminated in the events of the "Chechen revolution." In these and in the following events the Qadiriyya (or at least its largest branch) supported Dudayev.[63] It had been the seal of approval of the Qadiri masters which secured his electoral victory, and in crucial moments brought dozens of thousands of demonstrators into the central square of Groznyi.[64]

---

[60] Michael Kemper, 'Daghestani Shaykhs and Scholars in Russian Exile: Networks of Sufism, Fatwas and Poetry,' in: Moshe Gammer and David J. Wasserstein (eds.), Daghestan in the World of Islam (Helsinki, forthcoming).

[61] After independence, the Qadiriyya in Chechnya insisted that the Chief Mufti be chosen from its own members. An unidentified prominent Qadiri leader stated in a private conversation: "Up to now the followers of the Naqshbandi tariqa were in power. Now it is our turn". -- Vahit Akaev, Sheikh Kunta Khadzhi: Zhizn' i uchenie (Groznyi, 1994), pp. 108 – 109, 110 (quotation from p. 110).

[62] Alexandre Bennigsen, "The Qadiriyyah (Kunta Hajji) Tariqah in the North-East Caucasus, 1850 – 1987," Islamic Culture, Vol. LXII, Nos. 2 – 3 (April - July 1988), pp. 71 - 72.

[63] According to a Chechen Scholar, "many Zikrists supported Johar Dudayev," while the opposition "was overwhelmingly composed of representatives of the Naqshbandi tariqa and of an insignificant number of Zikrists" [emphasis mine --MG] -- Akayev., p.109. And cf. Rotar, Nezavisimaia gazeta, 11 August 1998, p. 5.

[64] Such massive demonstrations and dhikrs performed by large congregations turned the scale in favour of the national movement in September 1991 and checked Moscow's attempt to get rid of the new regime in Groznyi by force two months later. The Western public was exposed to such massive demonstrations and dhikrs (described by a bemused Western television reporter as "war dance") in

During the war the Qadiriyya supplied more than infrastructure to the resistance: like at the time of "deportation," it was in many cases the only provider of the population with means to survive. At the end of the war the *ta'ifa*, and especially its main branch, seem to have supported Maskhadov, which helped him to win in the first round against several other candidates, including the incumbent president, Yandarbiyev. The Qadiriyya continued to support Maskhadov and his policy of reaching an accommodation with his rivals, including the "Wahhabis". "For a long time", told Chief *mufti* Akhmed Kadyrov[65] in an interview, "we have tried to reach an amiable agreement with the Wahhabis. Alas, the dialogue failed".[66]

Even then the Qadiriyya supported Maskhadov in the confrontation. On 5 January 1999 Kadyrov appeared on Groznyi television and accused Maskhadov's opponents of "undermining social and political stability" in the republic and of "promoting their own selfish aims and ignoring the needs of the population." He then called upon them to "drop political ambition in the sacred month of Ramadan," to "put an end to confrontation" and to "consolidate the young Chechen state together with president Maskhadov."[67]

However, Maskhadov's inability to "deliver", that is to control the country and curb the "Wahhabis" and their allies, finally caused the Qadiriyya, or at least some of its main branches, to change course. Regarding the "Wahhabis" more of a threat than Russia Kadyrov switched sides during the Russian invasion and headed the pro-Moscow government until his assassination. In this he seems to have been supported by a sizeable part of the Sufi and other religious leadership and by a considerable portion of Chechen society.

The Second Chechen War, like the first one, further radicalised Islamic, or "Wahhabi" movements and resistance. The Russians were successful in dealing a blow to the "Wahhabis" in Daghestan and to the nationalists in Chechnya. But these victories have not been decisive enough to end the war. Even in Daghestan, warned recently the Head of the Dagestani Institute for Religious Studies, Harun Kurbanov, the "Wahhabi danger" is not yet over. The failure of the "Wahhabis", he warned, does

> not mean that there is not going to be a struggle for an Islamic state in the future, that this fight cannot be resumed and that there are no longer people dreaming about establishing an Islamic state in Dagestan. They did not disappear, despite the internal self-erosion of the religious movement, which was quite powerful in the early [19]90s. Those who held extremist stances are still strong and are certainly going to continue to fight for their ideas for a long time.[68]

In Chechnya, by weakening the nationalists the Russians seem to have enhanced the position of the "Wahhabis" and resistance to Russia seems more and more to be "Islamic." A journalist who had covered the first war visited Chechnya in the summer of 2003. His impression was:

---

December 1994, on the eve and at the beginning of the Russian military invasion of Chechnya. For an analysis of these dhikrs, see Ian V. Chesnov, "Zikr na ploshchadi svobody," in: K novym podkhodam v otechestvennoi etnologii. Reziume dokladov i vystuplenii (Groznyi, 1992), p. 54.

[65] The name clearly indicates his affiliation.

[66] Rotar, Nezavisimaia gazeta, 11 August, 1998.

[67] ITAR-TASS, 5 January 1999. For other examples of support by the Qadiri-controlled religious establishment see, ITAR-TASS, 14 January, 15 March 1999.

[68] Harun Kurbanov, 'Terrorizm: utopia i real'naia opasnost',' Novoe Delo (Makhachkala), 31 May 2002.

> Here in the mountains, to an increasing extent, the atmosphere is becoming influenced by radical religious doctrine. [...] In other words , "Wahabbism" -- although the *mujahedin* don't like the word -- is becoming the dominant ideology, not only of the war, but of peacetime. I ask the traditional journalist's question: "Why are you here?" In the first war, the answer was no less traditional: "for independence," they would say, "for freedom." The answer meant: we are fighting for our own, independent state, separate from Russia -- although few of the people who pronounced those words knew what that exactly meant. Today the Chechens in the mountains have a completely different answer.
>
> Dyshna, the 23-year-old Chechen *mujahed*, told [me] why he fights : "Today, if you bear arms, the main thing is to consider the word of Allah to be above everything else. That is the main thing. After that , there are some other things, such as freeing the people from occupation, from laws we do not need."
>
> Another fighter, Abdurakhman, put it this way: "*Simply, we want the word of the Prophet and the word of God to be the main arbiter in Chechnya. Today, Allah requires us to establish shari'a law. We want this law.*"[69]

Furthermore, this Islamic, or "Wahhabi" resistance has by now (1) expanded territorially, to other republics in the Northern Caucasus in addition to Daghestan – Ingushetia, North Ossetia and Kabardino-Balkaria – as well as to major cities in Russia; and (2) become more and more terrorist. These acts of terrorism included 17 women suicide bombers ("Black Widows"), who were responsible for at least 220 deaths, the murder of Russian prisoners-of-war – both sanctioned by *fatwas*[70] – and reached a monstrous peak in Beslan, in Northern Ossetia at the beginning of September 2004, when "Wahhabi" terrorists of various nationalities sized a school and held hostage and abused the children.[71]

At first glimpse the recent killing of Maskhadov seems to further contribute to this trend. First it silenced the most important, authoritative and legitimate voice against the use of terrorism in the Chechen struggle. Second it considerably weakened the nationalists and strengthened the "Islamists". This is clearly demonstrated by Maskhadov's replacement as President. However, a deeper look might come up with a different perspective.

The Russian authorities have claimed all along that in Chechnya they have been fighting "Islamic terrorism". Furthermore, they have emphasised the role played in the Chechen struggle by Arab "mercenaries" and spoke of its "Arabisation". Since 11 September 2001 Russia has been claiming that the Chechen struggle – both nationalist and Islamist -- has been connected to global Jihad and to al-Qa'ida. They made a point to accuse Maskhadov of involvement in and responsibility for each terror attack, his condemnation of it notwithstanding. Also radical Islamists all over the world have regarded the Chechen struggle as part of global Jihad.[72] Indeed, Muslims all over the world and, more important, Islamic charity organizations like the Saudi-based International Islamic Relief Organization, supported financially among others also the Chechen Islamists.[73]

---

[69] Jeremy Bransten 'Chechnya: Babitskii Says Rebels Better Armed, Leaning Toward Fundamentalism,' RFE/RL, Prague, 14 August 2003. Still, by 2003 no more then 10% of the population were estimated to be "Wahhabis". -- Thomas de-Waal in RFE/RL, 4 February 2003.

[70] See Yagil Henkin, "From Tactical Terrorism to Holy War: The Evolution of Chechen Terrorism, 1995-2004"

[71] Among the hostage takers were Chechens, Ingush, Arabs and two Russians who had converted to Islam.

[72] This is demonstrated by a Hamas poster, for example, showing (from left to right) Khattab, Sheikh Ahmed Yasin (the late Hamas leader), Khattab again, Bin-Laden and, finally, Shamil Basayev. The text links Chechnya, Afghanistan, the Balkans, Kashmir, Palestine and Lebanon, as places of Iihad.— Henkin, op. cit.

Nevertheless, wrote recently an expert on the Chechen struggle,

> *Chechen terrorism overall was not part of a global terror network; to a large degree it was introduced by Islamists, but it had nationalist goals independent of jihad. The alleged links between Chechen terrorists and al-Qaeda have never been proven. [...] Islamic volunteers fought in Chechnya as individuals and did not receive their orders from international terrorist organizations. It is also virtually impossible to find native-born Chechen volunteers fighting for Islamic fronts in other parts of the world.*[74]

In other words, while "Chechen Islamists embraced extremist ideals, adopted extremist rhetoric and employed extremist means learned from fighters from abroad", they "fought two basically nationalistic wars".[75] Indeed, the Arab volunteers with all their importance and influence have always remained a small, separate contingent and the leadership has always remained Chechen (Shamil Basayev). Recently there have been signs that might indicate that the importance of the Arab volunteers in Chechnya has been diminishing.[76] This is most probably connected to the global struggle against terrorism, and especially the financial restrictions since 11 September 2001. With the collection and transfer of money now being considerably more difficult, it is believed that only 10% of the rebels' funding is coming from outside Russia.[77]

"If extremists continue to lose financial support," an expert has written recently, "their influence is likely to diminish. This may help return the conflict to nationalistic lines."[78] If this really happens – and an indication of that might be the fact that quite a few rebel leaders have recently shifted from Islamic back to nationalistic rhetoric[79] -- it might bring the rebels back into the fold of the traditional Sufi Islam. However, it will not necessarily put an end to Islamic rhetoric and slogans, such as *imama*, *shari'a* and *jihad*. After all, such slogans express the Islamic dimension of Chechen identity and are the almost only battle cry to unify Chechens and members of other North Caucasian nationalities. Nor will such a shift necessarily put an end to terrorism, especially now, after Maskhadov's death, at least not until a full Russian withdrawal us agreed upon. Still even if terrorist attacks continue, one might hope that the re-connection of the rebels to traditional Islam will tune them down.

---

[73] Dore, "Hatred Kingdom" as quoted by Henkin..

[74] Henkin.

[75] Ibid.

[76] According to Russian sources, "most of foreign mercenaries killed in Chechnya are Turks" -- RIA-Novosti, 13 January 2005. (These "Turks" most probably are of Chechen origin.) Abu Hafz Al-Urduni, the current commander of the Islamic volunteers in Chechnya, recently accused Arab states of being in "Treason of Allah", because not a single Arab leader came to the help of the Chechens -- Henkin.

[77] Andrei Smirnov, "Russian Agents' Return from Qatar May Finally Discredit the Islamic World in the Eyes of Chechnya's Rebels", Chechnya Weekly, Vol. 6, No. 1 (5 January 2005), p. 4-6. This might be a major cause for the decline in the activity of Islamic Foundations in Chechnya, as well as in the entire Caucasus (another, perhaps more important cause is their manning by the Russian and local authorities).

[78] Henkin.

[79] http://www.jamestown.org/images/pdf/cw_006_001.pdf quoted by Henkin.

# Chapter IV

# Gap of Values: Gender and Family Issues as Source of Tension between Islam and the West

–Mordechai Kedar–

# Gap of Values: Gender and Family Issues as Source of Tension between Islam and the West

–Mordechai Kedar–

## a. Preface

When we talk about gender issues we generally mean those connected to women and the questions which stem from the fact that women are part of the private and public sphere. Western public discourse has no problem dealing with questions connected to gender, since liberal societies are used to discussing even the most sensitive issues. Therefore, issues connected to sex, sexuality, sexual behavior, sexual inclination, sexual freedom and other such issues are the subject of academic research, public debate, artistic expression and discourse in the mass media of Western societies with almost no restrictions. The freedom of the individual and his right to express his views, which became a basic rule in Western societies in the previous generation have protected the extensive dealing with issues of sex and gender by law and social norms.

In Islamic societies the reality is quite the opposite. Traditional concepts concerning sex and gender still rule the mores and legal systems, and restrictions of the individual's freedom and right to express his opinion are still form a protective armor around them. It is difficult however, from methodological and practical points of view, to distinguish between Islamic rule and local or tribal tradition which has no connection to Islam, since there is no clear division between official Islamic religion and tradition and habits ("*'adat wa-taqalid*") which are not necessarily rooted in Islam.[1] This situation rises from two main reasons:

1. Islam as an institutionalized religion is based on written texts: a holy basic book – the Koran – and authorized exegesis which developed through generations on the basis of the Hadith – the oral tradition of the deeds of the Prophet Muhammad, his sayings and the deeds of others which he approved. Since these texts moved from country to country and through sectors and eras, they became an accepted basis, which were shared and binding for different sectors, places and times. Local and tribal traditions and customs were usually unwritten and passed from one person to another and from generation to generation, while differing from place to place, from family to family, and changed through time.
2. Throughout 1400 years of Islam, Islamic societies inserted many traditions and customs into their law systems, usually without writing them as an official law. This gave these traditions and customs a seal of religious Islamic approval.[2]

Communities dwelling side by side through time influence each other in a way which makes it difficult to trace the source of moral concepts and social values. Add to this the fact that widespread traditions and customs which are even part of law in Arab countries, are clearly contradictory to Islamic laws.[3] It can be said that in the conflict between custom and tradition on the one hand and established religion put down in canonic texts on the other, the power of customs and tradition wins out over religion. Indeed many Muslims, both men and women, who are not formally schooled in Islam, know very well the rules of what is permitted and what is forbidden in their society, rules which are very different from those practiced in other Islamic societies where people are convinced that they live by the "correct" Islam.[4] The lack of an accepted religious authority over all aspects of Islam amplifies the differences between the systems of moral values that govern Islamic societies. The division between Suni and Shi'ite Islam and the conflict between them for the last 1300 years has intensified the complexity of the question: what are the moral laws of Islam which any faithful Muslim must follow?

---

[1] For example, the importance of a girl's virginity prior to marriage is common to Islamic, Christian, Druze and 'Alawi communities living in the Middle East, but when discussing this issue many will say that this is a religious Islamic matter

[2] An example of this is the practice of female circumcision which received the Islamic stamp of approval through a "hadith" which many regard as dubious. The societies which follow this practice, accept this "hadith" as a true and reliable precept, while those that do not practice it, regard this "hadith" as false. See Mordechai Kedar, "Islam and 'Female Circumcision': The Dispute over FGM in the Egyptian Press, September 1994, *Medicine and Law* (Vol. 21, No. 2, 2002), pp. 403-418.

[3] The most prominent example of this is the murder of women to preserve the family's honor. According to Islam, no one is allowed to harm another, even his own daughter, for any reason. The suspect must be brought to trial along with witnesses and evidence and only the judge can decide the verdict. The reality is totally different.

## b. Clash of Values and Mores

In issues concerning sex and gender, there are basic characteristics common to many systems of norms which prevail in Islamic societies. There are groups in which these rules and norms are strictly followed, and there are groups which follow them loosely. The reality today is that in every Islamic society there are men and women who strictly adhere to Islamic custom living side by side to people who feel less bound by it. The friction between them is a source of tension in society and of public and political struggles over the nature of society and its trends.

The term "Islamic Society" used in this paper also includes groups whose religion is not Islam, but have lived close to Islamic societies for many generations and were influenced by their norms. Thus we find Jewish, Christian, Druze, Alawi and animist groups living in proximity to large Islamic communities in the Middle East, Asia and Africa, who have adopted the same stereotypes, rules of behavior, morals, and ways of thinking. Since there is no term which includes all these societies, the term "Islamic Society" was chosen to describe the nature of the norms in these societies and not their religion.[5]

In this section we will juxtapose 33 examples of an Islamic norm in its strictest form as viewed by the most traditional part of society on one hand, and the norm which prevails in the West as seen by the most liberal sector of Western society on the other, while it is clear that there are men and women in the West who do not follow this liberal line. In every one of the norms described below there is a continuum between two poles, and every group places itself at a certain point on this continuum. For example, the issue of dress: on the Islamic pole we place the Burqa', the traditional women's dress in Afghanistan, which covers the woman from top to toe, and enables her only peek out through small holes in the head covering. On the opposite pole, the Western one, we place the nudity of European women who sunbathe in public gardens on sunny summer days. Between these poles every society and group has its place, including Islamic societies.

These norms are:

**1. Dress:**

Islamic discourse sees a woman as nakedness ('Awra) and therefore her whole body must be covered whenever she leaves the family home. Traditional dress should cover her head,

---

Every year, hundreds of girls and women in Arab and Islamic states are murdered by their male relatives as punishment for immoral behavior whether real or imagined. In a number of countries, the murderers are treated leniently when they convince the judge that acted as they did because the victim acted contrary to accepted moral behavior. The laws that allow this leniency express the power of tradition, but are totally in contradiction to Islamic law.

[4] For example, the freedom of a woman to decide who will be her husband: In Islamic Beduin societies this freedom is very rare, while Muslims who live in cities for generations respect much more their daughters' opinion in this regard. However in both environments people relate to this issue as connected to their Islamic background.

[5] Dr. Muhammad Sa'id Ramadan al-Bouti relates to "Islamic Society" in this way. See his book *The Jihad in Islam*, Damascus, Dar-al-Fikr, 1993, p. 80.

and in some societies – Saudi Arabia and Afghanistan – women are forced to cover their faces as well. The long robe should be wide and opaque in order that the body's shape will not be evident. A woman's voice and scent are also considered nakedness, therefore it is forbidden for a woman to use make up or perfume when she goes out in public.

In Western civilization, women have the freedom to wear whatever they want and to totally expose their bodies in places and at times which legitimize this exposure, such as the beach and public gardens in the summer. Make up and perfume are allowed and accepted.

**2. The way women are viewed:**

Islamic societies view the very existence of women as "fitna" – seduction. The mere presence of a woman is enough to create sinful thoughts in men's mind and therefore she has to act according to the rules of "Hishma" – modesty. Since a woman is "'Ar" - shame, she must totally cover herself and be careful not to sit or move in a way that would reveal any part of her body. She must lower her voice, never giggle or laugh, never look directly at any man, speak, sing or dance in public and never assume a task which would put her in contact with men outside her family.

Western societies have no problem accepting the fact that women have the same roles as men in every sphere and field, and men are expected not to turn the women's presence into sexual opportunities.

**3. Mobility:**

In traditional Islamic societies there is a concept that a woman's place is in the home or within the family circle and her presence in the public sphere is regarded in a negative light. If she leaves home she must be accompanied by a male relative who will keep his eye on her and make sure that she has no contact with strange men. To this day, women in Saudi Arabia are not allowed to drive because of this rule which stems from the negative light any manifestation of woman's independence from the family's framework is regarded. The Druze religious leaders declared a boycott on families who allowed their daughters to drive.[6]

In Western societies there are no normative restriction on women's presence in public.

**4. Interaction between males and females:**

In traditional Islamic societies men and women are separated in public. Separation is obligatory in governmental offices, private companies and in schools from the age of 3. In Saudi Arabia and other countries there are restaurants that have two sections: one for female customers and families and another for men. Some banks have opened branches for women and the staff in these branches are women as well. In Cairo there are "women only" subway cars,[7] and in many apartments and houses there are two entrances and two living rooms, one for men and one for women where they can remove their head covering.

In Western societies men and women mingle in every field: Women study and work with men with no restrictions, serve in the armed forces with men, and in many university dormitories are co-ed.

**5. Virginity**

In Islamic society a girl's virginity is worth more than her life. She must guard it on pain of death before marriage, and the loss of her virginity is considered her fault, even if she was raped. Girls' participation in sports and games is limited in order to keep their virginity intact. Many parents punish their daughters for touching their genitals because they are afraid that they will harm their virginity while masturbating. The inclination to marry girls off at an early age stems – inter alia – from the preoccupation with preserving the girl's virginity until marriage.

In the West the permissive atmosphere accepts pre-marital sex as legitimate, and therefore virginity is not regarded as important. Young girls' activities are not restricted for fear that they will lose their virginity and no parent would consider marrying off their daughter married at an early age only because of it.

---

[6] *Lady (an Israeli women's magazine published in Nazareth, Israel)*, March 2005, p. 50-51

[7] Jerusalem Post, April 1, 2005.

### 6. Match making:

Islamic societies do not allow an unmarried woman to have contact with men, even for the purpose of marriage. Marriage arranged by the bride's parents is the preferred method. After the match is proposed, the parents on both sides consult with their brothers, and the marriage is conditional upon their approval. Therefore marriage is not a matter between the bride and the groom but a "political" issue between families.

Western societies accept the fact that unmarried women enter relationships with unmarried men, either for the purpose of marriage or simply living together without the benefit of marriage. Parents do not choose their daughter's husbands and their brothers have no say about the match.

### 7. Marriage between relatives:

In Islamic societies marriage between relatives is very common. The Qur'an (Chapter 33 verse 50) allows a man to marry his cousin, and one of the Prophet's wives, Zaynab, was his cousin. However, there is a Hadith which recommends "make your match from far away" meaning marry women who are not related to you, but this Hadith was not accepted as binding. It is customary that a girl's cousin has the right to marry her, especially if their fathers (who are brothers or brothers-in-law) decided on this marriage when the boy and the girl were very young. Marrying a relative spares the parents the need to consult with their brothers as described above.

In Western societies match making between relatives is not customary, and the awareness of genetic diseases and disabilities generally deters people from marrying their relatives.

### 8. Exchange marriage:

In Islamic societies there is a phenomenon of marriage based on "badal" - exchange of brides. A boy marries a girl on condition that her brother marries his sister. This kind of marriage is intended to solve the problem of the boy's old or handicapped sister who cannot find a husband, and their father forces him to marry a girl, who also might be old or handicapped, so her brother will marry the sister. This deal is usually arranged by the parents in order to solve the problem of the unmarried daughters, and the element of force plays a major role in this kind of marriage, on the sons as well as on the daughters. This element has negative influences on the life of both couples and the problems between one couple reflect on the other.

In Western societies such a system of marriage system is unheard of.

### 9. Pregnancy without marriage:

In Islamic societies, the worst thing an unmarried girl or woman can do is to get pregnant, since pregnancy without marriage causes great shame to her parents, brothers, uncles and to all the men in her extended family. Usually this girl will be murdered. If there is a possibility, an abortion will be performed in order to conceal the pregnancy and to save the family's honor.

In Western societies single mothers are viewed as legitimate. Girls live with their boyfriends, and their children are not considered an anomaly.

### 10. Status of marriage:

In Islamic societies marriage is considered to be the basic element of the social structure. The traditional family, which includes a father, a mother and children is the only acceptable family framework.

In Western societies the traditional family is only one of the legitimate options for men and women.

### 11. Age of marriage:

In traditional Islamic societies, especially in rural areas, it is customary to marry the girls off as early as possible. Girls of 9 who are either married or betrothed are a common phenomenon, and 13 year old mothers are considered the norm. States make laws which set the minimum age of marriage as 16 to 18, but the state's ability to enforce these laws on the population of peripheral areas is usually limited.

In Western societies girls usually do not get married until they have finished their studies and have developed a professional career.

**12. Age difference:**

In Islamic societies, a man is traditionally older than his wife by a significant number of years. This habit is a result of the social norm which states that a man should be the only decision maker in the home ("al-Kalima lil-Rijal" – the word belongs to men) and a young woman who has less experience in life will accept her older husband's authority without question. It is also common that a man marries his daughter off to one of his own friends, (the father's contemporary) even if the daughter is in her early puberty. The father is pleased that he found a good man for his daughter; a man of means whom he knows and can trust him to treat his daughter well. The husband is satisfied since he has a young virgin for a wife and has done a favor to her father, his friend, by taking his daughter before she "goes astray" during adolescence.

In Western societies marriage is usually based on the emotional connection between the couple, and age plays a small role. There are many couples where the woman is older than the man, and society generally has no problem with this.

**13. Polygamy:**

In many Islamic societies it is common for a man to live a full family life with a number of wives. According to the Qur'an (sura 4, verse 4), polygamy is permitted with two main conditions: (a) the maximum number of wives with whom a man can live is four, while the number of concubines ("jawari") is according to his financial abilities; (b) the man has to treat all his wives with equity and justice. Modern religious authorities say that since it is hard to treat all the wives equally (as stated in the Koran itself) it is recommended that a man marries one wife only. The pre-Islamic Arab society allowed a man to have as many wives as he wished since they viewed a woman as her husband's property. Since he could have as many camels as he could afford, he could also have many wives. Although Islam limited polygamy to four wives, the view of the woman as the property of her husband still prevails.

Monogamy in Western societies is based on the idea that a husband and wife have equally full right to have their spouses for themselves; Just as the principle of equality between men and women prevents women from having more than one husband, it prevents the men from having more than one wife.

**14. Independence of a girl before her marriage:**

In Islamic societies a girl lives in her parents' home until her marriage.[8] Even if she stays unmarried until she is older ("*'anousa*") it is unacceptable for her to live alone as long as her parents are alive. She must live in her parents' home under their supervision.

In the West, it is accepted for a girl to move out of the family home when she is financially independent. It is common for them to live either by themselves or with friend(s) (either male or female). Many girls do not return to live in the parental home after spending years in academic studies far from home.

**15. Status of women in family:**

In Islamic societies "men have authority over women" (Qur'an, Chapter 4, verse 34), and shape their daily agenda as well as their life course. Thus, the girl's father and brothers draw for her the lines of the permitted and the forbidden, and after she gets married her husband takes over the authority over her behavior and deed in every aspect.

---

[8] There is a popular saying that a woman goes out three times: first, from her mother's womb, second, from her father's home to her husband's, and third, to the cemetery.

In the West, girl's brother has usually no authority over her and over her way of conduct, and after certain age her father loses the legitimacy to influence her life which he had during her childhood. The principle of equality between husband and wife makes it hard for a man to force ways of conduct upon his wife, especially if she has developed professional career and financial independence.

**16. "Culture of Shame":**

In Islamic societies, the "culture of shame" rules over the behavior of both men and women. The basic principle of this culture states that everyone of the family must refrain from doing anything which might bring shame on himself or on someone else in the family, especially if he is a man. Shame is almost the hardest of social sanctions imposed on whoever violates the social moral code.[9]

In the West, sexually permissive behavior is not a source of shame for an unmarried girl or her family, as long as such behavior is not viewed as prostitution.

**17. Murdering of daughters for bringing shame on family:**

In many Islamic societies it is common that if a girl crosses the red lines of morally unacceptable behavior, her father or another relative would murder her. In some states this social norm was adopted by the state law or by the judicial system which deals with such father, brother or other relative in tolerance and understanding.[10]

In Western societies, a man has no permission to hurt his daughter, sister or any other female relative even if their behavior is not according to the social moral code.

**18. Loyalty in marriage:**

Islamic societies demand a total loyalty of a woman to her husband. Any doubt which he might have concerning her loyalty justify severe punishment.

In the West a woman is expected to be loyal to her husband. However, this loyalty is in condition that her husband is loyal to her. If he betrays her, society will accept her disloyal behavior as well.

**19. Sexual discourse:**

Islamic societies refrain from writing or talking about issues connected to sex, and this prohibition lies especially on women. Dealing with gender issues is usually viewed as illegitimate. A woman is not allowed to talk or write about her love, her sexual desires and her experience with men. Expressions of love are acceptable only between a man and his wife.

In Western societies men and women can write and speak openly about gender, sex, sexuality, sexual desires and experience, of both men and women.

**20. Sexual education:**

School curricula in Islamic societies usually do not include any preparation of the youth to appropriate behavior concerning sex and sexuality. Parents also seldom talk with their adolescent children about these issues.

In Western societies school curricula include lessons on physiology of sex, sexual behavior, diseases transmitted through sexual relations and contraceptives. The idea is to bring the youth to look at sexual issue in serious, considerate and responsible way. In many schools students can purchase contraceptives freely.

**21. Birth:**

In Islamic societies men look at having many children as a source of honor, especially if these children are males. A large number of children proves their father's virility, and the woman, knowing the way her husband think, tries to bear as many children as she can in order to increase her husband's sympathy to her and thus to lessen the chance that he divorces her. Economic considerations are secondary, and governments of over-populated countries spare no effort in order to increase the weight of the economic element in the considerations of the families.

---

[9] Harold Glidden, "The Arab World", *American Journal of Psychiatry*, Washington D.C., Vol. 128(8), February 1972, pp. 984-988.

[10] See, for example, article 340 in the Jordanian penal code. See also Guy Bechor, *Between Vision and Reality: Law in the Arab World*, Herzliya, 2002, pp. 133-138.

Western families prefer small number of children due to considerations of economy, career and convenience.

**22. Contraceptives:**

Islamic societies view the use of contraceptives by unmarried women as a license to have sexual relations without marriage. Married women are not expected to use contraceptives since marriage is meant to bring children into the world and preventing pregnancy is considered human intervention in order to stop the divine process which Allah created. However, modern Islamic verdicts allow a married woman to use contraceptives in order space her pregnancies or for health reasons on the condition that her husband agrees. If he is away from home for long periods of time the use of contraceptives is forbidden since it might seem as the intention to commit adultery.

In the West girls and women use contraceptives whether they are married or not. Many girls even purchase condoms in order to prevent disease and pregnancy, and married women usually decide for themselves to use contraceptives, while their husbands know and agree.

**23. Abortions:**

Traditional Islamic law and mores forbid abortions when there is no danger to the mother.

In the West, liberal circles consider abortion as a legitimate right based on the principle that a woman has the right over her own body. Conservatives consider abortion to be murder.

**24: Medical care:**

In Islamic societies medical care which involves exposing the body is problematic for men, especially if the doctor is a woman. The problem is more complex when the doctor is a man and the patient in a woman, since an unclothed woman may not be seen by a man who is not her husband.[11] The problem is smaller when another woman or the husband is present for the examination.

In the West, health systems do not pay much attention to the gender of the doctor and the patient, or to the exposure of the patient's body. However, in gynecology there is more attention paid to a patient's desire to be treated by a woman doctor.

**25. Same-sex relationships:**

Homosexual and lesbian relationships are strictly forbidden in Islam. A homosexual son or lesbian daughter are a disgrace to the family and in many cases they will be murdered by a family member in order to erase the shame of their existence. Homosexuals and lesbians live "in the closet" in order not to be found out.

In the West, homosexuals and lesbians have gained a legitimate place in society and they continue to fight for their legal status and their right as free people to lead their private lives as they see fit. Many parents of gays and lesbians accept their children's inclinations and welcome them within the family structure. Queer literature is a legitimate literary genre and many academic institutions have initiated gay and lesbian studies.

**26. Female Genital Mutilation:**

The practice of female genital mutilation (FGM) is well known and is widely practiced in Muslim society mainly in Africa: Egypt, Sudan, Somalia and in countries south of the Sahara.[12] FGM is also found in Yemen and in Beduin societies where the parents circumcise their own daughters or have it done by someone who specializes in this. Another phenomenon in Islamic society is of divorcees or widows who inflict this on themselves or have someone else do it in order that their families should not see them as a "danger" to the family honor.

---

[11] According to the Hadith, Propher Muhammad said: "any woman who takes off her cloths not in her husband's home tears the curtain between her and her God." Al-Tirmidhi, Sunan, no. 2727; Abu Daud, al-Hammam, no. 3495; Ibn Maja, al-Adab, no. 3740; Ahmad Ibn Hanbal, Baqi Musnad al-Ansar, 24238; al-Darimi, al-Isti'dhan, no. 2537.

[12] see above, note 2.

Western society regards genital mutilation as a serious crime.

### 27. Violence towards women:

Islamic society views violence towards women in an understanding light. The Qur'an (sura 4, verse 34) permits the beating of women and the "Hadith" states that one should be gentle in the beating.[13] In actual practice, the reality is much harsher since there is a conspiracy of silence to protect the family from shame should it become known that there is violence in that family.

In Western societies where violence towards women does exist, it is regarded with censure and dealt with harshly.

### 28. Art:

Islamic tradition forbids any artistic portrayal of the female body which shows parts hidden by the Hijab. Therefore painting, photography and sculpture may not show more than a woman's face and hands if the local tradition of Hijab allows no more than this exposure. Female singers and dancers who perform in front of men are viewed as corrupt, especially if they are not dressed according to the rules of Hijab.

In the West, art – and especially European painting of the last four hundred years – use the female nudity as a legitimate object. Nude ballet has become common in the last few years, and nudity and sex scenes prevail in theater and opera. The film and video industry shows nudity and pornography with almost no restriction, and adult TV channels are available almost everywhere in Western Europe, the U.S. and other Western countries.

### 29. Studies and Employment:

Islamic tradition does not look kindly on general education for young girls since this will not prepare them for their role of wife and mother. Some parents fear that educating their daughters will result in a desire to seek employment and develop financial independence. Working outside of the home is regarded in a negative light since this will bring the girls in contact with men who are not family members. If a woman develops a career, it will be at the expense of her duties towards her husband and children.

Western society believes in equality of education for males and females and women are expected to be active members of the work force. A woman who does not work outside the home is considered inferior, while educated, career women are regarded as successful.

### 30. Attitude towards Rape Victims:

In Islamic societies, the rape victim is the guilty party. Unbecoming behavior and provocative dress are ascribed to her. According to Islam, rape can be proved only by the testimony of four male Muslim witnesses who comport themselves according to the rules and morals of Islam. If the victim cannot produce four such witnesses, she will be found guilty of adultery. An Islamic court in Nigeria sentenced a Muslim woman to death after she was raped and became pregnant.

Western society finds the rapist to be the guilty party unless proof is brought of consensual relations.

### 31. Divorce:

Traditionally it is enough for a Muslim to say "I divorce you" three times to his wife and he need not give her any explanation. In the past few generations, Islam has accepted an approach which makes divorce more difficult and the intervention of the court is required either to try for domestic peace or to approve the divorce. In any case, a man who says "I divorce you" three times to his wife has started the divorce process. A woman may initiate divorce proceedings but in doing so, she gives up some of her rights.

---

[13] footnote 14: Sahih Muslim, Kitab al-Hajj, no. 2137; Al-Tirmidhi, Bab al-Rida', no. 1083, Exegesis, no. 3012; Abu Daud, Sunan, Kitab al-Manasik, no. 1628; Ibn Maja, al-Nikah, no. 1841, al-Manasik, no. 3065; al-Darimi, Sunan, Kitab al-Manasik, no. 1778

Western society does not regard divorce as male territory and a woman may initiate the divorce without losing any of her rights.

**32. Attitude to the Divorcee:**

Islamic society sees the divorcee as a woman who has failed her most important role: that of wife and mother. The "Shari'a" courts treat divorcees much worse than the civil courts especially when it comes to alimony, division of property and custody of children. A divorced woman usually returns to her parents' home under a cloud.

Western society sees the divorced woman as someone who decided to leave her partner. On the most part she has the support of her family and friends and does not lose her rights.

**33.Inheritance:**

According to Islam, a woman inherits half of the amount a man does. In a number of societies, the woman is pressured to give even this half to her brothers.

Inheritance laws in Western society do not discriminate against women in favor of their brothers.

Many of these rules of Islamic society have a common denominator which is the absence of autonomy for women. A girl before marriage is her father's property and he regards her as a source of income through the dowry that will be paid for her. He controls her behavior, her friends, her future and her marriage as he would control any piece of his property. She must not harm his property through unbecoming behavior that would sully her good name, for that would lessen her value. After marriage, the husband takes over from the father. Marriage for him is acquiring a wife and he may purchase many wives (polygamy). It isn't difficult to get rid of a wife through divorce and he controls her as any piece of property. A woman's value is determined by how well she fits the ideal: beautiful, modest, fertile (producing mainly sons), serves her husband without complaint or demands. Such a woman is proof of her husband's virility and the more satisfied a man is with his wife, the more her life will be protected and secure.

These rules and traditions have an enormous impact mainly because generation after generation of men and women have grown up and been educated according to them and regard them as their cultural essence. Women did not usually resist this system of rules for they have been indoctrinated (or "engineered" as Fatima al-Mernisi says[14]) to accept this as their lot in life. This social situation remains stable as long as outside influences do not infiltrate and undermine the social-normative order that has survived throughout many generations.

## c. The infiltration of Western concepts into Islamic societies

It has been over 150 years since Arabs from the East first started to become familiar with Western culture. The first were members of an educational delegations sent by Muhammad 'Ali, ruler of Egypt in the first half of the 19th century. They were sent to European capitals to learn Western technology and bring it back to Egypt. In addition to technology, they returned with stories of the nature of life in Europe, conduct in public and private areas and, most important to our subject, much information on the status of women in European countries. They reported on their manner of dress, their behavior and of their position in society. Quite a few Arabs compared their society to that of Western Europe and came to the conclusion that the status of their women should be promoted to compare with that of European women. At the beginning of the 20th century, Qasim Amin wrote two books: "Women's Liberation"

---

[14] Fatima al-Mernisi, *Sex as Social Engineering between Text and Reality*, Beirut, 1996.

(1899) and "The New Woman" (1900). In the 1920's Sa'ad Zaghlul removed the "hijab" from his wife, Safiya's head and from Huda Alsharawi.

Following the participation of Egyptian women in conventions in Europe, these members of women's organizations brought up these demands: the removal of the "niqab" from women's faces, the removal of the "hijab" from their heads, allowing men and women to mix in public places, the outlawing of polygamy, a limitation on divorce and the cancellation of all discrimination against women by law and in the attitude of society. These demands encountered fierce opposition from those who spoke in the name of Islam, and Hasan al-Banna, the founder of the Muslim Brotherhood ascribed great importance to preserving tradition as pertains to the status of women as one of the main points of his movement. He saw Qasim Amin's call for change as the infiltration of secular western ideas into the religious Islamic society.

Arab feminist organizations have connections with international organizations and receive funding, guidance and political support, in order to promote the feminist agenda. But activity aimed at changing the values of society is no longer the monopoly of feminist organizations; the system of norms which characterize the Western culture in the last generation is disseminated all over the world through mass media, especially by the satellite TV channels, the internet, films, press, poetry and literature, straight to the man on the street. Young men and women living in Islamic societies are exposed to a flood of messages about the norms of the West as described above, and are fascinated by what they view as amazing freedom, the good life ("dolce vita") and hedonism. It is impossible for them, especially the girls, not to compare between Western norms and those which rule over their lives: submission, restriction, violence. They want to see more and more of what they cannot experience, and this explains why in the last fifty years the Egyptian film industry has produced thousands of films about love, lust, passion and treachery in married life, though without showing explicit scenes of nudity and sex. For the past ninety years, romantic novels have been written in Arabic about women and their love affairs[15] but sexual scenes are rare. In the last five years the al-Azhar institution banned the publication of several books which were too sexually explicit in spite of the fact that some of these books were published and distributed in Egypt in the past with no problem.

The mass media play a major role in introducing changes in the patterns of adherence to traditional mores. For a century newspapers have described the behavior of Western society in connection to issues of gender and sex, and the raison d'etre of women's magazines, which have been published in the Islamic world for many years, is to deal with these issues. These magazines demonstrate the extent to which Western popular culture has infiltrated the media, since many of them promote concepts of feminine self-awareness, individualism, equality between men and women, permissiveness, freedom – especially in sexual behavior; enjoyment of sex, sexuality, fitness and health, especially reproductive health; information about sexually transmitted diseases, sexual orientation, discrimination against women, women's rights – especially over their own bodies; family planning, use of contraceptives and safe abortion; female genital mutilation; modern fertility treatments; women's education and work; raising the age of marriage; condemnation of violence against women; exploitation and trafficking in women. They also feature fast food, fashion and style of dressing, exposure of the female body, make-up and many other issues that characterize the Western culture and lifestyle of the post-1970s generation.

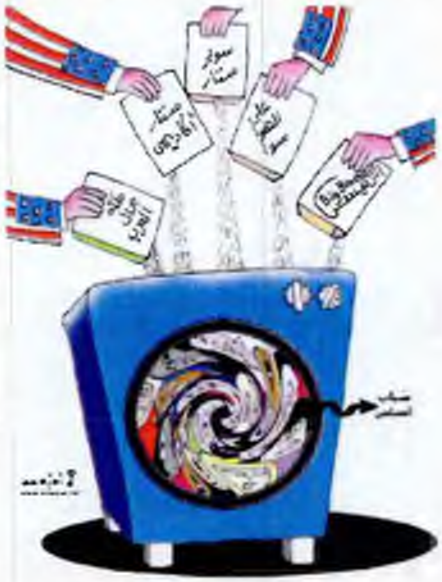
Many radio programs devote themselves to various subjects concerning women, and the role of the BBC Arabic radio is important. The most important development of all occurred in the 1970s, when watching television became a common way to spend free time, and the satellite channels which started to broadcast during the 1990s enabled people in the Islamic world to see Western society "in real time". For a relatively small fee, anyone in the Islamic world can install a satellite dish on his roof or next to his tent, purchase a receiver, converter and TV screen, and by pressing a button can watch, in full color, hundreds of channels showing films, news, art, sports, music, cooking, documentaries, fashion, sex and pornography. In the past few years, large sections of the Arab population have become addicted to 'reality TV' which is broadcast on commercial Arabic channels, and where the red line of acceptable behavior followed in Arab societies is often crossed. Unmarried participants, male and female, giggle with each other, touch, hug and even kiss in front of the cameras. Even Saudi-owned channels such as MBC do not strictly follow the rules of Saudi Arabia, and many women shown on this channel are shown with no head covering, and their clothing is in the latest, albeit relatively modest Western fashion.

---

[15] The first Arabic novel about romance is *Zaynab* written in Egypt by Muhammad Husayn Haykal in 1914.)

Parents try to prevent their children from watching pornography channels, but many adolescents know very well what to do in order to watch them, to record and to disseminate their contents among their friends. As a result of this trend, the Muslim 'Ulama' issued many Fatwas which forbid watching these sex channels and reality TV and have established Islamic channels try to bring the people programs with Islamic content counter as an alternative to the permissive, commercial channels.

Another great problem has appeared in the last 5 years due to the wide use of the internet in the Islamic world. Any surfer can enter thousands of sex sites on the net which require no knowledge of a foreign language in order to enjoy their content. Arabic chat sites enable anyone to participate without being identified. Experimenting in these chat rooms, I found that whenever a user with a female name enters a chat room "she" immediately receives dozens of offers to engage in chats with explicit sexual content. The internet enables boys and girls develop forbidden relations away from the watchful eye of their families. The internet contains match-making sites ("Zawaj al-Internet" – "Internet wedding") which challenge the tradition of marriages arranged and controlled by the family.



Omayya Juha, al-Hayat al-Jadida, Feb. 26, 2004. The brainwashing machine brainwashes the Muslim youth with American style reality TV programs named "Arab Beauty Queen", "Arab Super Star", "Big Boss", "Star Academy" and "Together in Love".

Many of the young people are distancing themselves from Islam and its commandments, especially the five daily prayers and fasting in the month of Ramadan. Many boys and girls in between the ages of 20 and 30, especially in Egypt and Lebanon, leave the traditional family framework and emigrate to the big cities, e.g. Cairo, Alexandria and Beirut. Some go to the universities, but most leave because of the boredom in their traditional villages and the lack of opportunities to work in modern professions. In the city young men and women meet and move in together, under the framework of "Zawaj 'Urfi" ("Marriage by the law") in Egypt, or civil marriage in Lebanon. From the Shari'a point of view these marriages are considered adultery, and when the couple are from different religions, their life together is viewed as a violation of religious rules, about which these youngsters could not care less.

More and more girls abandon the traditional long and heavy Hijab for jeans and close-fitting T shirts which flatter their shape. Youngsters, boys and girls alike, spend long nights at dance clubs dancing to the sounds of singers and groups whose music reminds one very much of Western of rock bands. Fashion shows in Istanbul, Beirut and Cairo look more and more like fashion shows in Rome, London and Paris if one compares the cut of the dresses and the level of exposure of the models' bodies.

Men and women intermingle in public in most Islamic cities, and beaches at which whole families can sunbathe and swim together are common. Most institutions of higher education are mixed, and so are most workplaces, both public and private.

**Fashion Show in Beirut, March 2005**

Arab and Muslim authoresses and poetesses write texts with harsh messages about the traditional characteristics of their societies as described above. There are even those who dare to attack religious Islamic texts and in some cases Muslim female writers and poets curse the Prophet Muhammad for laws against women which he made. (footnote: The Moroccan poetess Hakima al-Shawi read a poem cursing the Prophet Muhammad on live Moroccan TV, for what he said about women. Al-Hayat, May 13, 2001) Women such as Huda al-Sha'rawi, Nawal al-Sa'dawi and Fatima Mernisi are in the front line of the feminist struggle, aiming at abolishing all kinds of oppression and marginalization against women in Arab and Muslim societies. It is also important to mention that many changes in the status of women are the due to the efforts of some men: writers like Qasim Amin, poets such as Nizar Qabbani, presidents like Saddam Husayn and Hafiz al-Asad, and many others who deplored the status of women in their societies and acted to better their situation.

Countries adopt more and more laws which reflect the will of women; indeed a more Western view of women. In other words, banning bigamy and polygamy, raising the miniuml age of marriage from 16 to 18 years, promoting women's rights in the workplace, medical care, inheritance, divorce and alimony. Implementation of these laws, however, is rather problematic within traditional sectors and populations, and their enforcement is a permanent source of tension between the state and the traditional sectors of the population.

In Islamic countries there are thousands of NGO's trying to promote the status of women. Many of them are local, and some are supported by international organizations such as the UN, World Health Organization, UNICEF and the European Union, and some have financial support from Western governments and private funds whose agenda is to promote the status of women in the Third World in general and in Islamic societies in particular. These organizations act under the slogan "female empowerment", i.e. giving women psychological, social and legal means by which they will be able to demand and to receive all the rights which their societies traditionally deny them.

## d. Islamic Reactions to the Situation

As shown, large parts of the population in the Arab and Islamic worlds changed their patterns of behavior during the last century, due to the deterioration of their obedience to their traditional mores. This process of change is continuous and intensifies its absorption into Islamic societies. Simultaneously with the rapid, or rather too rapid changes, many feel more and more that these changes put the traditional character of their societies in danger. Parents are concerned that their sons and daughters are attracted by negative permissiveness, while grandparents view their grandchildrens' life style as corrupt and full of chaos. Traditional Islamic elements harshly criticize the connection between local women's organizations and foreign organizations. They see this connection, which they often describe as "cultural imperialism", as a Western attempt to extract Islam from their women's hearts. More dangerous in their eyes is the connection between their states and international organizations, especially the UN and its agencies who want to promote a Western moral agenda for the purpose of reducing the demographic growth in their countries and to weaken the Islamic elements of their societies which pose danger to the stability of the regimes.

Governments generally do not do anything to stop the deterioration of Islamic mores, and to prevent the infiltration of Western values into their societies. Politically this is viewed as a positive move while tradition is regarded as a social anachronism which perpetuates political approaches which are not in synch with the modern ideas the regime would like to adopt.. Saudi Arabia and Afghanistan of the Taliban are almost the only examples of modern states which take steps on a large scale in order to stop the infiltration of Western values into their countries. The main tool used is an authority (in Saudi Arabia) and ministry (in Afghanistan) under the name "Enjoining the Good and Forbidding the Bad" (footnote: based on the Koran 9:70: "The believers, both men and women, are in charge of each other; they enjoin the good and forbid the bad".) In other countries, on the contrary, social organizations try to face the crisis caused by the infiltration of Western values, and the "Muslim Brotherhood" is an example of such a social organization. In 2002, the Islamic movement in Israel, a branch of the Brotherhood, launched a campaign under the title "Our Children are in Danger" in an attempt to challenge the Westernization of values within the Arab sector in Israel.

This activity stems from a deep feeling of emergency which many who are faithful to Islamic tradition sense. They have a clear impression that the cultural earth under their feel trembles, and that the future of their societies is not secure. A few conclude that in order to remove the Western cultural danger from their societies they have to wage war against the West, its culture and its symbols. They are those who support Bin Laden's war against the West, and they are the sector from which his "soldiers" come. He, in his speeches, talked much about the value crisis in Islamic societies, and the obligation of Jihad against the source of this crisis, the West. In his view, he is fighting in defense of a culture in peril, therefore many Muslims identify with his goals even though they disagree with his actions, especially against Arabs and Muslims, in Iraq and Saudi Arabia.

My feeling is that the more Western values infiltrate into Islamic societies, the polarization inside these societies will be more extreme, and the extremism of those who see these values as a danger to themselves, to their religion, tradition and society will grow. Since these societies usually have weak social and political mechanisms of conflict management, the extremists' anger and wrath will continue to be directed at the corrupt West, whom they consider the source of all their problems.

### e. The Clash of Values in September 1994 UNPD Conference in Cairo

Islamists have an affirmation to their view of the West: an event perceived by Islamists throughout the Middle East as the most dangerous cultural attack against the Islamic system of values was the International Conference on Population and Development (ICPD) in Cairo in September 1994. Convened by the United Nations, its purpose was to reduce the rate of population growth in the Third World, as a means of ensuring the welfare of the world population.[16]

This "roving" conference, which meets once every few years, each time in a densely populated country, is aimed at bringing the Western gospel of low birth rate to the overpopulated countries of the Third World. This is presented as a way of enhancing development and stability, since overpopulation is a heavy burden on the economies of these countries. The 1994 conference was intended to bring this concept, bearing the UN stamp of approval, to the Egyptian people, as well as to the Arab and Islamic peoples. The conference covered a variety of topics promoting a lower birth rate, such as legitimizing family planning by the distribution of contraceptives; legalizing abortions; raising the age of marriage; allowing "safe" sex between teenagers through the use of contraceptives and the teaching of sex education; monogamy; official recognition of the right of homosexuals and lesbians to establish families; and promoting awareness of women's health and women's autonomy over their bodies. Even women's education was one of the issues at this conference, since education, especially at higher levels, postpones the age at which women begin to have children and enables them to acquire professional skills and, subsequently, economic and social independence.[17]

---

[16] Evidence that the September 11 attack was commemorating the ICPD and was seen as a defense of Islamic values may even be hinted at in the pronouncements and writings of Osama Bin Laden himself. See, for example, his speech reported in *al-Quds al-'Arabi* on 27 December 2001, where he claims responsibility for the attacks of 11 September. In this speech Bin Laden asserts that America wants to impose heresy on the Islamic nations, and that the real victory is in faithful adherence to the tenets of Islam. In his will, which was broadcast on *al-Jazeera* and published in the London daily *al-Hayat* on 16 February 2003, he links the 11 September attacks to his goal of crushing America's value system. He also attacks the "heretical laws of the UN" that were imposed on Islamic nations in order to bring about the "heretics' hegemony" over the Muslim nations.

All these values, which in Muslim eyes characterize the Western civilization of this generation, are fundamentally opposed to the Islamic values of modesty, family stability and sexual morality. The dissemination of these modern Western values in Islamic countries was therefore viewed by Muslim fundamentalists as nothing less than a vile attack against Islamic traditions, concepts and values, especially those connected with sexual behavior and gender. It should be noted that family values in the Islamic world are a mixture of religious commands, popular convention and concepts based on *'adat wa-taqalid* – customs and tradition – and that the conceptual line dividing Islam from the other elements is not clear, and differs from place to place and time to time.

However, in spite of significant changes in Muslim societies, the whole system of rules or norms of behavior, especially those related to gender and sex, is still viewed as the last bastion of Islam -- that solid fortress which, as yet, has not entirely surrendered to Western culture and still protects women and daughters from being overwhelmed by the permissive cultural currents of the West. Thus, in most Muslim countries, personal status law is generally traditional Islamic, and has been adopted by the legislative authority and integrated – sometimes with minor adjustments – into state law.

Many of us remember how CNN, as part of its media coverage of the issue of women's rights during the conference, broadcast a now famous report showing the "circumcision" of Nagla' Hamza, a ten-year-old Egyptian girl. This item aroused widespread anti-American resentment in Egypt and in the Arab and Islamic world, and its repercussions reverberated throughout the conference.[18]

It was, however, the Egyptian government that had invited the conference to Cairo, as part of its ongoing effort to increase popular awareness of the need to reduce the country's birth rate. As a result, the government □ including, by implication, the president himself □ was harshly criticized by Islamic spokesmen in Egypt and by many conference delegates from other Islamic countries. In Egypt, the Islamic press, and especially the Muslim Brotherhood's newspaper *al-Sha'b*, published a spate of hostile articles before, during and after the conference. The *al-Sha'b* articles reflected the negative attitude of Islamic fundamentalists toward Western culture and toward the Egyptian regime that hosted the conference. Several examples are cited below, under categories of pre-marital sex, abortion, homosexuality and politics.

### Premarital Sex and the Use of Contraceptives

---

[17] A draft of the closing document of the conference can be found in "Linkage – A Multimedia Resource for Environment and Development Policy Makers", at http://www.iisd.ca/linkages/Cairo/program/p00000.html

[18] See Mordechai Kedar, "Islam and Female Circumcision: The Dispute over FGM in the Egyptian Press, September 1994," *Medicine and Law*, Vol. 21, No. 2, 2002, pp. 403-411.

On 26 August 1994, a headline in *al-Sha'b* announced: "An update from the UN on the population conference: Propagation of sex among adolescents and providing them with contraceptives." The article, written by 'Amir 'Abd al-Mun'im, stated that "all the issues of sexual permissiveness, encouraging sex culture and promoting legislation to permit abortions were agreed upon ahead of time and given top priority on the conference agenda."

In order to illustrate the serious threat posed by the conference recommendations, the paper quoted parts of the closing document:

With the loosening of the traditional social mores and the increasing interactions between the sexes, especially in urban areas, the phenomenon of premarital sexual activity is on the rise. Since this activity is usually spontaneous, there are more and more instances of unwanted pregnancies among adolescent girls.

The document recommended educating the adolescent population of developing countries in practicing safe sex, which would prevent pregnancy and the spread of sexually transmitted diseases. It advises countries to offer sex education in order to allow adolescents to make responsible and correct decisions concerning their sexual behavior. Opponents of sex education argue that the dissemination of such information among adolescents will only encourage them to engage in early sexual activity and will violate their parents' rights as well.[19]

The article quoted from UN reports the stories about some African girls who had free abortions at UN clinics, and others who were prevented from contracting AIDS by using contraceptives dispensed by these clinics. It concluded:

We emphasize again that this conference will deal with matters that do not conform to our moral values and religion. Even if the West has the right to discuss the means to prevent the spread of AIDS and legitimizing abortions in order to prevent the birth of bastards, it has no right to impose its will on us. We hope that the delegates from Islamic countries will take a united stand, will express the Islamic conscience and will reject these proposals.

These words of 'Amir 'Abd al-Mun'im express the great importance placed by Islamic societies on virginity and their negative attitude towards premarital sex. The article was accompanied by a photo of a crowded street in Cairo and the ironic caption: "They should all be exterminated".

Traditionally, Islamists oppose the use of contraceptives for the following reasons:

---

[19] It seems that this article related to the following paragraphs of the UN document. Its objectives were:

(a) To address adolescent [sexual and reproductive health] issues, including unwanted pregnancy, [unsafe abortion], sexually transmitted diseases and HIV/AIDS, through the promotion of responsible and healthy reproductive and sexual behavior, including voluntary abstinence, and the provision of appropriate services and counseling specifically suitable for that age group;

(b) To substantially reduce all adolescent pregnancies.

Actions:

7.43. Countries should remove legal, regulatory and social barriers to sexual and reproductive health information and care for adolescents and must ensure that the programs and attitudes of health-care providers do not restrict the access of adolescents to the services and information they need. In doing so, services for adolescents must safeguard their rights to privacy, confidentiality, informed consent and respect.

7.44. Countries ··· should protect and promote the rights of adolescents to [sexual and reproductive health] education, information and care and greatly reduce the number of adolescent pregnancies.

7.45 Governments ··· are urged to meet the special needs of adolescents and to establish appropriate programs to respond to those needs. Such programs should include support mechanisms for the education and counseling of adolescents in the areas of gender relations and equality ··· responsible sexual behavior, responsible family-planning practice, family life [reproductive and sexual health], sexually transmitted diseases, HIV infection and AIDS prevention ··· Such programs should provide information to adolescents··· Sexually active adolescents will require special family-planning information, counseling and services, including contraceptive services, and those who become pregnant will require special support from their families and community during pregnancy and early child care. Adolescents must be fully involved in the planning, implementation and evaluation of such information and services.

(a) Contraceptives, even if meant for "family planning", are seen as encouraging sexual activity outside the marital framework. This view was reflected in the heading: "An international organization strives to turn the family planning centers into centers of promoting prostitution."[20] The logic behind this title is the equation between family planning, adultery and prostitution, derived from the assumption that if you give a woman the possibility to use contraceptives she will deceive her husband or become a prostitute, since she is free from the fear of unwanted pregnancy.
(b) Reducing the chance of contracting disease is seen as encouraging permissiveness and sexual freedom.
(c) The use of contraceptives requires instruction. In Muslim societies it is not customary to discuss sexual matters with women or girls, especially if the instructor is a stranger.
(d) Family planning is viewed as human intervention in processes that are under divine control.
(e) Social axioms still widely accepted in Muslim societies grant males the right to dictate women's lives. This authority is based on the Qur'an: "Men have authority over women because Allah has made the one superior to the other."[21]

Thus, ideas of women's liberation and a woman's right over her body are seen as violating both the Qur'an, traditions and social axioms. As one headline put it: "Everything in the closing document of the conference which deals with development and the freedom of woman is contrary to Islam."[22]

### Abortions

Dr. Halfdan Mahler, Secretary-General of the International Planned Parenthood Federation (IPPF), has stated that

IPPF's fourth challenge and one that has been particularly contentious for this Conference is the elimination of unsafe abortion. IPPF has made a powerful and bold commitment to speak out on this major threat to the health and lives of women. Each year, a significant proportion of the 500,000 maternal deaths world-wide that occur are due to unsafe abortion, and it is estimated that 99 per cent of these deaths occur in developing countries. The only way to fight wanted and unnecessary abortions is to provide all women everywhere with quality reproductive health care including contraception and, if indispensable, safe abortion.[23]

By the phrase "safe abortion" Dr. Mahler refers to an environment that will include:

1. Fully equipped abortion clinics that offer their services at an affordable price.
2. Official permission by the state to perform abortions.
3. Trained medical personnel who will not have to work in secret or in unhygienic surroundings.

The meaning of this proposal is that legal abortion will be within the reach of every woman, married or not. Islamists cannot accept such a situation, because:

(a) The Sharia considers abortion after the 120th day to be murder.

Ready availability of abortions is seen as a license for unmarried girls to engage in sexual activity, since the threat of unwanted childbirths is removed.

---

[20] 30 August 1994.
[21] Qur'an, 4:34.
[22] 26 August 1994.
[23] gopher.undp.org/11/ungophers/popin/icpd/conference/ngo

Married women will feel free to engage in forbidden relationships without fear of bringing an illegitimate child into the world. Moreover, they may abort their husband's fetuses without his consent in order to limit the size of their family.

Islamists have invested vast effort, widely publicized in *al-Sha'b,* into the matter of abortion. A headline from 6 September 1994 read: "Extermination of human beings [i.e. abortions] is the official and public policy of the international system." The paper's main headline of 9 September warned: "Moral corruption and abortions are dominating the discussions of the conference." On its front page, it reported that the Vatican, too, refused to endorse the summary document of the conference because of its immoral and inhuman content. On 13 September 1994, the final day of the conference, the editorial was headed: "This was indeed the abortion conference!" On the front page, a picture showed Muslims in London demonstrating against the conference and carrying signs saying: "Abortion kills children" and "Islam against abortion". On 2 September 1994, *Al-Sha'b* printed a picture of an aborted fetus and the accompanying story asked: "The right to abort or the right of the fetus to live?" The article pointed out that: "Abortion is justified only when the health of the mother requires it. Many women's organizations try to promote the right of women to abort, but no one represents the right of the fetus to live. The fetus is a living human being in the full sense of the word, with its own personality, and the Islamic Sharia regards it as having the right to inherit and the right to a family; it ruled that a pregnant mother is entitled to alimony if divorced or widowed, out of consideration for the fetus."

After describing the development of the fetus during the first four months, the article stated: "Abortion is not a woman's right and is not a legitimate means of birth control. It is a crime against the fetus, a living human being."

The tendency of the Islamists, in their campaigning, to seek support from Christian authorities stems from the considerable common ground between the traditional Islamic and Christian approaches to the issues of abortion and contraceptives, since both religions (and Judaism as well) regard these practices as negative human intervention in an orderly reproduction process designed by God. The Vatican view is clearly expressed in its comments on "Contraception and 'abortifacient contraceptives'":

It is frequently asserted that *contraception,* if made safe and available to all, is the most effective remedy against abortion. But the negative values inherent in the "contraceptive mentality" are such that they in fact strengthen this temptation when an unwanted life is conceived. Indeed, the pro-abortion culture is especially strong precisely where the Church's teaching on contraception is rejected. Certainly, from the moral point of view contraception and abortion are *specifically different* evils. But contraception and abortion are often *closely connected*, as fruits of the same tree (they have the same roots). The life which could result from a sexual encounter thus becomes an enemy to be avoided at all costs, and abortion becomes the only possible decisive response to failed contraception.[24]

The Catholic Church's attitude to family values is unequivocal:

The family is the *original cell of social life*. It is the natural society in which husband and wife are called to give themselves in love and in the gift of life. Authority, stability, and a life of relationships within the family constitute the foundations for freedom, security, and fraternity within society. The family is the community in which, from childhood, one can learn moral values, begin to honor God, and make good use of freedom. Family life is an initiation into life in society.[25]

---

[24] http://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_20001014_rome-jubilee-of-families-index_en.html

[25] http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a4.htm

In attacking the 1994 conference, Bilal al-Zuhri summed up the Islamic fundamentalist's approach to contraceptives:

These allegations which were used in order to circulate and propagate limiting birth rate cannot provide it with any justification; moreover, these are all incorrect since they are contradictory with reality, and oppose the nature on mankind (*fitra*) and Islam, since limiting birth rate or preventing pregnancy by any means is very harmful, from the religious, economic, political, social, psychological and physical points of view.[26]

Another writer, discussing family values in Islam, stated:

The family is the institution through which one generation prepares another for the service of human civilization. Members of this institution desire that those who replace them should be better than they themselves. Parents want to see their children happier, healthier, more educated, and better human beings than their own selves. Islam has placed great emphasis on family and family values. However, in the Western culture in general and in America in particular family is in deep trouble. Fifty per cent of the children born in United States now are born outside of wedlock. This is unprecedented in human civilization.[27]

In other words, the dichotomy in views about sexual reproduction, contraceptive use and abortion separated secular and religious circles in the Muslim world and the West more than it divided the two religions. The Islamists, however, gave this division a political significance by depicting it as a Western plot against Islam.

### Homosexuality

The legitimacy of homosexuality was one of the values promoted at the conference, since homosexual marriages produce no children. However, the authors of the conference documents were aware that in traditional societies homosexuality is a sensitive subject. They therefore used the term "sexual orientation". Despite this, Islamists understood exactly what was meant by the euphemism, and its inclusion among legitimate variables such as age, gender, religion, race, abilities, health and ethnic background did not mellow their attitude.[28]

In *al-Sha'b* on 26 August 1994, Muhammad al-Ghazzali, one of the most prominent Islamic propagandists (he died in1996), referred to homosexuality in the headline: "Stone the perverts and don't fall into the trap of the UN." He stated that "The human race and the animal kingdom have never seen anything like what the West stands for.["] He called on all forces to ["] rise against this 'fishy' conference which was convened especially to fight against us in our faith (*muharabatuna fi 'aqidatina*), and we therefore have to rise against them because of the war which was declared on us..."

Referring to the intention of gay rights organizations to demonstrate in the streets of Cairo, he said: I call upon the sons of Egypt to stone these perverts, invited by the conference, should they demonstrate in public, since the only way to deal with them is to stone them. Even if their imperialistic governments permitted them [the homosexuals] to establish organizations in their countries, they have no right to defile the streets of Cairo with their perversions.

To emphasize al-Gazzali's statements, the paper published photos of male couples kissing in public. On 9 September 1994, *al-Sha'b*'s front page showed a photo of two men near the Nile, one sitting on the other's shoulders; it is captioned: "Moral corruption in the middle of Cairo, this is what the Population Conference propagates against our Islamic habits, traditions and values". The implicit message is that if Western atheists wanted to offer their corrupt ideas to the Third World, let them do so at home; why should they send their filth into the streets of Cairo, the city of al-Azhar, the heart of the Arab and Islamic world?

---

[26] http://www.tawhed.ws/r?i=1137 quoted from *Nida' al-Islam*.

[27] http://www.pakistanlink.com/religion/religion-8-23-96.html

[28] Dr. Muhammad 'Amara, one of the regular contributors to *al-Sha'b*, analyzes the disingenuous language of the conference resolutions "which threaten to destroy the value system of Islamic families" in the Egyptian monthly *al-Hilal* (August 2001, pp. 31-36).

An item on 9 September 1994 summed up Islamist opinion about the conference's major concerns: "On the NGO sessions: European and American delegations preach abortion, permissiveness and perversion and demand safe adultery!"

### Politics

The spokesmen for fundamentalist Islam tried to prove that the conference had a political agenda as well, and was intended to ensure Western hegemony over the Third World. A headline on 9 September 1994 stated: "America stands behind the conference and is the wicked force that drives it." *Al-Sha'b* explained America's intentions in an article on 2 September 1994: " American officials admit: stopping the population growth in the Islamic world is one of the primary considerations for American national security". The article claimed that the United States had made aid to these countries conditional on their acceptance and implementation of the conference's recommendations, and had even persuaded a number of countries, headed by Egypt, to sign an additional UN document called "The Population Fund", obligating them to halt population growth.

On the other hand, the article blamed the US for aiming to keep the Third World countries in poverty and at a low standard of living, "so that we [the Arab states] will not increase our consumption of resources which they wish to reserve for their own use, as if we were a flock of animals deserving nothing." The paper took the opportunity to denigrate Israel too, as in its heading on 16 September: "The adoption of the document is a success of 'the world government' under the leadership of America and Zionism."

In its role as the newspaper of the Islamic opposition, *al-Sha'b* also used the conference as a means of denouncing the Egyptian government, and President Mubarak, who had invited this dubious gathering to Egypt. However, because it is unlawful to attack the president openly, the newspaper did so in a roundabout way by implying that his wife had played a part in the destruction of Islamic tradition. On 30 August 1994 *al-Sha'b* ran a story titled: "The wife of the President of the Republic in an unbecoming role." It continued: "It has been reported in the press that Mrs. Suzanne Mubarak will open the international conference of NGO delegates on September 4, without an indication as to who is responsible for this spectacle. This statement is the newspaper's way of hinting that the responsibility lies with the president himself. It is known that some members of these organizations are sexual perverts, of both sexes, who work openly to reach their well-publicized goals, while demanding recognition of their rights as deviants from human nature. It is not fitting that the wife of the President of the Republic [should] open such a conference which includes organizations like these, since it is likely that publications will be distributed, signs carried and demonstrations take place in support of their demands, all this in the presence of the president's wife, causing embarrassment to Egypt, to all Egyptians, facing the entire world. Is there a possibility that she might desist from this?"

### The Islamists' Conclusions

The conference, the documents presented there, the delegates attending and the conclusions reached were all perceived by Islamists as directly attacking Islam, its traditions and values. The main *al-Sha'b* headline of 9 September 1994 read: "In the conference halls: pamphlets mocking Allah and blaming Muslims for beggary and backwardness". Al-Gazzali claimed that "the conference is another link in the chain of attacks upon Islam … this is an imperialistic plot declaring open war against all morals, not just against the morals of Islam. They want to destroy the last remnant of divine inspiration, and agreement to this is a confirmation that heresy has turned into a way of life, devoid of all religiosity."[29]

---

[29] *Al-Sha'b*, 26 August 1994.

One of the conference delegates was Sheikh 'Ikrima Sabri, the Mufti of the Palestinian Authority and the preacher of the al-Aqsa mosque in Jerusalem. On 9 September 1994, under the heading, "Al-Aqsa preacher warns: the conference closing statement will provoke the emotions of the Muslims," he was quoted as saying: "The superpowers are planning to destroy the Third World after sucking its blood."

The leitmotif of this outpouring of news items and articles about the conference is that Islam and its traditions are under a vicious attack by Western-American culture, aimed at secularizing Muslim peoples and, through the Cairo conference, at bringing them the 'gospel of progress' of the West, which is anti-Islamic in spirit, essence and methods. Globalization – as fundamentalist Muslims see it – has less to do with economic or environmental issues than with the global spread of Western-American social and cultural values, which pose a threat not only to the Islamic states as political and national entities, but to the entire set of values of every individual, family and group in the Islamic world.

The Egyptian connection of Bin Laden is well known: his deputy and close friend is Ayman al-Zawahiri, who headed the Egyptian Jihad terror organization that planned the destruction of the Egyptian regime, regarding it as "an agent of the imperialistic West" and as blindly following the permissive and corrupt Western culture.

Such ideas, which were widely presented and emphasized in the 1994 ICPD in Cairo, are a threat to the value system of Islamic societies, especially in regard to women and family stability. For some, this threat demanded more than protest. According to a headline in *al-Sha'b* of 30 August 1994: "Taking exception to the resolutions of the population conference, which contradict our religion and traditions, is not enough."

On 20 September 1994 Muhammad al-Gazzali summarized in *al-Sha'b* his view of the conference and its recommendations in an article entitled "This is our Religion":

> There is an outcry in high tones about the sexual behavior of the world's population. On behalf of Islam, and probably on behalf of all the monotheistic religions, I put forward the following principles as the basis to a more prudent conference which will deal with this disorganized behavior:
>
> The human being is the owner of his body and has the right to do with it whatever he wishes, as most secular people say. However, we would like to remind that Allah has priority over this body since He is its Creator and Patron, the source of the legislation[30] which can benefit, elevate and purify it. We will never accept any dispute over Allah's priority.
>
> The marital bed is the only acceptable place for a man and a woman to meet; anywhere else is a sin. Sexual relations are the pillar of an honorable home and a noble education to children which Allah gives. Marriage is the impetus of modesty, and caring for the youth is a most pure worship. Therefore it is obligatory to facilitate marriage and remove any obstacle from its way. Prostitution, homosexuality, lesbianism and all other lustful kinds of irresponsibility are rejected detestable things, and legitimizing them is a war against Allah, injustice to the human nature [by which Allah created mankind] and the destruction of society.
>
> Due to special circumstances[31] it is permissible to space periods of pregnancy, and this is left to the couple's estimation.[32] In principal, abortion is a crime, and a doctor

---

[30] Meaning that no parliament, government or organization – even an international one – has the right to issue laws that are contradictory to Islam.

[31] Such as the illness of the woman.

[32] Meaning that a woman has no right to decide this matter by herself. However, allowing the use of contraceptives is widespread among Egyptian Islamic authorities, due to the government policy of distributing contraceptives and promoting their use, which results from the rapid population growth and the pressure it has put on the economy and social services. The Azhar institution issued *fatwas* (Islamic legal opinions) that permit the use of contraceptives in certain circumstances.

> should not perform it unless it would save the mother's life. The Creator of this planet stored in it enough to feed its inhabitants, on condition of cooperation between the powers in order to cultivate the earth and gather its goodness. This earth is capable of feeding multiples of its present population on condition that crime and aggression are stopped and all mankind will cooperate in pious goodness and fear of Allah. When the devil succeeds in inflaming wars, cities and villages are destroyed and billions are frozen in order to purchase weapons of mass destruction. It would be possible to eliminate hunger if these efforts were invested in feeding the hungry people.
>
> In the papers presented at the population conference in Cairo there was not a single letter of condemnation against perversions and the laws legitimizing them. Moreover, from the conference long and boring studies seem that it gives the stamp of approval to sexual freedom as long as it does not bring harm. Thus, with safety from AIDS and other plagues there are no restrictions on this impure freedom!! It was clear that the conference also was aiming in reducing the population of the Third World in order to provide a higher standard of living to the First World which dominates the earth at present.
>
> This conference did not raise its eyes to heaven even once. Isn't it obvious that the conference does not believe in the Lord of Hosts? We Muslims – on the contrary – believe in God of Heavens, we honor His revelation which was inherited by Noah, Abraham, Moses, Jesus and Muhammad, and even if the others betrayed His religion, we shall keep saying to our Lord: "We hear and obey. Grant us Your forgiveness, Lord; to You shall all return."[33]

The strong repugnance with which many Islamists viewed the 1994 ICPD and its recommendations is evident to this day, and both the conference and its concluding document continue to be attacked in speeches, sermons, articles and books published since then.[34]

Contemporary Western imperialism, as Islamic fundamentalists see it, is not merely territorial occupation or economic hegemony, but rather cultural dictatorship, since current Western values are fundamentally opposed to all that is sacred in the eyes of every Muslim committed to his tradition. Therefore – according to some radical Muslims – Islam has no other choice but to wage a Jihad against those who threaten the values of personal modesty and family stability, basic values in Islamic tradition.[35]

The clash of cultures between the West and Islamic fundamentalism did not erupt in September 2001, nor was it discovered by Samuel Huntington in 1993.[36] It started much earlier, when Western ideas began to infiltrate into the Islamic space, and it became highly threatening when mass media, and especially satellite TV channels, started bringing the Western style of life into almost every Islamic home, tent, living room, or rather, bedroom. The clash of values is taking place inside Islamic societies, inside the Islamic family and inside the Islamic soul. The internal clash between traditions and modernism has caused a large number of negative phenomena, such as tension between generations, especially between fathers and their daughters who strive to adopt Western patterns of behavior, between husbands and wives, and between any person and what he or she might perceive as an older set of values, according to which he or she was brought up. The relevance of Islamic teachings, values, traditions and habits to the modern Muslim life is challenged in many Islamic societies, especially in the cities of homeland Arab states and in Muslim immigrant populations living in the West.

---

[33] Qur'an, 2/285.

[34] See, for example, the criticism of Dr. al-Husayni, *Sulayman Jad, Wathiqat Mu'tamar al-Sukkan wal-Tanmiya – Ru'ya Shar'iyya* (The Document of the Population and Development Conference – A Shar'i view), Qatar, Ministry of Endowments and Islamic Issues, 1417 Hijri (= 1996) (in Arabic). See also above, Note 9.

[35] Referring to the attacks of 11 September, Bin Laden points out how to succeed in such a Jihad in his testament of 16 February 2003 (see Note 1): "In spite of the fact that an international alliance stood against them, a small group of young Muslims not only succeeded in fighting the so-called "powers" but also protected their faith and furthered their nation's interests more successfully than the 50-odd nations of the Islamic world had done until then. These young men had chosen jihad as the way to support their faith."

[36] Samuel P. Huntington, "The Clash of Civilizations?," *Foreign Affairs*, Summer 1993 , pp. 22-49.

## Conclusion

The population conference of September 1994 in Cairo was an important marker in shaping the attitude of fundamentalist Islam toward what it sees as the Western campaign against Islamic culture, traditions and values. The writing had been on the wall for a long time, but unfortunately it was written in Arabic, Persian, Urdu, Pashtu and other languages that too many in the West had felt it unnecessary to master, thus restricting their means of understanding non-Western cultures, and especially those of Islam.

# Chapter V

# Islam and Polity in Indonesia: A Distinctive Case Study

- Dr. Giora Eliraz -

# *Islam and Polity in Indonesia: A Distinctive Case Study*

**- Dr. Giora Eliraz -**

## Introduction

Though it has the fourth largest population in the world the huge archipelago of Indonesia remains unknown to most who live out of the region, or in other words, "to most people, Indonesia is a cipher, by far the least-known of the world's great nations."[1] Furthermore, though being a home for about 200 million Muslims the fascinating Islamic mosaic of Indonesia is still seems to be regarded by many as a periphery of the Islamic world.

Indeed, in the wake of September 11 and following the Bali bombings of October 12, 2002, Islam in Indonesia has ostensibly gained more attention in the West. But this growing attention has largely cleared the way for a selective observation of Indonesia; many of the new observers view Indonesia almost entirely through the prism of the 'war on terror'. Naturally, such attention tends to be limited to current affairs only, ignoring Indonesia as a complex of culture, society and polity and avoiding insights provided by a panoramic view of contemporary history of Indonesia, not to mention missing much of the multifaceted nature of Islam in Indonesia and its distinctiveness.

Currently, radical fundamentalists challenge Indonesia's complex of polity, society and culture. They certainly challenge the existing political system in Indonesia which is based on the "secular"-national state ideology, often described as religiously neutral ideology, Pancasila. This state ideology treats equally all the recognized religions in the country – Islam, Catholicism, Protestantism, Hinduism and Buddhism - by keeping its first principle, Belief in One God. Radical fundamentalists also challenge the nationalist ideals of pluralism and tolerance which extremely needed in this highly diverse society, culturally, religiously and ethnically, let alone the agony, loss of life and economic and political damage which is caused by militants who claim to fight in the name of Islam. However, while the world's attention focused on traces of "global Jihad" in Indonesia a highly significant process has taken place over the past few years almost entirely unnoticed outside its boundaries; a democratic transformation is making Indonesia, a home to the largest Muslim community in the world, into the third largest democracy in the world. The transition of Indonesia to democracy has been challenged by difficulties, but yet the democratic foundations have been laid down.

---

[1] "Indonesia: The Unknown Archipelago", *The Economist*, May 29, 2003 (review of Theodore Friend's book, Indonesian Destinies).

## The challenge posed by radical Islamic fundamentalism in Indonesia

Radical Islamic fundamentalism has a certain presence in the pluralist mosaic of the vast Indonesian archipelago and radical militancy even exposed its destructive and lethal nature. The Bali bombing that killed 202 people, injuring hundreds more, seems to be a shocking reminder for many to the octopus-like spread of a terror alleged to be carried out under the banner of Islam. A lesser effect, but yet awesome, has had to some other terrorist actions in Indonesia, such as the lethal blast at Marriot Hotel in the capital Jakarta in August 5, 2003, the one near the Australian Embassy on September 9, 2004 and the recent deadly bomb blasts in Bali in October 1, 2005. Another significant case was the Laskar Jihad involvement in the local sectarian conflict in Maluku Islands. This Islamic militant organization, the largest and best organized Muslim militia in Indonesia until it announced its disbanding soon after the Bali bombings, declared a *jihad* against the Christians in Maluku Islands, portraying them as a contemporary embodiment of medieval crusaders. By its involvement (2000-2002) Laskar Jihad did greatly aggravate the local conflict there, which has left thousands of people dead, much more injured and hundreds of thousands of people refuges. The voice of *jihad* and the name of Laskar Jihad and other Islamic militant organizations are also closely connected with the communal conflict in Poso (Central Sulawesi).[2]

As elsewhere in the Islamic world, in Indonesia too those who hold radical fundamentalist world views are also deeply involved in propagation of Islam and religious proselytization. This is known in the Malay-Indonesian world as *dakwah* (Arabic: *da'wa*), a concept which focuses mainly on strengthening the faith of Muslims who are perceived as being lax in their practices. *Da'wa* activity is carried out not only by radical Muslims, but it they are extremely zealous in it. They hold *da'wa* to be a significant duty for the transformation of Muslim society at large, which they see as living in injustice and ignorance of the true way of Islam, to be transformed into a genuine Islamic society and polity.

The current presence of radical fundamentalist ideas in Indonesia can be largely explained by transition of such ideas from the "center" of the Islamic world, the Middle East in particular, to Indonesia through cross-regional and global networks and by their diffusion through the archipelago due to varied local conduits and networks of dissemination. [3]. It has to be noted that a complex mechanism for transmission of Islamic knowledge and ideas to Indonesia has been established over centuries.[4]

Wahhabi doctrine, for example, had already enjoyed some degree of appeal among Indonesians. The Wahhabi world-view, coming originally from the Arabian

---

[2] See for example ICG (International Crisis Group), *Indonesia Backgrounder: Jihad in Central Sulawesi*, Asia Report no. 74, Jakarta/Brussels: ICG, February 3, 2004 (see on-line at: http://www.crisisgroup.org/home/index.cfm?id=3006&l=1).

[3] See Eliraz Giora, *Islam in Indonesia: Modernism, Radicalism and the Middle East Dimension* (Brighton & Portland: Sussex Academic Press, 2004), pp. 37-42.

[4] Ibid. pp. 44-56.

Peninsula, is closely associated with *salafi* conceptions, since both call for a return to the pure way of *al-salaf al-salih* (the Venerable Forefathers). Hence, followers of the Wahhabi puritan interpretation of Islam in Indonesia prefer to describe it as *salafi* Islam.[5] Ideas of this stream of Islamic thought have been largely disseminated into Indonesia through the Saudi financed Institute for Islamic and Arabic Studies (LIPIA) in Jakarta and through the increasing number of Indonesians who have studied religion in Saudi Arabia. Ja'far Umar Thalib, that his name caught attention in particular in the years 2000-2002 for the deep involvement of his Java-based radical Islamic militia, Laskar Jihad, in the sectarian conflict between Muslims and Christians in Maluku Islands (Moluccas), was initially exposed to the *Salafi-Wahhabi* teaching through three years of learning, 1983-1986, at LIPIA. He continued his Islamic studies at the Maududi Islamic Institute in Lahore. In the years 1987-1989 he was further exposed to the *Salafi-Wahhabi* teachings in the battlefield of Afghanistan; initially he joined there one of the *mujahidin* factions affiliated with Saudi Arabia and subsequently he supported another faction with ties with Saudi-based strict *salafi* organization. In 1989 Thalib returned to Indonesia and taught in a *salafi* school and in 1991 he traveled to Yemen to widen his *Salafi-Wahhabi* knowledge. He also attended religious lectures given by prominent Saudi Salafi-Wahhabi teachers when he came to the neighboring Saudi Arabia for performing the *hajj*. [6] In 1993 he returned to Indonesia and in 1994 he established near by Yogyakarta a *pesantren* (Islamic boarding school) known as Jama'ah Ihya al-Sunnah (the "Association for Revitalizing the Sunna"). Conceptually, this community focused on strict Islamic pietism and puritanism, calling to return to the model of *al-salaf al-salih* and hoping to build an Islamic society. Guided by *salafi* perception that solution is a personal salvation through faith and purification of religion by following of the model *al-salaf al-salih*, Jama'ah Ihya al-Sunnah avoided the political aspects of Islam. Typically to Salafis, Jama'ah Ihya al-Sunnah was largely involved in *da'wah* activity that was directed to a large extent toward the Muslim students' discussion groups, known as *kelompok pengajian*, or *halaqah* ("study group"), which have spread since the 1980s throughout many "secular" campuses in Indonesia. In the beginning of 1998, and against a background of the increasing crisis on the eve of Suharto's political downfall, this Salafi-Wahhabi movement started to re-orient itself from non-political *da'wah* to political activism. This change, significantly illustrates the blurred border between *salafi* activism and politics,[7] and happened with the establishment of the Islamic radical organization, Forum Komunikasi Ahlu Sunnah wal-Jama'ah (FKAWJ, "Communication Forum of the Followers of the Sunna") by Ja'far Umar Thalib. The members of Jama'ah Ihya al-Sunnah became the backbone of the new organization.[8] This shift of the orientation became further evident with the establishment of Laskar Jihad in 2000. Laskar Jihad, established as the paramilitary wing of FKAWJ, was regarded to be the largest and best organized Muslim militia in Indonesia until it proclaimed its disbanding in October 2002 soon after the Bali bombings.[9]

---

[5] See Martin van Bruinessen, "Genealogies of Islamic Radicalism in post-Suharto Indonesia", *South East Asia Research*, vol. 10, no. 2 (July 2002), p. 134.

[6] Noorhaidi Hasan, "Faith and Politics: The Rise of the Laskar Jihad in the Era of Transition in Indonesia. *Indonesia*, 73 (April 2002), pp. 151–154; Muhammad Sirozi, "The Intellectual Roots of Islamic Radicalism in Indonesia: Ja'far Umar Thalib of Laskar Jihad (Jihad Fighters) and his Educational Background", *The Muslim World*, vol.95, no. 1 (January 2005), pp. 93-102; Robert W. Hefner, "Civic Pluralism Denied? The New Media and *Jihadi* Violence in Indonesia", in *New Media in the Muslim World*, edited by Dale F. Eickelman, 2nd edition (Bloomington and Indianapolis: Indiana University Press, 2003). p. 165; Sukidi Mulyadi, "Violence under the Banner of Religion; The Case of Laskar Jihad and Laskar Kristus", *Studia Islamika*; vol. 10, no. 2 (2003), pp. 81-83; ICG (International Crisis Group), *Indonesia Backgrounder: Why Salafism and Terrorism Mostly Don't Mix*. ICG Asia Report, no. 83, Jakarta/Brussels (see on-line see on-line at: http://www.crisisgroup.org/home/index.cfm?id=2967&l=1), p. 12.

Another organization that was involved in disseminating Wahhabi-Salafi ideas into Indonesia was Dewan Dakwah Islamiyah Indonesia (DDII, "The Indonesian Islamic Preaching Council"). Since 1973 Dewan Dakwah has functioned as the representative in Indonesia of Rabitat al-'Alam al-Islami ("Muslim World League"), which is one of the major official Saudi organizations for propagation of Wahhabi–Salafi ideas. In the mid-1980s many Indonesian students studied in Saudi Arabia and Pakistan under the sponsorship of Dewan Dakawh.[10] Hundreds of Indonesians also travel each year to study in *salafi* oriented religious schools in Yemen and some of them returned home with a radical Islamic world-view.[11]

Ideological texts have also played a considerable role in inspiring radical fundamentalist perceptions among Indonesians. Since not many Indonesians can read Arabic fluently, available translations of seminal fundamentalist texts into Indonesian facilitate much the access to of Indonesian Muslims to these texts. Significant among them are the writings of Hasan al-Banna (1904-49), the founder of the Muslim Brotherhood in Egypt, regarded as one of the foremost ideological forefathers of Islamic fundamentalism. Another prominent Muslim author whose writings have been read and translated into Malay-Indonesian in recent decades is the Egyptian Sayyid Qutb (1906-66), the radical thinker of the Muslim Brothers. He has left a clear imprint on radical Muslims in Indonesia as in the entire Sunni world. The writings of Abul-A'la al-Mawdudi (1903-79), the founder of the Indo-Pakistani Jama'at-i-Islami party are also known in Indonesia through translation into Indonesian. Even though Indonesia is home to a vast Muslim community that is dominantly Sunnite, radical Shi'ite revolutionary thought and writings have also found their way to it. Whereas Ayatollah Khomeini seems to have little appeal in Southeast Asia, the writings of Dr 'Ali Shari'ati (1933–77), considered to be a distinguished formative intellectual of the Iranian revolution, has won considerable popularity in Indonesia. [12]

---

[7] See Ibid., p. 41.

[8] Hasan, "Faith and Politics", p. 154-159; Hefner, "Civic Pluralism Denied?", pp. 165-166;. See also Anthony Bubalo and Greg Fealy, *Joining the Caravan? The Middle East, Islamism and Indonesia* (Lowey Institute for International Policy, 2005), pp. 38-39 (see on-line at: http://www.lowyinstitute.org/Publication.asp?pid=229); van Bruinessen, "Genealogies of Islamic Radicalism in post-Suharto Indonesia", pp, 134, 144–145.

[9] According to ICG report, most of the *salafi* movement in Indonesia is not prone to terrorism, in part because it is inwardly focused on faith. Hence, those in Indonesia who fall in the category of "salafi jihadism" and are involved in terrorism are not representatives of the movement. Yet, ICG report assesses that in some conditions a change in the behavior of the *salafi* movement in Indonesia may occur: ICG, *Indonesia Backgrounder: Why Salafism and Terrorism Mostly Don't Mix*, p. 29.

[10] Hasan, "Faith and Politics, pp. 151-152.

[11] See Dini Djalal, "The Past Catches Up", *Far Eastern Economic Review*, issue 45, vol. 165 November 14, 2002, pp. 16-19.

As elsewhere in the Islamic world, radical fundamentalists in Indonesia have also proved themselves to be quick and skilful in using modern communications technology to propagate their message. Certainly, modern methods, such as internet, facilitate transfer information and ideas of radical fundamentalist organizations from the "center" of the Islamic world to Indonesia. A significant role in propagating radical Islamic message in Indonesia is also played by certain private Islamic boarding schools (*pesantren*), run by clerics who preach Islamic radical perceptions. [13]

A significant role in the current narrative of radical Islamic fundamentalism in Indonesia has been performed by certain Indonesians of Arab descent, in particular of Hadramis or Yemeni descent. The Hadramis, being deeply involved in the trade between the Middle East and Southeast Asia, played a significant historical role in the proselytisation of the Malay-Indonesian world from the fifteenth century on. For centuries the Hadramis have enjoyed among Indonesian Muslims prestigious status as models of piety and as examples of orthodox way of life. Today people of Hadrami descent are conspicuous among leaders of radical Muslims groups in Indonesia. Thus, for example, Abu Bakar Ba'asyir, the alleged spiritual leader of Jama'ah Islamiyah, is one of those with a Hadrami background, as was the late Abdullah Sungkar, who founded, with Ba'asyir, in the late 1970s, the "Ngruki Network", the is argued to be the historical antecedent of Jama'ah Islamiyah, [14] and also the above mentioned Ja'far Umar Thalib, who headed Laskar Jihad until its disbandment, is also of Hadrami descent. [15]

By using a broader historical approach one would discover that a militant aspect of Islam and the war cry of *jihad* in Indonesia, mainly inspired by transferred ideas from the Middle East, date back in time. Conspicuous is the narrative of the zealous and powerful Wahhabi-oriented Padri movement in west Sumatra in the first decades of the nineteenth century. [16] A series of peasants' revolts in Java in the nineteenth century were also marked by Islamic religious revivalism, millenarianism, extremism, and militancy, even though they are considered primarily to be social and political movements. They were also marked by pan-Islamism and anti-Western characteristics. In this local case the anti-Western feelings developed into an expression of hatred toward the Dutch as the "enemies" of Islam. These manifestations of Islamic revivalism also included a vivid awareness among Indonesian Muslims that their country was regarded, in Islamic terms, as *dar al-Islam* ("the territory of Islam"), temporarily administrated by foreign rulers. Consequently, the call of waging *jihad* against the "infidel" (*kafir*) rulers was also sounded.[17] The war cry of *jihad* also had an effect on the Acehnese war against the Dutch. The Acehnese war began officially in 1873. In 1881 the local '*ulama* declared the war as *jihad*, or *perang sabil* (from *perang fi sabilillah*: "war in the cause/path of God") and a new lease of life was breathed into the Acehnese resistance, which become characterized by religiously-inspired guerilla war led by the village '*ulama*. [18]

---

[12] Eliraz, *Islam in Indonesia*, pp. 40-41.

[13] Ibid. p. 41.

[14] On *"Ngruki Network"* , see ICG (International Crisis Group), *Al-Qaeda in Southeast Asia: The Case of the "Ngruki Network" in Indonesia,* ICG Indonesia Briefing
(Jakarta/Brussels: ICG, August 8, 2002) (see on-line at: http://www.crisisgroup.org/home/index.cfm?id=1765&l=1).

[15] Eliraz, *Islam in Indonesia* pp. 41-42..

[16] See Christine Dobbin, *Islamic Revivalism in a Changing Peasant Economy: Central Sumatra, 1784-1847*. Scandinavian Institute of Asian Studies, Monograph Series no. 47 (London and Malmo: Curzon Press, 1983); Christine Dobbin, "Islamic

Another cry of Islamic militantism was loudly heard in West Java about a century after the Padri movement. This happened when the Darul Islam movement started in 1948 a *jihad* against Dutch colonialism. The movement was led by Sekarmadji Maridjan Kartosuwirjo (1905-62). Early in 1948, the Darul Islam movement declared the setting up of the Tentara Islam Indonesia ("Indonesian Islamic Army"). Inspired by classical Islamic perceptions, the movement also termed its own territory *darul Islam* ("the territory of Islam") while the territory that was held by the Dutch it termed *darul harb* ("the territory of war"). From the end of 1948 onward the Darul Islam movement made the Indonesian Republic its major target, arguing that the secular Republican leaders of Indonesia had made themselves as evil as the Dutch by rejecting Islam as the sole foundation of Indonesia. In August 1949 Kartosuwirjo proclaimed the establishment of the Negara Islam Indonesia ("The Islamic State of Indonesia"). The head of the state, Kartosuwirjo, was given the title of *Imam*. The war cry of Darul Islam in West Java spread to parts of Central Java, to South

---

Revivalism in Minangkabau at the Turn of the Nineteenth Century", Modern *Asian Studies*, vol. 8, no. 3 (1974), pp. 319-356.

[17] See Sartono Kartodirdjo, *The Peasant's Revolt of Banten in 1888: Its Conditions, Course and Sequel: A Case Study of Social Movements in Indonesia* ('S-Gravenhage: Martinus Nijhoff, 1966), pp. 140-175.

[18] See Clive J. Christie, *A Modern History of Southeast Asia: Decolonization, Nationalism and Separatism* (London; New York; I. B. Tauris Publishers, 1996) , pp. 141-143, 146, 248 note 20; Carl A. Trocki, "Political Structures in the Nineteenth and Early Twentieth Centuries", in *The Cambridge History of Southeast Asia*, vol. Two: *The Nineteenth and Twentieth Centuries*, edited by Nicholas Tarling (Cambridge: Cambridge University Press, 1992), pp. 104-105; William R. Roff, "South-East Asian Islam in the Nineteenth Century". In *The Cambridge History of Islam*, vol. 2: *The Further Islamic Lands, Islamic Society and Civilization*, edited by P. M. Holt, Ann K. S. Lambton and Bernard Lewis (London: Cambridge University Press), 1970, pp. 179-180; C. van Dijk, "Colonial Fears, 1890-1918: Pan-Islamism and the Germano-Indian Plot". In *Transcending Borders: Arabs, Politics, Trade and Islam in Southeast Asia*, edited by Huub De Jonge and Nico Kaptein (Leiden: KITLV Press: 2002), pp. 59-60.

Sulawesi, to South Kalimantan (Borneo), and to Aceh, to include rebellious movements in these areas. All these rebellions were carried out under the banner of Islam, though having other important aspects in addition to this dominant religious color. These rebellions, known as the Darul Islam rebellions, greatly concerned the central government in Jakarta during the 1950s. It was not until the early 1960s that the Indonesian Army succeeded at last to suppress the various rebellions and Kartosuwirjo himself was captured and executed in 1962.[19]

It is of interest that Kartosuwirjo is considered to be a primary political inspiration for the militant "Ngruki Network", which emerged in Central Java in the 1970s and has been proved to be a significant hotbed for Islamic radicalism. The commitment of this militant group and its offspring, Jama'ah Islamiyah (JI) to fight for setting up an Islamic state in Indonesia was largely influenced by the model posted by Kartosuwirjo and his movement, Darul Islam. Veteran members of Darul Islam movements also joined the ranks of Jama'ah Islamiyah. Furthermore, it is argued that the support network of Darul Islam in West Java was never entirely destroyed and that the underground networks of this movement appear to have persisted until the present day and have played a considerable role in the current narrative of Islamic radicalism in Indonesia.[20] In a recent report of the ICG (International Crisis Group), referring to the case of September 2004 bombing in front of the Australian embassy in Jakarta, is written that "no understanding of jihadism in Indonesia is possible without understanding the Darul Islam movement (DI) and its efforts to establish the Islamic State of Indonesia". It is also argued in this report that "every time the older generation seems on the verge of passing into irrelevance, a new generation of young militants, inspired by DI's history and the mystique of an Islamic state, emerges to give the movement a new lease on life."[21]

## The marginality of Islamic radicalism in Indonesia – a paradox?

Increasing manifestations of radical fundamentalism in the home of the largest Muslim community in the world cause fear in the West and breed expressions of concern in Western media that Indonesia is becoming "terrorist base", a "hotbed of terrorism", "a haven a for al Qaeda", a "breeding ground for terrorism" and so on. It seems that there is some degree of exaggeration in such kind of statements. Radical fundamentalist Muslims have failed to capture the imagination of the majority Muslims in Indonesia and their message is not attractive to the dominant Muslim mainstream there. They are considered to represent only a tiny proportion of to the huge size of the almost 200 million of Indonesian Muslims and to constitute relatively a weak fringe and a small minority and their declared goal of establishing "Islamic State" in Indonesia seems to be far from realization. Even "soft" fundamentalist political positions held by certain Islamic political parties who favor imposition of Islamic law in Indonesia and turning the country into an Islamic state, but remain committed to the democratic process, have proved to be in minority in two successive democratic elections: in the 1999 elections; which were the first free democratic elections to the parliament since 1955 (following the fall of Suharto in May 1998) and again in the parliamentary elections in 2004. While in the last elections the Islamic political parties (to be differentiated from "pluralistic Islamic parties" [22] who share with the secular-oriented parties the state ideology of Pancasila) have increased their strength from 16 to about 21 percent of the vote, their success is considered much to be thanks to a conscious downplaying of their Islamic profile during the elections campaign, showing their awareness of the reservation in the Indonesian society towards political Islam. They preferred to campaign on issues that many Indonesians care about, such as corruption, social injustice, and food prices to discussing in public the issue of Islamic state and implementation of the *shari'a*, the Islamic law.

---

[19] Eliraz, *Islam in Indonesia*, pp. 59-61. See also C. van Dijk, *Rebellion under the Banner of Islam: The Darul Islam Indonesia* (The Hague: Martinus Nijhoff, 1981); S. Soebardi, "Kartosuwiryo and the Darul Islam Rebellion in Indonesia", *Journal of Southeast Asian Studies*, vol. XIV, no. 1 (March 1983), pp. 109-133; B. J. Boland, *The Struggle of Islam in Modern Indonesia* (The Hague: Martinus Nijhoff, 1971) , pp. 54-75.

[20] See ICG (International Crisis Group), *Al-Qaeda in Southeast Asia* ;Van Bruinessen, "Genealogies of Islamic Radicalism in post-Suharto Indonesia", pp. 128-130, 146.

[21] ICG (International Crisis Group), *Recycling Militants in Indonesia: Darul Islam and the Australian Embassy Bombing*, ICG Asia Report no.92, February 22, 2005 (see on-line at: http://www.crisisgroup.org/home/index.cfm?id=3280&l=1)

On first sight, it is cause for wonder that radical Islamic fundamentalist perceptions and positions in Indonesia are in a minority, since almost all the known necessary conditions for the flourishing of radical Islamic fundamentalism do exist in the Indonesian context: cultural bewilderment in a changing world; a feeling of distress in increasing alienating urban centers; economic hardships; the annoyance of the luxurious life of the elites; the wide spread phenomenon of corruption; the intensification of inter-ethnic and inter-sectarian tension and conflicts; political ambiguity following the current transitional period of building a new democratic polity out of an authoritarian one. The accumulation of similar factors in many Muslim countries has established an appropriate setting for the emergence of radical fundamentalism, in particular among young people who seek to find their own salvation in the fundamentalist groups.

So, while radical fundamentalists in Indonesia seem to catch the eyes of many observers in the recent years, it is the moderate and tolerant type of religious belief that largely dominates the Muslim mainstream there. This mainstream has played a highly significant role in building of a civil society and democratic polity in Indonesia. Even a voice against radical Islamic fundamentalism is clearly voiced up from this mainstream. This phenomenon seems to be quite distinctive from a broader perspective of the contemporary Islamic world.

## Containment of Islamic radicalism

Insights into the relative marginality of radical Islamic fundamentalism in Indonesia can be found in various aspects of the Indonesian context in general and of the Islamic space there in particular. A tradition of intellectual and organizational pluralism is considered to be, for centuries, the most distinctive quality of Indonesian Islam. Even in pre-modern times neither the courts nor the *'ulama* exercised an effective monopoly of power over the moral and intellectual life of the Muslim community in the Malay-Indonesian world. There were diverse alternative ideas and religious views as well as multiple ways concerning how to be a good Muslim. From the beginning, the people of the archipelago, says Robert W. Hefner, grappled with what social theorists today often regard as a uniquely modern issue, that is, cultural pluralism.[23] This tradition is grounded in ideals of religious pluralism and tolerance which are deeply grounded in the cultural values of the Indonesian archipelago. It also seems to be closely connected with the narrative of the introduction of Islam to Indonesia. It has to be noted that the process of Islamization in the region has been carried out, to a large extent, in a peaceful way.[24] Maritime trade was an essential element in bringing Islam to the region. Marriage of foreign Muslims to native women and conversion of courts circles proved also to be very effective in the process of Islamization in the region. Significant role as agents of conversion was also played by Sufi Islamic teachers. Indeed, the history of the expansion of Islam to Indonesia is intimately connected with Sufism, which has shown itself over the centuries to support religious tolerance and pluralism, and it has always had a strong influence on Islam in Indonesia. So, says A. H. Johns: "The spread of Islam in Southeast Asia was hesitant, modest and discreet; what was achieved in one century in the Middle East took virtually a millennium in Southeast Asia".[25]

---

[22] On the "pluralist Islamic parties" see Greg Fealy, "Islamic Politics: A Rising or Declining Force?", in *Indonesia: The Uncertain Transition*, edited by Damien Kingsbury and Arief Budiman (Adelaide: Crawford House Publishing, 2001), p. 122..

The ideals of religious tolerance and pluralism have been integrated into the state ideology of Indonesia, the Pancasila. Along the way to independence and in particular during the formative discussions about state ideology and institutions, Muslim activists of political Islam expressed an ambition to establish Indonesia as an Islamic state, including enforcement of the *shari'a*. But in the debate between the Islamic-oriented politicians and the leading nationalist group, the nationalists won.[26]

---

[23] Robert W. Hefner, *Civil Islam: Muslims and Democratization in Indonesia* (Princeton and Oxford: Princeton University Press, 2000), p. 14; Robert W. Hefner, "Modernity and the Challenge of Pluralism: Some Indonesian Lessons", *Studia Islamika*, vol. 2, no. 4 (1995), p. 41; Robert W. Hefner, "Islam in an Era of Nation-States: Politics and Religious Renewal in Muslim Southeast Asia", in *Islam in an Era of Nations-States: Politics and Religious Renewal in Muslim Southeast Asia*, edited by Robert W. Hefner and Patricia Horvatich, (University of Hawaii Press, 1997), p. 29. See also C. Ricklefs, *A History of Modern Indonesia: Since c. 1200*, 3rd edition (Stanford: Stanford University Press, 2001), pp. 17, 36-58.

[24] See Azyumardi Azra, *The Transmission of Islamic Reformism to Indonesia: Networks of Middle Eastern and Malay-Indonesian 'Ulama' in the Seventeenth and Eighteenth Centuries*. Ph.D. dissertation, Columbia University, 1992, p. 18; G. W. J Drewes, "New Light on the Coming of Islam to Indonesia?" In *The Propagation of Islam in the Indonesian-Malay Archipelago*, edited and Annotated by Alijah Gordon (Kuala Lumpur: Malaysian Sociological Research Institute, 2001), pp. 133-134.

[25] A. H. Johns, "Islam in Southeast Asia". In *The Encyclopedia of Religion*, edited by Mircea Eliade. New York: Macmillan Publishing Company, 1987, vol. 7, p. 406.

[26] See Bahatiar Effendy, *Islam and the State in Indonesia* (Singapore: Institute of Southeast Asian Studies, 2003), pp. 13-64.

Indonesia has adopted an ideology that expresses dedication to "unity in diversity" and religious pluralism. Pancasila respects all five dominant religions - Islam, Catholicism, Protestantism, Hinduism and Buddhism - without giving preferential treatment to any religion. Indonesian regime, in particular during Suharto's era, the New Order, worked hard for years to establish Pancasila as a dominant ideology and a vehicle for unity, progress, and modernization. The large Muslim mass organizations were also required between 1983-5 to recognize the Pancasila as their "sole foundation" (*asas tunggal*). Given the multi-faith and multicultural nature of the archipelago, pluralism had long been considered an imperative precondition. Suharto eventually succeeded in imposing Pancasila as the ideological basis and calls to establish an Islamic state and for the application of the *shari'a* were largely reduced during his period. Nahdlatul Ulama (NU), the largest Islamic organization in Indonesia, was the first Muslim mass organization to accept the Pancasila as its ideological foundation. .But despite repressive measures by the authoritarian regime, variance of Islamic political thought, including yearning for an Islamic state, did exist throughout the Suharto era.[27] For that reason and since there was no a "litmus paper" during the authoritarian regime to test the genuine degree of acceptance of the Pancasila by the Muslim mainstream, not to mention the growing voice of Islam in the last years of Suharto's era, perhaps there was some ground to assume just after the fall of Suharto in May 1998 that the a call to establishment Indonesia as an Islamic state will be sounded strongly. But what really happened is that even though the process of democratization that succeeded the fall of Suharto has enabled the emergence of Islamic political parties which freely express Islamic political goals, including the ideas of transforming Indonesia into an Islamic state and implementation of the Islamic law, the parliamentary elections of 1999 and 2004 .have shown that the existing state ideology, the Pancasila, is favored by the majority. It also must be noted that the decision of Majelis Permusyawaratan Rakyat (MPR, People's Consultative Assembly), the super-parliament constitutional body, in August 2002 to reject the proposal of the Islamic parties to implement the *shari'a* for Indonesian Muslims, by amending the constitution, was largely backed the Muslim mainstream.

The commitment which have been given by Islamic mainstream to the Pancasila during Suharto's era, and consequently its acceptance, at least implicitly, of the idea of separation between state and religion, is seems to be closely connected, among other things, with the unique voice of liberal Islam or Islamic liberalism in Indonesia. This Islamic stream of thought has also contributed to the contemporary distinctiveness of the Islamic space in Indonesia and stands now as another significant bulwark against increasing power of radical fundamentalism there. The narrative of liberal Islam in Indonesia started at the end of 1960's. The pioneers of liberal ideas in a context of Islamic thinking in Indonesia came then from a younger generation of intellectuals. The new stream of thought which was established by them has been also known in Indonesia as neo-modernism. The term "neo-modernism" was given to this new stream of thought largely due to the great influence that Fazlur Rahman, the Pakistani-American neo-modernist Islamic thinker, had on certain Indonesian intellectuals who laid the foundation of the said stream of thought in Indonesia and were his students at the University of Chicago.[28] Later on, their corpus of ideas has been identified as an expression of liberal Islamic ideas. This neo-modernism is strongly linked to the prominent figures who laid down its foundations, such as: Nurcholish Madjid, Abdurrahman Wahid, Harun Nasution, Munawir Syadzali, Djohan Effendi, and Ahmad Whahib. Today, the liberal Islam stream of thought is widely known in Indonesia as Islam Liberal, or in its abbreviation ISLIB. A forum named Jaringan Islam Liberal (JIL, Liberal Islam Network), coordinated by Ulil Abshar Abdalla, is prominent among the current circles of ISLIB's activists. Dedicated to its pluralistic world-view, ISLIB is not a monolithic movement, ideologically. But it seems that its hard core is largely inspired by the forefathers of the neo-modernism in Indonesia and shares much of their ideology. Therefore the current Islamic liberal thinking in Indonesia can be regarded as a sort of incarnation of neo-modernism. For that reason we may allow ourselves to refer to the world-view of the neo-modernism and of ISLIB as one corpus of liberal Islamic ideas.

---

[27] Eliraz, *Islam in Indonesia*, pp. 79-80. See Hefner, *Civil Islam*, pp. 16-20, 94-171.

The issue of state and religion, or Islam and politics, is pivotal in the world-view of the advocates of liberal Islam in Indonesia. Historically, neo-modernism emerged into a conceptual antagonism and mutual political suspicion between the secular-oriented government and Muslim activists and thinkers who wished to see Indonesia as an Islamic state. Seeking an outlet from this ideological conflict the neo-modernism suggested a formula that neither shares a strictly orthodox perception that regards the state as an integral part of Islam, nor a secular perception about the complete partition between Islam and the state. So, neo-modernists have suggested a formula, the essence of which seems to be largely accepted today by the adherents of liberal Islam in Indonesia. According to this formula the holistic nature of Islam does not require a mixture of the divine values with the secular state matters and state's ideology, nor does it require that Islam should regulate every aspect of life. Rather, Islam should provide moral values that serve as the basic and general guidelines for human life. Thinkers of liberal Islam in Indonesia also argue that the implementation of Islam should be done culturally and not politically. In this spirit, one of the formative slogans of the neo-modernist, which was launched by Nurcholish Madjid, is "Islam yes, Islamic party no". Consequently, the adherents of liberal Islam in Indonesia accept ideologically the Pancasila as the basis of the Indonesian polity. The Pancasila is regarded as an ideal formula for the non-sectarian identity of Indonesia that assures harmonious relations among all faiths. Neo-modernism has even granted a religious-historical legitimacy for Pancasila. The Pancasila, it was argued, ought to be regarded as similar to the Medina Charter, the contract that was signed by the Prophet Muhammad, the Jews, and the polytheists. At the same time, this charter, that granted Muslims the right to rule in Medina, considered all the inhabitants of the city as members of a single *umma* (in a sense of political community) and guaranteed the rights of the non-Muslims groups as well. Medina Charter, which provided basic political principles to the pluralistic society of Medina was perceived among the adherents of the neo-modernism and is seems to be still perceived currently among adherents of liberal Islam as model that is much relevant to the case of Indonesia, by suggesting a genuine spirit of plurality of faith and freedom of religion in Islamic context.[29]

---

[28] Greg Barton, "Neo-Modernism: A Vital Synthesis of Traditionalist and Modernist Islamic Thought in Indonesia". *Studia Islamika*, vol. 2, no. 3 (1995), pp, 7-9; Greg Barton, "Indonesia's Nurcholish Madjid and Abdurrahman Wahid as Intellectual 'Ulama': The Meeting of Islamic Traditionalism and Modernism in neo-Modernist Thought", *Studia Islamika*, Vol.4, No.1, 1977, pp. 42-43; Greg Barton, "Islamic Liberalism and the Prospects for Democracy in Indonesia". In *Democracy in Asia*, edited by Miche`le Schmiegelow (New York: St. Martin's Press, 1997), pp. 436-437.

Another significant element in the doctrinal platform of Islamic liberalism in Indonesia is the theological concept of ijtihad, the independent theological reasoning. According to liberal Islam stream of thought in Indonesia, *ijtihad* is an imperative theological approach for making Islam more responsive to the needs of modern Indonesia by contextualization of the religious text into the contemporary circumstances of the archipelago. This approach to *ijtihad* has been aimed to be an alternative to formalist, legalist and scripturalistic orientation. At the same time it is regarded as a more receptive to contemporary needs and less formalistic than the one propagated in Indonesia by the Islamic modernist movement since the first decades of the twentieth century.[30] Guided by their pivotal contextual approach to the religious texts, not to mention their liberal ideals, the proponents of liberal Islam in Indonesia significantly demand, for example, a gender equality. They argue among other things that Islam has brought to the humanity a progressive message as regard women's rights and that the original ideal of Islam is an equality between men and women.

Other important tenets and messages that have become evident in the ideology of the advocates of liberal Islam in Indonesia are democracy, building of a strong civil society, respecting of human rights, realizing social justice, and maintaining interfaith dialogue in an atmosphere of religious tolerance. Inspired by such multi-facet ideological package, advocates of liberal Islam in Indonesia actually challenge the voice of radical fundamentalism. Furthermore, even explicit denial of radical Islamic fundamentalist interpretations, attitudes and ideas, not to mention of militant activity alleged to be carried under the banner of Islam, is clearly expressed among adherents of liberal Islam.

Historically, Muslim intellectuals from other parts of the Islamic world have preceded Indonesian intellectuals in formulation of liberal Islamic themes and perceptions. But whereas in other Muslim communities in the world liberal Islamic thinking has been primarily the occupation of a small number of intellectuals, many of whom have been persecuted by radical Muslims and subjected to pressures by regimes and conservative establishments,[31] in Indonesia the voice of liberal Islam, though it is an elitist ideology, has proved itself to be influential and has inspired the entire Islamic discourse in Indonesia. From a perspective of about three decades, the following may be said about the historical role and impact of Islamic liberalism in Indonesia: it has provided a significant contribution to the building of a massive civil society and to generating a process of democratization in which reform-minded

---

[29] Eliraz, *Islam in Indonesia*, pp. 80-82.

[30] See Ibid., pp. 80, 83, 85.

[31] See Emmanuel Sivan, "The Clash within Islam", Survival, vol. 45, no. 1 (Spring 2003), pp. 34-41.

Muslim democrats have played notably a leading role; it has strengthened the commitment of the Muslim mainstream to democracy, constitutional law and human rights; It has advanced the concept of *ijtihad* as a platform for a progressive theological approach.; it has strengthened the lines of defense against spreading of Islamic radicalism; it has contributed to a genuine acceptance of the Pancasila by the Muslim mainstream; placing the concept of "cultural Islam" as an attractive formula against the concept of political Islam.

But at the same time it has be noted that the liberal Islamic stream of thought in Indonesia, in particular the abovementioned Jaringan Islam Liberal (JIL, Liberal Islam Network), is seen to be controversial among conservative Muslims in Indonesia, let alone that its corpus of ideas is negated by fundamentalist circles. Conspicuous is the opposition that liberal Islamic thought have met recently from Indonesian Ulema Council (MUI). The MUI, that is considered to be the country's highest Islamic authority, issued in July 2005 *fatwa* (Islamic legal opinion) saying that pluralism, secularism and religious liberalism contradict the teaching of Islam and that the Islamic community of believers (Indonesian: *umat Islam*) is forbidden to follow these three ideologies/doctrines (Indonesian: *faham*).[32] Indeed this fatwa was criticized by significant and influential figures in the Muslim mainstream, but yet a support in this *fatwa* was also voiced out in Indonesia. This case clearly demonstrates that the colorful "Islamic space" in Indonesia is a stage for a controversy between opposing concepts.

Anyhow, one may ask himself how it has happened that a liberal Islam stream of thought has taken roots so distinctively in Indonesia? Varied explanations can be suggested. Significant among them is the tradition of tolerance and pluralism which has made the Islam in Indonesia a hotbed for emergence of varied streams of thoughts. The absence of dominate central Islamic establishment which imposes its theological dictates can also be counted. The meeting of interests which has been created between Suharto regime and the neo-modernist trend has also to be mentioned; neo-modernism in Indonesia supported the Pancasila, the religiously neutral ideology of the state, supplied the regime with a religious arguments for its demand to separate between religion and politics and advanced an theological concept of *ijtihad* which actually has made religion more receptive to the contemporary needs of the state, including the national goals in field of development and modernity. The hold of liberal Islam among Muslim intellectuals in Indonesia is partly facilitated by the fact that its liberal and progressive ideas are anchored in Islamic belief and its reasoning is rooted in Islamic context. Also significant is the organizational affiliation of many activists of liberal Islam to strong Islamic organizations in Indonesia, in particular to the greatest Islamic organization there, NU.

Acceptance of liberal Islam is also supported by a tradition of tolerance and pluralism which marks many of the Islamic schools in the rural area of Java. Therefore there is no wonder that many activists of the liberal Islam in Indonesia made there formative Islamic studies in these schools. It also partly explains the fact that NU, whose followers are mainly from the rural areas of Java, has shown itself as a hotbed for liberal Islam activists. It also has to be added that the Sufi tradition of tolerance has also imprinted itself on the rural area of Java. Also significant is the role played by the highly prestigious Institute Agama Islam Negeri (IAIN, "State Institutes of Islamic Religion"). This Islamic institute for higher education which was considerably expanded in Suharto era has undergone a reform that has changed it to a modern institution. Many of religious teachers, Islamic intellectuals, community leaders, and Islamic functionaries in Indonesia are graduates of the IAIN, whose campuses are spread out across the Indonesian archipelago. Over the years many thousands of students have been taught at the IAIN to the ideals of the state, including pluralism and religious tolerance. The curriculum has exposed them to various Islamic schools of law and theology, to other religions, and to modern sciences. It has also encouraged them to be creative and to synthesize classical Islamic studies with modern critical approaches. Likewise, the idea of using Islamic scholarship for finding solutions to modern questions has been promoted and the importance of *ijtihad* for this purpose has been stressed.[33] It is not surprising then that the IAIN's campuses are considered also to be hotbeds for liberal Islam in Indonesia and that their graduates have played an important role in building civil modern society in Indonesia.[34] Universitas Islam Negeri (UIN, State Islamic University) and the Sekolah Tinggi Agama Islam Negeri (STAIN, State Islamic Colleges).play in Indonesia a very similar function as an agents of tolerance, pluralism and modernization in Islamic context.

---

[32] Keputusan Fatwa Majelis Ulama Indonesia, Nomor : 7/Munas VII/MUI/II/2005, Tentang Pluralisme, Liberalisme dan Sekularisme Agama (see on-line at: http://www.mui.or.id/).

Perhaps the fact that the heritage of Muhammad 'Abduh, the formative and influential thinker of Islamic modernism in the Islamic world, has taken roots in Indonesia also support the acceptance there of Islamic liberal ideas. So the strong imprint of 'Abdul's heritage is likely to make it easier to liberal Islam to further advance the idea of *ijtihad*, a significant tenet in the heritage of Muhammad 'Abduh. Even the call of neo-modernist thinkers in Indonesia to a theological differentiation between the sacred and the profane can also be traced back to Muhammad 'Abduh. The unique historical role played by Muhammad 'Abduh's herritage in encouraging mainstream Muslims in Indonesia to adapt modern ideas and in making Islam receptive to contemporary needs may also explain the influence of liberal Islam in Indonesia.[35] Indeed, Muhammadiyah, the main Islamic modernist organization in Indonesia, that has been for years a significant platform for 'Abduh's herritage in Indonesia is alleged to have lost some of its earlier intellectual momentum and of its original ideological determination. Furthermore, it is even alleged that it has started to show more of a link with Rashid Rida's salafism, in compare to earlier stages, than with the modernist ideas of 'Abduh, and to adopt a position of "neo-salafism," including an ideological emphasis on a return to pristine Islam and strict Scripturalism.[36] However the original voice of 'Abduh persists in Indonesia and inspires progressive ideas.

---

[33] Abdullah Saeed, "Towards Religious Tolerance through Reform in Islamic Education: The Case of the State Institute of Islamic Studies of Indonesia", *Indonesia and the Malay World*, vol. 27, no. 79 (1999), pp. 177-91. See also Hefner, *Civil Islam*, p. 120.

[34] See Greg Barton, "Islam and Politics in the New Indonesia". In *Islam in Asia*, edited by Jason F. Isaacson and Colin Rubenstein (New Brunswick: Transaction Publishers, 2002), pp. 18-20; Greg Barton, "The Prospects for Islam". In *Indonesia Today: Challenges of History*, edited by in Grayson Lloyd and Shannon Smith (Singapore: Institute of Southeast Asian Studies, 2001), p. 252.

[35] See Eliraz, *Islam in Indonesia*, p. 85.

The two largest Muslim organizations in Indonesia, traditionalist Nahdlatul Ulama (NU), claims 35-40 million members, and the modernist Islamic Muhammadiyah, claims about 30 million. are seen as a bulwark against radical fundamentalist ideas. Furthermore these two organizations, which backed the decision of the Higher Legislative House, Majelis Permusyawaratan Rakyat (MPR, "People Consultative Assembly") in August 2002 to vote down the proposal of Islamic parties to implement the *shari'ah* for Indonesian Muslims by amending the constitution, are also seen a barrier in the way of those Islamic parties and groups who wish to adapt the Islamic law in the constitution. In other words: "currently, NU and Muhammadiyah are 'the first block' to be passed by new Islamic movements promoting Islamic *shari'ah* as the solution."[37]

These two organizations, that have dominated Islam in Indonesia for most of the twentieth century, share the acceptance of Pancasila and the basic idea of pluralism. The traditionalist NU is regarded to be as more liberal, tolerant, and comfortable with the idea of a secular state, as well as with syncretic patterns of Islam.[38] Muhammadiyah has become more conservative and there are still certain people within this movement who bid for a greater role for Islam in the Indonesia polity. It is also possible to find among its millions of members, and even in the ranks of the NU, individuals with a fundamentalist frame of mind who disagree with the position of the *Pancasila* as state ideology and wish to see the *shari'a* as the sole foundation of Indonesian law.[39] It is also argued that many of the present-day Islamic radical organizations in Indonesia have their origins among modernist Muslims.[40] Greg Barton points clearly on the Modernist background of the extremist Muslim voices in Indonesia and states, on the other hand, that "it is rare for traditionalist to adopt a truly radical position".[41] Even though, it has to be noted that both the NU and the leading Islamic modernist organization, Muhammadiyah, have clearly proved themselves to be essentially moderate and significant platform for the national ideals of tolerance and plurality and as such are widely regarded as bulwarks against religious extremism in Indonesia. The two organizations were active in setting up NGOs that greatly assisted in the process of the building of civil society during Suharto's era, a process which contributed much to the political change in Indonesia in 1998. So, the both are significant pillars of the civil society in Indonesia. They have also contributed to the general well-being by providing services. The wide educational infrastructure of both Muhammadiyah and the NU, as well as the welfare components they possess, enables them to significantly strengthen their hold on the Muslim population and their prominent position in the Indonesian civil society. Thus the NU and Muhammadiyah stick out in the Islamic space of Indonesia as significant guardians of its distinctive pluralistic and tolerant nature or as it was formulated in a report of the Oslo Coalition of Freedom of Religion or Belief: "The existence of such large and well-functioning Muslim networks as NU and Muhammadiyah, in which new lines of thought in the leadership may trickle down to millions of adherents, is a rather unique feature of Indonesian Islam which makes the role of religious organisations in civil reform and raising of human rights' awareness all the more important". [42]

---

[36] M. Din Syamsuddin, *Religion and Politics in Islam: The Case of Muhammadiyah in Indonesia's New Order* (Ph.D. dissertation, Los Angeles: University of California, 1991), pp. 268-70, 287-8; M. Din Syamsuddin, "The Muhammadiyah Da'wah and Allocative Politics in the New Order Indonesia", *Studia Islamika*, vol. 2, no. 2 (1995), pp. 63-64. See also Azyumardi Azra, "The Transmission of *al-Manar's* Reformism to the Malay-Indonesian World: The Cases of *al-Imam* and *al-Munir*". *Studia Islamika*, vol. 6, no. 3 (1999), p. 97.

[37] Burhanuddin, "Islamic Sharia: Liberal Muslim Perspective", *Liberal Islam network*, August 3, 2003 (see on-line at: http://islamlib.com/en/page.php?page=article&id=674). See also: Bill Guerin, "Indonesia: Defending Islam against Itself", *Asia Times online*, October 9, 2002; "Islam and Democracy in Indonesia", A Presentation by Ahmad Syafii Ma'arif, USINDO open forum, April 8, 2002 (see on-line at http://www.usindo.org/Briefs/Islam%20and%20Democracy%20in%20Indonesia.htm) ; Shawn Donnan, "Moderate Indonesia is put to the test", *Financial Times* (London) October 14, 2003.

[38] See Mark W. Woodward, "Conversations with Abdurrahman Wahid", in *Toward a New Pardigm: Recent Developments in Indonesian Islamic Thought*, edited by Mark R. Woodward (Tempe: Arizona State University, Program for Southeast Asian Studies, 1996), pp. 133-153; Barton, "The Prospects for Islam", p. 252; ICG (International Crisis Group), *Indonesia: Violence and Radical Muslims*, ICG Indonesia Briefing (Jakarta/Brussels: ICG, October 10, 2001), p. 11 (see on-line at: http://www.crisisgroup.org/home/index.cfm?id=1776&l=1); Christian Kiem, "Re-Islamization among Muslims Youth in Ternate Town, Eastern Indonesia", *Sojourn*, vol. 8, no. 1 (1993) , p. 104.

Some other insights as regard to the distinctive Islamic context in Indonesia and the obstacles it places before Islamic radicalism are suggested by the nature of the Islamic resurgence in Indonesia. The Islamic resurgence in the Middle East and elsewhere in the Islamic world, that has taken place since the end of the 1960s, is closely connected with a growing pietism, a strengthening of Islamic conservatism and the promotion of political Islam, fundamentalist ideology and Islamic radicalism and militancy. Indeed, the Islamic resurgence has not passed over the huge Muslim population in Indonesia. There too, more Muslims have turned to a more devout observation of religious duties and a strict orthodox way of life. This process in Indonesia has included, among other things, growing Islamic-oriented activity on the university campuses, an intensified studying of Islam, increasing public interest in Islamic issues and an upsurge in the construction of mosques. A process of "*santri*-isation" has also been included in the Islamic resurgence in Indonesia; Indonesian "syncretic" Muslims, *abangan,* in particular among the urban middleclass, have become pious and consequently much more Indonesian Muslims have been shifted from the category of *abangan*, into the category of *santri*, orthodox Muslims.[43] But whereas in many Muslim communities in the world the Islam resurgence has evidently provided, among other things, a setting for growing of radical Islamic ideas, in Indonesia, Islamic resurgence is marked by a high degree of tolerance and general acceptance of the basic ideal of religious pluralism. Since the 1980s, the increasing interest in Islam has exposed Muslim intellectuals and many of the Muslim urban middle class to the ideals of liberal Islam, and has offered them a progressive understanding of Islam.[44] Similarly, while Islamic resurgence in Indonesia has provided the Islamic political dimension with only a marginal role, it has enabled democratic and pluralistic ideas to further establish their position within the mainstream Islam in Indonesia.[45]

---

[39] See Barton, "Islam and Politics in the New Indonesia", pp. 4-5, 47-49; Marcus Mietzner, "Nationalism and Islamic Politics: Political Islam in the post-Suharto Era", in *Reformasi: Crisis and Change in Indonesia*, edited by Arief Budiman, Barbara Haltey and Damien Kingsbury (Clayton: Monash Asia Institute, 1999), pp. 179-82; ICG, *Indonesia: Violence and Radical Muslims*, p. 11; Robin L. Bush, "Redefining 'Political Islam' in Indonesia: Nahdlatul Ulama and Khittah '26", *Studia Islamika*, vol. 7, no. 2 (2000), pp. 59-86.

[40] ICG, *Indonesia: Violence and Radical Muslims*, p.11; ICG, *Al-Qaeda in Southeast Asia*, pp. 3-4.

[41] Barton, "Islam and Politics in the New Indonesia", pp. 49-50; See also Greg Barton, "Islam, Politics, and Regime Change in Wahid's Indonesia", in *Tiger's Roar: Asia's Recovery and its Impact*, edited by Julian Weiss (Armonk: M.E. Sharpe, 2001), pp. 312-7; Dini Djalal, "The Past Catches Up", *Far Eastern Economic Review*, issue 45, vol. 165 (November 14, 2002) , pp. 18-19.

[42] Oddbjørn Leirvik, *Report from a delegation visit to Indonesia by the Oslo Coalition of Freedom of Religion or Belief*, July 29 - August 11, 2002 (see on-line at: http://www.oslocoalition.org/html/project_indonesia/indonesia_project_report.html).

The strengthening of pluralism and tolerance in the Islamic space in Indonesia has been also supported, at least indirectly, by an increasing interest in Sufism. The history of the expansion of Islam to Indonesia is strongly connected with the mystical *tarikats*, or Sufi orders. Sufism has always had a strong influence on Islam in the Indonesian archipelago. The strong hold of Sufism, known for its inclusive nature, in Indonesia has also contributed to shaping of pluralistic tradition among the Muslim there. Therefore it has been rather significant that the Islamic resurgence in Indonesia since the late 1970s has included an increasing popularity of Sufism, whereas the Islamic resurgence in the Middle East was largely scripturalist in its nature, and as such tended to reject Sufi traditions as idolatrous innovations. Thus the mystical dimension of Islam in Indonesia, deeply anchored in the Sufism, has expanded beyond its traditional popular and rural space to include even the educated urban sectors. The growing popularity of Sufism is argued to be a component of the liberal Islam oriented stream of thought, the neo-modernism.[46] Certainly, the role played by Sufism in Islamic resurgence in Indonesia indicates on the significant contribution of Sufism, over centuries, to the religious tolerance and pluralism in Indonesia and to its current role as another important bulwark against religious extremism.

---

[43] See Eliraz, Islam in Indonesia, pp. 77.

[44] Barton, "Islamic Liberalism and the Prospects for Democracy in Indonesia", pp. 430-431.

[45] See Barton, "Islamic Liberalism and the Prospects for Democracy in Indonesia", p. 435; Hefner, *Civil Islam,* p. 18 (see also pp. 128-213).

[46] See Julia Day Howell, "Sufism and the Indonesian Islamic Revival", *The Journal of Asian Studies*, vol. 60, no. 3 (August 2001), pp. 701-729.

Generally, Indonesia society with its varied religions, cultures and ethnics can be seen as a "cordon sanitaire" against religious extremism and intolerance. The Muslim mainstream in Indonesia seems to be strongly loyal to ideals of plurality and tolerance. Certainly, millions of *abangan*, the "syncretists", still constitute the majority (about two thirds) of Indonesia's Muslims[47] can not accept by definition Islamic radical ideas. They are known in Indonesia also as Nominal Muslims, or Statistical Muslims (*Islam Statistik*) in the sense of being Muslims for state statistics only and through "pure" radical Islamic eyes they are likely to be viewed as Muslims in name alone. Even the huge Islamic traditional organization, NU, known for its tolerance, inclusiveness and plurality, alleged to be regarded as "as impure, idolatrous," by the militant Islamic movement, Darul Islam, which had strongly challenged the secular oriented polity of Indonesia in the formative years of the independence. This attitude is said to be alive and well currently within Jama'ah Islamiyah (JI).[48] But certainly it is not only the *abangan* that have to be regarded as a bulwark against Islamic radicalism in Indonesia. Majority of *santri,* the orthodox Muslims, have also proved themselves to reject radical Islamic fundamentalism, let alone its militant manifestations. So, there is no wonder, for example, that Laskar Jihad, which prior to its disbandment in October 20002 was regarded as the most organized Muslim militant organization in Indonesia, failed in its bid to use the local conflict in Maluku Islands to recruit substantial support within the mainstream Muslim community. Its call for *jihad* against the Christians in Maluku, portraying Christians as dangerous enemies of Islam and as modern embodiments of the Crusaders and emissaries of a hostile religion, gained attention and sympathy only among the marginal Islamic hardliners.[49] Significant also is inter-religious solidarity shown by the Nahdlatul Ulama (NU) and Muhammadiyah with the Christians – 8-9 percents of the Indonesian population ; In Christmas 2002, amid fears of repeat of attacks by militant Islamists on churches during Christmas 2000, when thousands of members of both these Islamic organizations volunteered to help security forces guard churches.

## The political parties and the Indonesian polity: The puzzles of the future

After years of authoritarian regime and tight restrictions on Islamic political activity the *reformasi* period enabled those who wish to push forward an Islamic agenda, including fundamentalist vision of establish Indonesia as an Islamic state based on the *shari'a,* to organize as political parties and to participate freely in the democratic process. This process which stands in sharp contrast to the political circumstances in many other Muslim countries, may be also regarded as some sort of a bulwark against genuine radical fundamentalism since those who espouse fundamentalist-oriented world-views find legitimate channels for promoting their ideas and for political participation. At the same time, by accepting the rules of democracy, the political parties in Indonesia have become partners in building of democracy have even actually accepted the national principals of pluralism. Perhaps in this way circles of Islamic political activists are moving towards the center of the consensus of the Indonesian society. In the recent parliamentary elections of 2004 Islamic political parties largely avoided their Islamic agenda. It was particularly salient in the case of Partai Keadilan Sejahtera (PKS Prosperous Justice Party ). This party was formerly named Partai Keadilan (PK, Justice due Party); The foundation of the party under the new name was announced in mid-2003 due to its failure, as the PK, to meet the threshold required to contest the 2004 election.[50] The PKS, that is widely regarded as up-and-coming party, has been originally inspired much by a latter compromising and accommodative strategy and rhetoric of the Muslim Brothers in Egypt, not at all by its old radical way. Thus, appealing mainly to the urban upper and middle class, this party which was described sometimes as a fundamentalist party,[51] campaigned strongly in the parliamentary elections of 2004 on universal themes like moral reform, anti-corruption, clean politics and socio-economic equality.[52] The Islamic agenda was left in the background, so an idea of introduction of the *shari'a* was played down and an explicit campaign to promote an Islamic state was avoided. From a broader perspective, beyond the recent electoral campaign, it seems that PKS makes efforts to position itself at the center of the political map in Indonesia and to expand its constituency. This is done largely by suggesting a platform that focuses on universal elements. Thus, this party which emerged from a *dakwah* movement is endeavoring to present itself as a party of moral reform[53] and is alleged to desire propagating Islamic values of cleanliness, professionalism, justice, economic equality and recognition of human rights.[54] Furthermore, the party, that in its former configuration as PK had a platform based on state imposing of *shari'ah* for all

---

[47] See R William Liddle, *Leadership and Culture in Indonesian Politics* (Sydney: Asian Studies Association of Australia in association with Allen & Unwin, 1996), p. 77; Greg Barton, "Islam, Politics, and Regime Change in Wahid's Indonesia", p. 313.

[48] "Indonesia's Reactions to the War on Terrorism", A discussion with Sidney Jones, *USINDO Open Forum*, October 28, 2003 (see on-line at: http://www.usindo.org/Briefs/2003/Sidney%20Jones%2010-28-03.htm).

[49] See Michael Davis, "Laskar Jihad and the Political Position of Conservative Islam in Indonesia", *Contemporary Southeast Asia*, vol. 24, no. 1 (April 2002), pp. 12-32.

---

[50] On Partai Keadilan Sejahtera, previously known as Partai Keadilan, see Mathias Diederich, "A Closer Look at *Dakwah* and Politics in Indonesia: The *Partai Keadilan*," *Archipel*, 64 (2002), pp. 101-15; Bubalo and, *Joining the Caravan?* pp. 66-74; Mitsuo Nakamura, "Prospects for Islam in post-Soeharto Indonesia", *Asia-Pacific-Review*, vol. 6, no. 1 (1999), p. 104; Hidayat Nurwahid, & Zulkieflimansyan, "The Justice Party and Democracy: A Journey of a Thousand Miles Starts with a Single Step", in *Piety and Pragmatism: Trends in Indonesian Islamic Politics*, Special Report, edited by Amy McCreedy, Woodrow Wilson (Center Asia Program, April 2003), pp. 20-22.

[51] See for example: ICG (International Crisis Group), *Indonesia Backgrounder: A Guide to the 2004 Elections* Asia Report no. 71, Jakarta/Brussels: ICG,. December 18, 2003, p. 12 (see on-line at: http://www.crisisgroup.org/home/index.cfm?id=2425&l=1); M. C. Ricklefs, "Religion a Necessity in Indonesian Politics", *The Straits Times*, October 26, 2004; A discussion with Ralph "Skip" Boyce, U.S. Ambassador to Indonesia, *USINDO report*, June 18, 2004 (see on-line at: http://www.usindo.org/Briefs/2004/Ralph%20Boyce%206-18-04vhtm).

[52] See Elizabeth Fuller Collins, "Partai Keadilan Sejahtera (PKS): Justice and Welfare Party or Prosperous Justice Party" (see on-line at: http://www.ohiou.edu/pols/faculty/malley/collins3.html); Anthony Bubalo and Greg Fealy, *Joining the Caravan?* pp. 70-71.

[53] See Collins, "Partai Keadilan Sejahtera (PKS)".

[54] Muhamad Ali, "The phenomenal rise of Prosperous Justice Party", *The Jakarta Post* (on-line), April 20, 2004.

Muslims dropped that basic doctrinal demand from its plank in 2004 elections.[55] In 2004 campaign, says MC Ricklefs, a leading historian of Indonesia, PKS "shoved syariah (*shari'ah*) law well into the background, indeed to the point of invisibility."[56] Similarly it makes efforts to appease those Indonesians who fear the idea of implementing the Islamic law: "we know that people have a sort of phobia about the word *sharia*" [the word appears in the original text as *sharia*] said a party spokesman adding that "we are promoting Islamic values. These include good governance. We talk about issues such as how we can establish a government which is clean, honest and caring".[57] Furthermore, PKS's constitution and manifesto made no mention of establishing an Islamic state.[58] PKS tries to cultivate a tolerant image. Thus, Hidayat Nur Wahid who holds now the prestigious position of Chairman of Majelis Permusyawaratan Rakyat (MPR, "People Consultative Assembly"), the super-parliament constitutional body, said in his previous position of the Chairman of the PKS: "we [the PKS] no longer have any problem coexisting with people of different religions, races or ethnic groups. The Islamic teaching that we promote is one that provides protection for minority groups and freedom to exercise their rights."[59] Furthermore Hidayat Nur Wahid, the politician and the scholar, who spent ten years at the Islamic University of Medina in Saudi Arabia and received there his BA, MA and PhD, and also his successor as the head of the PKS, Tifatul Sembiring, talk now about *Mitsaq al-Madinah* [Mitsaq is an Indonesian transliteration for Mithaq], the above mentioned Medina Charter, that expresses equality and freedom of faith to all, as the formula suggested by the PKS. [60]

Definitely, the intriguing case of PKS arouses much curiosity among observers of politics in Indonesia. A recent paper by Anthony Bubalo and Greg Fealy argues that PKS does shift away from a heavily Islamic vocabulary and adopt a language of democracy and that there is an inclusion of and appeal to non-Muslims in its approach. This change, they claim, should be seen as a reflection of the victory of political over religious logic, without abandoning the religious underpinnings and Islamist causes. Although the party has adapted its thinking to fit Indonesian political conditions, the two scholars emphasize that the core frame of reference of the PKS remains that of the Muslins Brothers. According to PKS leaders, explain Bubalo and Fealy, it was premature and counter productive to take an Islamic agenda to the broader electorate. Most voters, say the party leaders, had a poor understanding of Brotherhood principles and the party did not want to risk being labeled sectarian or radical if it promoted such an agenda.[61]

---

[55] "Decentralization and Emerging Leaders of Indonesia", A Report on USNDO Conference held in Washington D. C. on February 2, 2005 (see on-line at: http://www.usindo.org/Briefs/2005/Decentralization%20Conf%202-2-05.htm).

[56] M. C. Ricklefs, "Religion a Necessity in Indonesian Politics", *The Straits Times,* October 26, 2004.

[57] "Newly Formed Islamic Party Hails Early Success in Polls", *The Jakarta Post* (on-line), April 6, 2004. See also "Reformist Cleric Narrowly Wins MPR Leadership", *laksaman.net* October 6, 2004. On the position of the PKS regarding the issue of the Islamic law see also, "PKS Pledges to Help Civil Society Flourish" (interview with Tifatul Sembiring by Hera Diani and Dwi Atmanta), *The Jakarta Post* (on-line), June 6, 2005.

[58] Bubalo and Fealy, *Joining the Caravan?* , p. 71.

[59] M. Taufiqurrahman, " Posperous Justice Party vows to promote pluralism. The Jakarta Post (on-line), January 24, 2004.

[60] See Muhamad Ali, "The Phenomenal Rise of the Prosperous Party", *The Jakarta* Post (on-line) April 20, 2004; "PKS Pledges to Help Civil Society Flourish"; Tom McCawley, "Islamic Party Wins Power, Influence in Jakarta", *Far Eastern Economic Review,* April 22, 2004; Hidayat Nur Wahid, "Islam, Democracy and Politics in Indonesia, (on-line), September 10, 2005. On Hidayat Nur Wahid's discussion about compatibility between Islam and Democracy, see also Ibid.

At the same time the inclusive and moderate attitude presented by the PKS meets some skepticism. Ulil Abshar-Abdalla the above mentioned coordinator of the Jaringan Islam Liberal (JIL) even argued that PKS "has succeeded in projecting itself as inclusive, but this is a camouflage", adding that "If you look at their platform, they clearly want Islamic law."[62] The PKS "cultivated a public image of itself which is starkly at odds with its internal discourses" write Fealy and Bubalo and continue elaborating: "while its spokespeople have stressed the party's commitment to pluralism and tolerance, PKS training documents and websites indicate a far more militant stream of thinking among many of its branches".[63] Greg Barton says that "although it seems clear that Indonesia's surprising new political force is no less radical in its Islamist convictions than is Malaysia's PAS [Partai Islam se-Malaysia], it recognized that the substance of its longer-term aspirations is not easy to sell and is best kept hidden".[64]

Indeed, one may argue that downplaying of the Islamic agenda by the Islamic parties during the election campaign of 2004, and the growing moderate face of PKS in particular, results merely from an understanding that the "political Islam" in the Indonesian context does not pay off. At the same time one can not entirely exclude the possibility that if the PKS's accommodative approach as regard the multi-religious and multicultural nature of the Indonesian society and the national ideals of tolerance and plurality will persist and further strengthen along the future time line it might produce some ideological changes.

About seven years have been passed since the beginning of the democratic process in Indonesia. So far the majority of Indonesia Muslims voted for the "secular"-national parties and for the "pluralistic Islamic parties" who share conceptually the acceptance of the "secular"-national ideology, Pancasila, as the state ideology. Indeed, in 2004 elections the Islamic parties, as was already mentioned, received about 21 percents of the votes only. But compared to the elections of 1999 they have increased their power in the ballot boxes in about 5 percent. This relatively modest accomplishment has to be attributed almost entirely to dynamic and ambitious party, the PKS, that has received in the parliamentary elections of 2004 about 7.2 percents of the votes, whereas in its former incarnation as Partai Keadilan it won only about 1.4

---

[62] McCawley, "Islamic Party Wins Power".

[63] Bubalo and Fealy, *Joining the Caravan?* p. 72.

[64] Greg Barton, "Out of Steam? Reform and the Reconfiguration of Indonesian Politics", *The Review*, May 2004 (see on-line at: http://www.aijac.org.au/review/2004/295/indonesia_poll.html).

percent in the 1999 elections. The main development in the 2004 elections, says M. C Ricklefs, is the emergence of PKS as a significant player, adding that he thinks that the achievement of PKS in the parliamentary elections does not mean a push towards fundamentalist Islamic politics: "Rather, I interpret it as part of Indonesians' hopes for an end to corruption and for greater competence and morality in government. In many places - above all in Jakarta - the PKS vote was a protest vote against existing parties and leaders. It is that same protest vote and search for new faces that has propelled Mr. Susilo Bambang Yudhoyono to the presidency of Indonesia."[65]

It has to be noted that there are some other impressive accomplishments of the PKS which are worthy of attention. Significant among them is the election of Hidayat Nur Wahid, who led its party to its accomplishments in 2004 elections, to the key post of the Speaker of the MPR, the People's Consultative Assembly (the super-parliament constitutional body). Also salient is the proved high capability of the party to take out masses to the streets. So this party, which argued to have a strong hold in Jakarta and even was there the biggest winner in 2004 elections with about one-quarter of all votes,[66] is well known for organizing demonstrations and mass rallies in the Indonesian capital, including against U.S. policy.[67] The party has also succeeded to build a strong image of party of clean politics, free of corruption. It is noteworthy that soon after his election as Speaker of the MPR Hidayat Nur Wahid announced his resignation from his post as the Chairman of the PKS, saying that he was setting an example that for avoiding conflict of interests politicians should surrender their party commitment once they took up state duties. He added that "the behavior of the elite must change, as we can't expect a sweeping reform to come soon. They should concentrate on working for the public".[68] Significant also is the effective party organization. The party is alleged to have a meritocracy-based cadre network[69] and to be the only genuine cadre party in Indonesia.[70] The party also functions distinctively in the Indonesian politics in supplying community service. It includes among other things supplying of emergency relief to flood and fire victims, providing medical services, and organising mass circumcisions and welfare services to poor.[71]

---

[65] Ricklefs, "Religion a Necessity in Indonesian Politics".

[66] M. C. Ricklefs, "Religion a Necessity in Indonesian Politics".

[67] It has to be noted that signs of protest against US policy, in connection with Iraq in particular, have been shown even by the NU and Muhammadiyah, the two huge Islamic organizations who are seen as significant pillars of the moderate Islamic mainstream in Indonesia. Members and supporters of both organizations also joined hardliners Muslims in a march in Jakarta toward the US embassy as a protest over the alleged desecration of the Qu'ran by US soldiers at Guantanamo Bay military base. (see "Hardliners call for war on US", The Age, May 23, 2005, http://www.theage.com.au/news/War-on-Terror/Hardliners-call-for-war-on-US/2005/05/22/1116700588054.html).

[68] M. Taufiqurrahman, "PKS Leader Resigns to Focus on Assembly", *The Jakarta Post* (on-line), October 12, 2004.

[69] Barton, "Out of Steam?".

[70] Bubalo and Fealy, *Joining the Caravan?* p. 71.

[71] Ibid., p. 72.

Whereas there are more questions than answers concerning the party's ideological orientation and political path in the years to come and consequently there are some challenging questions about Islam and politics or the politics of Islam in Indonesia, it can be said that the PKS is likely to further strengthen its political clout. The party do prepare itself for 2009 elections and it is even claimed that it has a long-term plan called "Vision 2012" to build a network reaching all city neighborhoods and rural hamlets.[72] Tifatul Sembiring the current President of the PKS, said soon after his preliminary appointment as the acting chairman of the party, that he would empower the party to reach out for more constituents especially those in the rural areas, adding that "critics have said that urban population makes up most of our constituents. We must change this, we have to campaign ourselves down to the village level".[73]

It is not surprising, then, that it is argued that if PKS rate of growth continues "it will likely be a major party in the legislature in 2009 and will be in a position to field a presidential candidate by 2014 or sooner".[74] In any case, this party which stimulates curiosity among observers of Indonesian is even regarded by Bubalo and Fealy to represent "one of the few genuine alternatives in Indonesian politics to the elite controlled and vastly corrupt mainstream parties. As such, its emergence is a positive development for Indonesian democracy, offering a new paradigm of political behaviour and greater electoral choice. In this respect, the role that PKS has played is a tangible demonstration of how Islamists can sometimes assist a process of democratisation by generating an alternative to the oligarchic structures that often underpin autocratic - or formerly autocratic – regimes".[75]

## Conclusion

Radical Islamic fundamentalism in Indonesia, the country with the largest Muslim population, seems to be a relatively a marginal phenomenon; the distinctive Indonesian context has managed to contain it so far at the fringe of the Indonesian society. The Islamic extremists who defy the current Indonesian polity, not to mention those among them who turn to use of lethal violence and terror, are likely to remain a small minority. Yet, being highly motivated by their fanatic ideology, they are likely to continue to challenge Indonesia as a polity and a society by posing varied threats.

The transition of Indonesia to democracy is significant landmark. The Indonesian case study may even poses a question mark over strengthening claims about the incompatibility of democracy with Islam. Yet puzzling questions about Islam and politics in Indonesia and the future ideological orientation of the Indonesian polity are raised through the process of democratization. Indeed, certain Islamic political parties have greatly lowered down the profile of their Islamic political agenda during the last parliamentary elections, a trend particularly manifested in the substantial moderation and accommodation to the Indonesian context in the rhetoric of the PKS. Even though one cannot exclude the possibility that there are many within the ranks of these parties who have not entirely abandoned the vision of turning Indonesia into an Islamic state or at least imposing the *shari'a* on the Muslim population. On the other hand, these parties have accepted the rules of the democratic political game and they are seen now as partners to the building of the democratic society and polity in Indonesia. A further conceptual moderation and accommodation by them to the local context, including the widely accepted ideals of plurality and religious tolerance, may also reinforce their commitment to the process of democratization in the country. Therefore, strengthening of their political clout would not necessarily mean a weakening of the democratic process in Indonesia and a setback to Indonesian national ideals of plurality and tolerance. But at the same time, one cannot ignore a desire of varied circles in the mosaic of Islam space of Indonesia to see a salient change in Indonesian polity towards Islamic orientation. So, one cannot either entirely ignore the possibility that considerable strengthening of the political clout of parties that hold originally a vision of Islamic state, would affect the Indonesian polity ideologically by shifting it towards an Islamic orientation. However, even though significant turning points in the Indonesian politics can not be excluded it seems now much more likely that for the near future, the distinctive character of the Indonesian context and its significant gravity power will preclude dramatic ideological changes in the Indonesian polity.

---

[72] "Newly Formed Islamic Party Hails Early Success in Polls".

[73] Taufiqurrahman, "PKS Leader Resigns to Focus on Assembly", *The Jakarta Post* (on-line), October 12, 2004.

[74] "Decentralization and Emerging Leaders of Indonesia", A Report on USNDO Conference held in Washington D. C. on February 2, 2005 (see on-line at: http://www.usindo.org/Briefs/2005/Decentralization%20Conf%202-2-05.htm).

[75] Bubalo and Fealy, *Joining the Caravan?*, p. 73 (see reference to the PKS in the section of Policy Implications , ibid, pp. 101-103).

# Chapter VI

# Iran: Multiculturalism under Radical Islam

–Eldad J. Pardo–

# Iran: Multiculturalism under Radical Islam

–Eldad J. Pardo–

## The origins of Iranian Islamic Radicalism

Timing can tell us a great deal about the origin and significance of a given socio-political phenomenon. The origins of Khomeinism, the Iranian brand of Islamic radicalism, can be traced back to the early 1960s. The immediate trigger was the death in 1961 of Grand Ayatollah Hossein Boroujerdi who had been until that time the unchallenged religious authority in the world of Shi'ah Islam. Borujerdi's death cleared the way for other forces within the Shiite establishment as well as the lay religious intellectuals, with whom they had been associated, to launch an unprecedented drive to reform and reinvent the religious institution. The goal was to make Islam relevant to the modern world through an interpretative and organizational overhaul. This was not yet Radical Islam, but it was political. This new environment opened new opportunities for Ayatollah Ruhollah Khomeini and he so began his campaign that led, some eighteen years later, to the establishment of a fundamentalist republic in Iran.

The fact that Iranian radical Islam was born in the 1960s and matured in the 1970s should not come as a surprise. In these two decades one can find the roots of processes that changed the world's political and cultural systems. As explained by Eisenstadt and Huntington, modernization, until that time coupled in the minds of people across the third world with Westernization, was gradually changing its shape. Societies and peoples around the world were starting to seek a local interpretation of modernity that would not be necessarily Western. At least so they believed. The appropriation and redefinition of modernity occurred concurrently with a cultural rebirth of Western civilization itself. Intellectuals such as Franz Fanon, Jean-Paul Sartre, Martin Heidegger, Albert Camus, Herbert Marcuse, Erich Fromm, Raymond Aron and the advent of the protest culture of the Sixties in both the United States, with Martin Luther King and the Vietnam War, and Europe, with the students rebellion of 1968. Critical dates in this process were later the 1973 Yom Kippur War followed by the oil embargo and then the collapse of the Soviet Block in 1991 and the ever-growing pace of economic and cultural globalization since then. These processes set the stage for the current confrontation between the West and Radical Islam.[1]

In the early 1960s, however, this process appeared to be much more benign. The Shah Mohammad Reza Pahlavi was determined to modernize Iran in his own vision. Other segments of Iranian elites were also very active in searching for new alternatives for national identity, authenticity and modernism. The most popular book of the 1960s was Jalal Al-e Ahmad's *Gharbzadegi* (The Plague from the West), which condemned Iranians, and people of the East in general, for their subservience to Western civilization and interests.[2] Al-e Ahmad also called for an alliance to be established between the secular intellectuals and the clergy. In his other writings he also encouraged looking for other non-Western role models.

---

[1] Samuel P. Huntington, The Clash of Civilizations and the Remaking of World Order, New York: Simon and Schuster, 1996. S.N. Eisenstadt, Fundamentalism, Sectarianism and Revolution: The Jacobin Dimensions of Modernity, New York: Cambridge University Press, 1999. (Note: This author does not subscribe to the "Clash of Civilizations" paradigm).

[2] Jalal Al-e Ahmad, Gharbzadegi (Weststruckness), translated by John Green and Ahmad Alizadeh, Lexington, KY: Mazda, 1982. Jalal Al-I Ahamd, Occidentosis: A Plague from the West, translated by R.

Ayatollah Boroujerdi was aware of the concerns that later led to the emergence of Khomeinism, mainly the decline in the status and even the very raison d'être of the religious classes in Iran. These were the crisis caused by the rapid pace of modernization and the rise in the power of the secular authoritarian state, which posed a cultural threat to the clergy who saw themselves as defenders of the faith and traditional protectors of the have-nots facing oppression.[3] Boroujerdi's outlook though was evolutionary and not revolutionary – working steadily on reinventing the Shiite institutions to make them more relevant and efficient in dealing with and contributing to a modern society.

Meanwhile, the clergy were deep in a process of reorganization. In the early 1960s a group of social reformers, many of them would become later the leaders of the Islamic Republic, were working on reforming the religious institutions. They began after the death of Ayatollah Boroujerdi and finally, in January 1963, published the *Bahsi dar Bara-ye Marja'iyyat va Ruhaniyyat* (A Discussion of the Principle of Emulation and Religious Discussion).[4]

The document went much farther: it proposed restructuring Shiite Islam so it could better handle political and social affairs, and, most of all, become relevant to the modern environment of their time. Among other things, the document included making the religious classes financially independent, the establishment of a permanent committee of *mujtahids* (scholars authorized to reason and decide upon new religious laws), the interpretation of Islam as a total way of life relevant to all areas of life including politics, changing the curricula at the religious schools with more emphasis on morality and philosophy rather than on religious law. The question of education was especially hurtful since it used to be a monopoly of the clerics, which were by now losing ground to modern education. They also called for the application of a concept of *feqh-e puya*

---

Campbell and Edited by Hamid Algar, Berkeley: Mizan Press, 1984. Brad Hanson, "The "Westoxication" of Iran: Depictions and Reactions of Behrangi, Al-e Ahmad, and Shariati," International Journal of Middle Eastern Studies 15, no. 1 (1983): 1-23. Pedram Partovi, "Authorial Intention and Illocutionary Force in Jalal Ali-i Ahmad's Gharbzadigi," Comparative Studies of South Asia, Africa and the Middle East 18, no. 2 (1998): 73-80. Anja Pistor-Hatam, "Islamissches Erbe und westlischer Einfluss: Der Literat Jalal Al-e Ahmad (1923-1969) zur Kultur in Iran," Periplus (2003): 84-98.

[3] What was the actual role of clergymen in history, collaborators with the rulers or defenders of the masses, is a contentious and complicated topic. For a pro-clergy view see: Hamid Algar, Religion and State in Iran, 1785-1906: The Role of the Ulama in the Qajar Period., Berkeley: University of California Press, 1969. For another opinion see: Willem Floor, "The Revolutionary Character of the Ulama: Wishful Thinking or Reality?" in Religion and Politics in Iran: Shi'ism from Quietism to Revolution, edited by Nikki R. Keddie, 73-97, New Haven: Yale University Press, 1983. For the clergy as a traditional class, at times pro-people, but intrinsically anti-democratic: Said Amir Arjomand, The Turban for the Crown: The Islamic Revolution in Iran, New York: Oxford University Press, 1988. Arjomand, "The Ulama's Traditionalist Opposition to Parliamentarism: 1907-1909," Middle Eastern Studies 17, no. 2 (1981): 174-190. A classic inside view of the clerics: Roy Mottahedeh, The Mantle of the Prophet: Religion and Politics in Iran, New York: Pantheon Books, 1985. Many clerics throughout history were responsible for persecution of religious minorities, especially, but not only, Baha'is.

[4] Sahrough Akhavi, Religion and Politics in Contemporary Iran: Clergy-State Relations in the Pahlavi Period, Albany: State University of New York Press, 1980. Hamid Dabashi, Theology of Discontent: The Ideological Foundation of the Islamic Revolution in Iran, New York: New York University Press, 1993. Mehrzad Boroujerdi, Iranian Intellectuals and the West: The Tormented Triumph of Nativism, Mohamed El-Hindi series on Arab culture and Islamic civilization, Syracuse: Syracuse University Press, 1996.

(dynamic jurisprudence) that would be based on specialization of the jurists. In short, the group redefined religion so it could become an efficient organizational and political tool. In short, they laid the ground for their religion to reinterpret modernity.

All this, however, did not amount yet to an Islamic revolution. The group's attitude was also evolutionary, moderate and far from being totalistic, utopian and aggressive as fundamentalism would have it. The person who turned the intellectual tide in favor of revolution was Ayatollah Khomeini, who early on turned to clash with the authorities, thus giving the entire enterprise the totalitarian and militant coloring that became its hallmark. Khomeini created a system according to which only the clergy could rule (*velayat-e faqih*), and among the clergy, one person would embody both the spiritual and political authority. This person was himself.

The concept of *velayat-e faqih* set the distinction between Shiite and Sunni radicalism by offering the Shiite clergy not only participation in political power (something the Sunni clergy enjoyed in varying degrees in the Ottoman Empire, but the Shiite clergy did not) but exclusive political power. Hence, whereas in the Sunni world, the religious establishments continued to maintain vested interests in the stability of the secular regimes, though they were challenged by non-establishment 'ulama, in Shiite Iran, the ultimate prize of total political power created a collective interest of the Shiite religious establishment to support the radical doctrine of Khomeini.

## Iran and the West – Root Causes of the Conflict

The animosity of Iranian Islamism toward the West in general and particularly the United States appears at first glance to be difficult to understand. Iran's main economic branch is its export of oil and gas.[5] The West is an avid consumer of these resources as well as of a range of other made-in-Iran products, from rugs to pistachio to top-of-art films. It can, in return, supply Iran with a host of useful products and services, from computers and DVDs to critical equipment and know-how on many levels of the Iranian economy. In fact, Iranian elites are largely Westernized and liberal values, such as free elections, freedom of expression, free markets and equal rights for women, are rather popular. Moreover, until recently, no serious proposition has been advanced, in America or elsewhere, to change the political system of peaceful countries doing business with the West, even if they stick to cultural habits such as chopping heads and limbs of legal offenders, mutilating women's genitals or just barring them from driving. As in the times of the Shah, an Iranian American alliance could have contributed volumes to making Iran an important and technologically-advanced regional power. The US and Iran should have been the best of friends.

And yet, they are not. The Islamic Republic sent a message of anti-Americanism from the beginning: first a revolution leading to the overthrow of a reliable ally and then the holding of hostages at the American Embassy in Tehran for 444 days ending on the day of President Reagan's inauguration in January, 198l. Since then relations have been bad. Iranian proxies were involved in the showcase attacks against the American embassy and the multinational forces building in Beirut in 1983, in which 241 American marines and fifty-eight French soldiers were killed, and the kidnappings of American and other Western citizens in Lebanon. An Iranian proxy was responsible to the hijacking a TWA passenger plane on June 14,1985 and Iran embarrassed the Reagan administration when the latter agreed to support it in what became known as the Iran-Contra affair. During the Iran-Iraq War, the United States provided support to Saddam Hussein's Iraq, protected oil tankers in the Gulf, and mistakenly downed an Iranian airliner on July 7, 1988 This was received very badly in Iran. Subsequently, Tehran had been a major player in the efforts to scuttle the American Middle-East peace initiatives in the 1990s. During that decade, Iranian proxies perpetrated terrorist attacks against American interests in Saudi-Arabia and Turkey. A unilateral embargo on economic relations was imposed by President Clinton in 1995, but Iran has continued to initiate and support terrorism in the Middle East and elsewhere and seeks to build a substantial military nuclear arm. In January 2002, President Bush, in his State of the Union address, accused Iran of being part of an "Axis of Evil" combining nuclear ambitions with fostering terrorist activities. The current role of Iran in Iraq and Afghanistan is more nuanced and yet it remains a major concern to American policy makers.

---

[5] For a good survey of Iranian economy: Jahangir Amuzegar, Iran's Economy under the Islamic Republic, Revised ed, London and New York: I.B.Tauris, 1997.

What are, then, the roots and incentives of this protracted animosity? The first answer that comes to mind is the historical baggage. The US supported the Mohammad Reza Shah's regime from 1941 all the way to 1979. Many Iranians believe that the Shah – a dictator and Khomeini's sworn enemy – was a mere American puppet. The Shah was. Moreover, the US is associated in Iranian psyche with Kermit Roosevelt's 1953 "counter coup," the CIA operation leading to the collapse of the Mohammad Mosaddeq's government and, with it, the end of Iran's democratic dreams. The historical picture is more complicated. It should also include many years of help from American individuals and groups to Iran from the 19th century on, the liberal years during World War II, America's support of Iran during the Azerbaijan crisis in 1946, its initial rather pro-Iranian stand in the Mosaddeq crisis, its predicament in the cold war situation and its on-going pressures for reform and liberalization. Moreover, since the mid-1960s on, the Shah was in reality entirely independent and led, in the 1970s, OPEC countries in a successful campaign to turn the tables on the world oil distribution. This, in fact, led many ordinary Iranians to believe that the US installed the Khomeini regime on purpose to regain its control on the oil markets. America's continuous efforts to mend fences with Iran as well as the love many Iranians genuinely feel toward America and its culture should also be factored in. The Islamic regime, nevertheless, preferred to remember the dark side and to denounce America as the Big Satan. And there are other outstanding issues such as Iranian financial claims.

Interestingly, anti-Americanism did not occur immediately after the Revolution and the hostage crisis could easily have ended much sooner. The US was clearly willing to work with the Khomeini regime as was Israel, which believed way into the mid-1980s that common interests would prevail and lead, in the end of the day, to a rapprochement with Iran. This did not happen and the reasons for that not happening should be looked for not only in historical grudges. The real motivation most likely lies in Khomeini's commitment to his core ideological tenets and his euphoric optimism as for the possibility of exporting the revolution to the entire Islamic world. He also believed that crushing the might of both Cold War rivals, the US and the USSR, as happened to the Byzatines and the Sassanid Persians in early Islam, was not impossible. Another consideration was the internal fear from his partners in revolution, who wanted to establish a more liberal less authoritarian regime in Iran. To deal with them brutally, as he found necessary, he needed a continuous national emergency in place. He had also to make sure that greedy foreign powers, such as America, would not have access to a position, which would facilitate anti-Revolutionary scheming.

Many commentators, Iranian and foreigners, see the main challenge facing Iran in how to overcome a choking patriarchal society in which strong older men control and oppress the young, the women and the children. The repressive patriarchal system paradoxically operates in a lively society thirsty for freedom as well as for artistic and intellectual stimulation. At times the political repression that accompany this type of patriarchy is interlocked with cultural repression. But this does not mean that, as a rule of thumb, Iranians are threatened, or feel violated, by foreign culture inundation. It is probably safe to say that it were neither Western culture nor a putative "defeat" of the genuine Iranian culture that unleashed the virulent anti-Western Islamism. One should not look at the West itself, its supposed success or hegemony and even not to any particular policy decision taken by the United States, including the now-infamous CIA intervention to restore the rule of the Shah in August 1953. The difficulties emanating from the interplay of local and foreign cultures and polities, however large they may seem to some people, cannot carry the burden of explaining the emergence of fundamentalism. Can one explain the rise of Fascism in Italy by claiming that the Italians were overwhelmed by European culture? Could Nazi anti-Semitism be explained away by too much Western civilization? Too much Mozart perhaps, too much Jazz? Obviously not. One should look for explanation on the local level, one should study the ways in which both local and imported cultures are implemented.

Take, for example, Bahram Beiza'i, one of Iran's leading playwrights and filmmakers who is also an eminent scholar in the history of performance arts in Iran. In his scholarship and artistic work he is at ease in corresponding with foreign cultures:

> If you are more focused on (similarity of my work to) Bergman and Kurosawa, ... it is perhaps because incidentally, our resources are more or less the same. I have seriously worked on the Japanese theater, which is Kurosawa's source as well. I have also worked on the western play, which is Bergman's source. I know that the Persian miniatures of seven centuries ago are more Japanese than the Japanese paintings of seven centuries ago! ... The sickle of death [which Baizai has used in *Stranger and Fog*] is not adapted from the *Seventh Seal.* It has been symbolized in Ferdowsi's poetry and in Naser-Khosrow's as well. ... yes the symbols are the same. Only, they (e.g. Kurosawa and Bergman) have images and we are denied to have imagery for centuries ... they have the tradition of visual communication of the meaning, and we don't. They have freedom of expression and we don't. ... Their style is not forced out of necessity. In our situation, I doubt if they could take even one shot![6]

Beiza'i's conclusion is straightforward. There is nothing menacing in this or that cultural source. Iranian society, however, lacks freedom of expression. He may be somewhat exaggerating, after all this articulate thinker did express this idea in words, in his home country, in Persian, and survived. And he is not alone. Still, external and self-imposed censorship emanating from conformist power relations in levels from the family up remain a challenge. This multi-level challenge to freedom of expression is perennial in Iran, especially when it comes to politics.

---

[6] Zavon Ghokassian, Conversation with Bahram Baizai, Tehran: Negah, 1992, translated by Najmeh Khalili., p. 100, in Najmeh Khalili Mahani, "Bahram Baizai, Iranian Cinema, Feminism, Art Cinema," Horschamp January 31 (2003): Available from http://www.horschamp.qc.ca. Notes in the text are by the translator.

An important feature of Khomeini's discourse of the time had been his virulent attacks against the Baha'is and Jews/Israelis, with anti-Semitic overtones. Khomeini's attitude towards the two groups is not unrelated. Bigotry toward minorities/*dhimmis* (including Christians as shown in the African discussion below) has been in the past a characteristic of Shiism in Iran, where non-Muslims suffered from discrimination substantially more than in Sunni lands. In fact, Khomeini's famous and revolutionary 1971 treatise *Velayat-e Faqih: Hokumat-e Eslami* (The Guardianship of the Jurisprudent: The Islamic Government), begins with an attack on the Jews and goes on to attack the West.[7] Anti-Semitic motifs and calls to wipe Israel from the map still plague Iranian media to this day. Hence, Israel presents a dual challenge: The existence of Israel defies traditional Islamic order. Israel's cultural challenge – a modern democracy that allows for an authentic ethno-religious expression – puts into question choices picked by Iranian totalists, especially radical-Islamists.

In his famous Ashura speech at the Feyziyeh Seminary in Qom (June 3, 1963) Khomeini focuses his attacks on Israel, while presenting the Shah as a fool, manipulated by the Jews, who is forced to adopt "Baha'i policies". Khomeini describes the crisis as a struggle between Israel and the Clergy over the influence on the Shah. Just as Bani Umayya, who committed the Karbala massacre (680 AD) because they wanted to root out the entire "godly tree" of Bani Hashem (the Prophet's family), so does Israel want to wipe out the clergy in Iran (more on the Karbala paradigm below). "Israel does not wish there to be any learned men in this country. Israel does not wish the Qur'an to exist in this country. Israel does not wish the *ulama* (clergy) to exist in this country."[8]

Iran's policies in the 1980s – the hostage crisis, the IRGC involvement in Lebanon, the hostility towards Saudi-Arabia, the refusal to put an end to the war with Iraq war, Khomeini's Fatwa against Salman Rushdie and the increasingly harsh internal policies, one sees a pattern of revolutionary zeal that is constantly on the move. While the defensive and pragmatic aspects of these policies should not be entirely overlooked, ideology played the prominent role. Iran's traumatic war experience and rising need for assistance from the West held the danger – in Khomeini's eyes – of moderating the revolution. Arguably, Khomeini strove in his policies to lock his country in its revolutionary path as he was nearing his death; the Salman Rushdie affair and other areas of conflict with the West served this purpose.

During the 1990s, a more pragmatic school of thought gradually developed that was associated with the name of President Hashemi Rafsanjani. Nevertheless, the ideological strand in Iran's policy continued to manifest itself through Iran's involvement in terrorism, particularly the assassination of four Kurdish opposition leaders in Germany in 1992 at the Mykonos restaurant in Berlin, the bombings of Israeli embassy in Buenos Aires on March 17, 1992 and the attack on the Argentine Jewish Community Center

---

[7] Ruhollah Khomeini, Islamic Government (Al-Hukumah Al-Islamiyyah), Manor Books: Manor Books, 1979. Ruhollah Khomeini Velayat-e Faqih (Hokumat-e Islami), Tehran: Àmir Kabir, 1978/1357. Shahrukh Akhavi, "Contending Discourses in Shi'i Law on the Doctrine of Wilayat al-Faqih," Iranian Studies 29, no. 3-4 (1996).

[8] English text available from VRC4kC:www.islamicentre.org/muharram/khomeni.pdf+Khomeini-Imam+&hl=de

(AMIA) on July 18, 1994. In both the Mykonos the AMIA cases, legal authorities in Germany and Argentina found evidence showing that the directions to perpetrate the attacks were given directly by Iran's highest leaders including supreme leader Ayatollah Khamene'i and intelligence minister Ali Falahiyan.

In 1997, the Iranian people surprised its clerical rulers when they voted the reformist Hojatolislam Mohammad Khatami into office in the presidential elections. Khatami hoped to launch a new dual policy of liberalization at home and opening up to the West abroad within his concept of "dialogue of civilizations." The reformist camp, which he led, was partially successful in moderating Iran's foreign policy, especially as regards Europe the Arab world. More flexibility in Iran's policy toward the United States was also apparent although it remained on unofficial tracks. All and all, however, the reforms proved to be a disappointment, mainly because of lack of sufficient constitutional power to the presidency. Despite the heated debates in the Majlis and the on-and-off letting up of press censorship, Iran remained an authoritarian state, with a rather unhappy population.

## Typology of Iranian Shiite Radicalism

It has been argued that Radical Islam is mainly a Sunni-Arab phenomenon, as exemplified by the religious-ethnic cross-section of the terrorists manning the hijacked four American airliners on September 11, 2001. All nineteen of them were Sunni-Arab. My argument, however, is that since anti-Western Radical Islam is essentially a decentralized phenomenon united by a common ideology and typology, Khomeinism, and the Islamic Republic of Iran, could not be excluded. In fact the Islamic Revolution of Iran was considered by fundamentalists worldwide as a great victory and a source of inspiration, although Iran could not become a leader for all.[9]

The problem of drawing the contours of Radical Islam – or Islamic fundamentalism – was succinctly presented by Martin Kramer a decade ago. His conclusions, I believe, still hold. Manifestations of Islamic fundamentalism are bewildering in their "diversity." Yet, explains Kramer, they all revolve about a core idea whose gravity they will never defy. The idea is that Islam must have power in the world and that it provides the one and only solution to all questions, from public policy to private conduct. The empowerment of Islam, which is God's plan, is sacred and must be pursued by any means that can be rationalized in terms of Islam's own code. Violence became the inescapable shade of Islamic fundamentalism and so is its preference for an authoritarian state as its utopia. Islamic fundamentalism operating in the environment of globalism is, nevertheless, not hierarchical, but multi-polar. Finally, and most pertinent to our project, a resolute anti-Westernism, is a hallmark of Islamic fundamentalism. Bigotry, such as anti-Semitism and anti-Christianity, is also typical.[10]

An early adumbration of the political culture of future Khomeinism that exemplifies Martin Kramer's typology was the assassination of the Shah's prime minister, Hassan-Ali

---

[9] Emmanuel Sivan, "Sunni Radicalism in the Middle East and the Iranian Revolution," *International Journal of Middle East Studies* 21, no. 1 (1989): 1-30. Tawfiq Muhammad ash-Shawi, *Fiqh al-Hukumah al-Islamiyyah bayna as-Sunnah wash-Shi'ah wa-Qira'ah fi Fikr al-Thawrah al-Iraniyyah*, edited by if, Ann Arbor, MI: New Era (Manshurat al-Asr al-Hadith), 1995.

[10] Martin Kramer, "Islam is the Power of the Future," in Arab Awakening and Islamic Revival: The Politics of Ideas in the Middle East, edited by Martin Kramer, 141-159, New Brunswick, NJ and London: Transaction Publishers, 1996.

Mansur (21 June 1965). Mansur was shot on his way to discuss in parliament new bills concerning contracts between Iran's national oil company and a number of western oil companies. The assassin was a seventeen year old member of the Fedaiyan-e Islam group, which had been responsible for the murder of a number of leading intellectuals and politicians. In the attacker's pocket police found a copy of the Qur'an and a picture of Ayatollah Khomeini. Mansur's crimes were of importance for understanding the act: he was associated with the "humiliation" of the clergy and with western-style reforms of the Shah, and with the special legal rights accorded to American personnel in Iran. He was also associated with the deportation of Khomeini himself following the latter's relentless, often violent, campaign against these policies.

I will outline a typology of Iranian Islamic radicalism through four aspects of the phenomenon: (1) Iranian policy of proxy terrorist organizations in Lebanon; (2) Iranian "export of the revolution" to Africa; (3) the role of Iranian nationalism (4) The role of Shiite particularism; (4) Women and Radicalism; Sacrifice and Suicide – the influence on Iran of the Japanese Kamikaze ethos.

### Iranian Policy in Lebanon

The intimate link between the Iranian brand of Shiite radicalism and its Sunni counterpart is demonstrated by the fact that suicide attacks, the quintessential hallmark of Islamic terrorism, was introduced to the Arab world in the early 1980s by the Lebanese Shiite *Hezbollah*, founded by the IRGC forces in Lebanon with the agenda (expressed in the original slogan on its flag) of *Islamic Revolution in Lebanon*. It is true that this slogan was changed later on as the organization, gradually went through a process of moderation as regards its open ambition to establish a Khomeinist regime in Lebanon.

Some observers tend to look at *Hezbollah* as first and foremost a Lebanese organization, especially since the early 1990s, following the 1989 Ta'if accord that brought an end to the Lebanese civil war. A turning point in this process is said to be *Hezbollah*'s decision to participate in the 1992 elections. This moderation is often dubbed by non-*Hezbollah* observers "Lebanonization," (Labnanah), namely the focusing on Lebanese rather then Irano-Syrian interests. *Hezbollah* leaders, such as Nasrallah, prefer, however, the arguably more correct term "opening-up" (*infitah*, a term used by Egypt's Sadat for his economic liberalization). This moderation, according to the Lebanon-first school of thought, is a result of coming to terms with the political reality that an establishment of an Islamic republic such as the one in Iran is just not feasible.[11] While this is probably true, it is so only to a degree. The Iranian factor remains paramount.

The Iranian factor of this process is worthy of a closer look. The Ta'if accord was the result of a serious Syrian effort, coordinated with Iran. At the time of the Tai'f accord, Khomeini had just passed away, leaving the revolutionary regime without its charismatic founder and leader. This came on the heels of the virtual defeat of Iran, in its war of attrition against Iraq. Both events had a traumatic effect on the revolutionary zeal in that country, with an era characterized by more calculated policies emerging. Other elements, such as the intimidating example of the collapse of the Soviet block regimes and the fading legitimacy of the Iranian's Islamist ideology as a result of the republic's lingering poor performance economically and socially should also be factored in. Other vulnerabilities, such as the combustible ethnic composition of Iran, should not be overlooked as well. It is even not unlikely that the rising sensitivity of the ethnic variable brought the veteran Khomeinists, both in Iran and in the Beqa valley, to reconsider their ambitions in Lebanon.

---

[11] Daniel Sobelman, New Rules of the Game: Israel and Hizbollah after the Withdrawal from Lebanon, Vol. Memorandum No. 69, Tel Aviv: Jaffee Center for Strategic Studies, 2004. Anat Kurz,"Hizbullah at the Crossroads,"Strategic Assessment 3,no.1 (2000):14-17. For a different opinion see: Eyal Zisser, "The Return of Hizbullah," Middle East Quatrerly FALL 2002, Vol. 9 No. 4 available from http://www.meforum.org/article/499

Obviously, the tug-of-war between the "moderates" (or "reformists") and "hardliners" (or "conservatives") in Iran had also its impact on *Hezbollah*'s actions. One should bear in mind that Mohtashemi-Pur, who was for years the coordinator of Iranian activities in Syria and Lebanon, is considered a leading reformist in Iran. Yet this did not make him a foreign policy "dove" (particularly in regard to Israel). Even after the Israeli withdrawal from Lebanon, *Hezbollah* continued to serve as the main Iranian proxy in its war against Israel, through its aid to Palestinian organizations as "second level" Iranian proxies. While the Palestinian Islamic Jihad is clearly affiliated with Iran (a "first level" proxy), Iranian funding and support go also via *Hezbollah* to the *Hamas* and the secular *Al-Aqsa Martyrs Brigades* movements, which also invest time and money to infiltrate into Israel's Arab sector. On May 6, 2001 Israeli Navy captured a Lebanese ship, the *Santorini*, on its way from Lebanon to the Gaza Strip carrying weapons. The *Santorini* had been equipped and loaded by *Hezbollah* operatives. Iran was also involved directly with supporting the Palestinian Authority in its war against Israel. The most famous case occurred on January 3, 2002 when the Israeli Navy captured in the Red Sea the Karin A, a ship loaded with military equipment from Iran to the PA. In short, the mixture of Iran, *Hezbollah*, *Hamas*, Palestinian Islamic Jihad (Islamic Jihad is also a code name for *Hezbollah*'s international operations), *Al-Aqsa Martyrs Brigades* and even the Palestinian Authority often work in unison crossing sectarian, linguistic, national and even religious barriers in the great scheme of radical Islam.[12]

### "Export of the Revolution" to Africa

The duality of anti-Westernism/internal Islamic order is also apparent in Iranian contemporary policies in Africa, orchestrated from its large embassy in Nairobi, Kenya.

During a visit to Africa in 1996, Hashemi Rafsanjani, then president, it has been declared:

> There have been many efforts by Christian missionaries and Zionist groups to change the cultural-social identity of the African peoples. In order to stand up to these schemes, it is necessary to strengthen the links between Iran – an important country in the Islamic world – and African countries, and to stop the infiltration of Christianity and Zionists, which are working to drive Islam out. Our hope is that the visit of President Rafsanjani to Africa, where about 400 million Muslims live, will mark the beginning of stronger ties between Iran and African governments.[13]

East-Africa, situated on a fault line between Islam and Christianity, is a critical flash-point for global Islamic terrorism as was manifested by the twin bombings of the American embassies in Nairobi and Dar-es-Salaam on August 7, 1998. While Iran clearly did not have anything to do with these or any other terrorist attacks in East Africa, nevertheless it is engaged in serious efforts to advance Islamic fundamentalism in Africa by means of education and propaganda. The message is clear, as is evident from the following excerpt taken from the bulletin of the Iranian embassy in Nairobi: "Muslims from all over the world must unite in order to prevail over their enemies and confront their oppressors. Arabs, Turks, Persians and other Muslims should establish "a great community called the Islamic Ummah in the world and, due to their great numbers, no one will be able to dominate the Islamic centers and governments. The superpowers and their subservient lackeys in the Islamic countries are planning to divide the Muslim people and want to sever the brotherhood among Muslims which God, the Most High, has ordained for them."[14] This is clearly radical Islam.

---

[12] Shaul Shay, The Axis of Evil: Iran, Hizballah and the Palestinian Terror (in Hebrew), Herzliya: IDC, 2003.

[13] Arye Oded, Islam and Politics in Kenya, Boulder and London: Lynne Rienner, 2000.

According to one source, Iran's goal is to establish at least one Islamic party in every country in Africa, with Kenya chosen as the center of its Islamic activities. In visit to Khartoum in December 1991, Hashemi Rafsanjani declared: "The Islamic Revolution in Sudan can doubtless be a source of inspiration to movements and revolutions around the Islamic world." The cooperation between Iran and Sudan is significant in the context of the precedence of unity of radical Islam agenda over the divisions between the Sunni and Shiite branches of Islam. This policy is similar to Iran's support, say, of the Palestinian *Hamas* movement, which is Sunni. It is true though, that Iran, while professing sectarian-blind politics in Africa, does have a secondary agenda of propagating Shiite Islam among the Sunnis in the continent.

Dissemination of Islamic ideology in Africa is conducted via Iran's many embassies and Islamic cultural centers, by providing financial support to mosques and local activists, through radio broadcasting, visitor exchanges, as well as by subsidizing air routes from Tehran to East Africa. Iran also provides technical and economic assistance to countries across the continent, runs economic fairs, invest in development projects and so on.

Iran definitely has national interests in the continent, not least among them is the need for support in international organizations in anticipation of possible showdowns with United States on issues such as its nuclear armament project. However, the campaign to disseminate political Islam, with varying degrees of radicalism, by countries such as Libya, Sudan, Somalia as well as Iran, leaves many African Christians as well as Muslims worried. They do not share Rafsanjani's view that dissemination of Iranian-style Shiism protects the "cultural-social identity of the African peoples," and are troubled by the efforts to impose an Arab-Islamic hegemony in Africa as well as from repercussions in terms of their home security.

### Iranian "Nationalist Islamism"

Khomeinism and Iranian Islamic radicalism should be studied not only as part and parcel of the global phenomenon of Islamic radicalism, but in the context of a nationalist Persian-Iranian point of view.

Throughout this section I will often use the terms Persian and Iranian interchangeably, even though those speaking Persian at home make only some fifty percent of Iranian population. Thus, for example, Iran's Supreme Leader, Ayalollah Ali Akbar Khamene'i is a member of the very large Azeri (Turkish) minority, and almost all of Iranian rulers in the last millennium – except for the Pahlavis -- have been Turkish speakers, just as the rest of the Middle East was ruled for centuries by Turkish dynasties. Iran is a multi-ethnic country united by the Twelver Shiite faith to which some 90 percent of the population adhere.[15] And yet, Persian ethno-cultural tradition is by all means hegemonic. Persian culture and language are studied and used by all educated Iranians and thus constitute uniting force. Persian culture is dominant and influential far beyond what the numbers suggest. Contributing factors to the paramount status of Persian are state policies, historical intermingling of the ethnic groups in large cities such as Tehran and, moreover, the overwhelming impact of Persian culture on Islam at large due to its quality, and long history.

---

[14] Ibid.

Historically, the collapse of the Persian Sassanid dynasty and the occupation by Muslim-Arab invaders did not translate into an end to the Persian ethnic identity in Iran. Despite the surprising collapse of the Iranian state and the astonishing demise of Zoroastrianism its state religion, Persians kept their language, albeit in a new version, and their heritage. Heterodox Persian religions such as Manicheisim and Mazdakism (not to be confused with Mazdaism, another word for Zoroastrianism) supplied the foundation——spiritually and tactically——for a host of opposition movements in the early centuries of Islam, especially through the various Shiite factions. The role of Persians is undeniable, for example, in the Abbasid Revolution that deposed the dynasty of the Ummayads, so hated by the Shi'ah.[16] According to Haas, Persians of the first centuries of Islam were a defeated and humiliated people whose rights and deepest convictions had been violated and trodden upon. Hence, "the great psychological function of the Shia schism was the defense and self-protection against the new religion."[17]

Culturally, the Shiite central paradigm of allegiance to a defeated dynasty and acceptance of the all-but-permanent victory of evil sits well with Persian heritage, existential condition and social makeup. The very concept of a dynasty, a religious dynasty, is Persian. The idea of the power of evil in the world matching that of the good and potentially ruling supreme is dualistic Zoroastrian. The futile resistance to Arab-Muslim occupation, on the one hand, and insatiable cultural curiosity, on the other, shoved Iranian-Persians into a new dualism, identifying both with their defeated ancestors and with the new world erected by their Muslim-Arab invaders. The quintessential example is the *Shahnemeh* (Book of Kings) of Ferdousi (died 1020), the monumental Iranian national epic comprised of 50,000 closed couplets. The *Shahnameh* was written some four hundred years after the advent of Islam, but tells the mythological heroic stories of pre-Islamic Iran.

Ferdowsi and his listeners were devout Muslims, and yet the nostalgia for the glorious days of larger-than-life mythological characters from Iran fighting against their enemies from Turan (Turkey) in bygone times before the Arab invasion, made this masterpiece the mainstay of Iranian identity. Ferdowsi worked for a Turkish ruler and was committed to the Arabia-imported Islam. His heroes are pre-Islamic and their enemies Turks. And yet the *Shahnameh* is an exception among the world national epics. National epics typically tell peoples their own victorious past. Ferdousi, however, as Hillman points out, "composed his *Shahnameh* as a national history culminating in a disaster."[18] The disaster was the advent of Islam, the defeat of the last Iranian king by the Arabs. In other words, Iranians have a unique capacity to identify with opposing sides and accepting simultaneous double roles of evil and good. Moreover, as pointed by Bausani, Iranian civilization is an amalgam of many invasions by Greeks, Turks, Arabs, Mongols and Europeans.[19] Each of these invasions challenged Iranian culture and remade it. Each thrust the Iranian plateau into a new globalization with influx ranging from Japan and China, on the one hand, to California, on the other. Defeated, conquered, globalized.

---

[15] Twelver denotes that this branch of Shi'ah adheres to 12 Imams the first of whom was Ali. See: Moojan Momen, An Introduction to Shi'i Islam: The History and Doctrines of Twelver Shi'ism, New Haven and London: Yale University Press, 1985. For an introduction on the spiritual origins and significance of the Shi'ah: Mohammad Ali Amir-Moezzi, The Divine Guide in Early Shi'ism: the Sources of Esotericism in Islam, translated by David Streight, Albany: State University of New York Press, 1994. Meir M. Bar-Asher, Scripture and Exegesis in Early Imami Shiism, Leiden and Jerusalem: Brill and Magnes Press, 1999.

[16] Moshe Sharon, Black Banners from the East: The Establishment of the Abbasid State, Incubation of a Revolt, Leiden and Jerusalem: Brill and Magnes Press, 1983.

[17] William S. Haas, Iran, New York: Columbia University Press, 1946, pp. 133-4, quoted in Jamshid Malekpour, The Islamic Drama, Ta'ziyah, London: Frank Cass Publishers, 2004, p. 28.

And still, when it comes to oppression, foreigners have never been the main challenge to Iranians. The challenge is patriarchy. The central myth within the *Shahnameh*, that of Rostam killing his son Sohrab in a duel, is different from, say, the *Oedipus* myth, in which a son kills his father or that of Abraham being stopped from killing his son Yitzhak (in the Bible version) or Ishmael (in the Qur'anic one). The slaying of the father, the totem if you will, mythologically suggests revival, optimism and victory of the young. Killing the son suggests the opposite.

An enigma relating to Iranian history is the abrupt turning points one can see and especially the quick collapse of regimes as a result of revolutions or invasions. The following was written by leading Iran expert in the year 1960:

> Primarily because of national disunity, the Iranians have been unable in modern times to prevent foreign invasion to intervention or the emergence of successive internal dictatorships. It may be argued that during both World Wars the military forces under government command would have been unable to prevent foreign invasion. But, if the fighting forces of the large, but disunited, tribes had been united and used effectively, they would have constituted at least a significant deterrent. However, in each case, more important than the numbers of troops or their equipment was the absence of national will to resist, such as, for instance, enabled Ataturk to establish modern Turkey.[20]

Indeed, even solid Iranian regimes displayed a surprisingly little resilience at critical junctures. Examples abound: Iranian successive defeats from Russia and Britain in the 19th Century, the success of the 1872 and 1891 protests against the concessions to British interests, the 1905-11 Constitutional Revolution, the collapse of the Constitutional regime in 1909, the collapse of Mohammad Ali Shah reactionary regime, the Russian invasion of 1911, the chaos of World War I, the collapse of the Qajar dynasty in 1925, the Allies invasion of 1941, The Mosaddeq crisis of 1950-53 and the 1979 Islamic Revolution. In all these cases, Iranian regimes proved unable to display the decisive policies needed to survive the crises. There is one major exception to the rule: in 1980-1988 Iran stood firm against the Iraqi invaders.[21]

---

[18] Michael C. Hillmann, Iranian Culture: A Persianist View, Lanham, New York, London: University Press of America, 1990, p. 15.

[19] Antonino Pagliaro and Alessandro Bausani. Storia Della Letteratura Persiana. Milan: Nuova Accademia Editrice, 1960.

[20] Joseph M. Upton, A History of Modern Iran: An Interpretation (Cambridge, Mass.: Harvard University Press, 1960). p.129.

Let us begin with the exception. There could be little doubt that Iranian masses were united in their battle against the Iraqis. It is true that the regime faced many opponents at home who were shrewdly and summarily destroyed. It is also true that the showdown between the regime and the *Mojahedin-e Khalq* movement was all but a civil war: two major terror attacks by the *Mojahedin* eliminated dozens of the Revolution's top leadership. All and all, however, the Islamist regime held its ground and did not collapse. How did this unity come about and how did the Islamic regime survive? One straightforward explanation is that Saddam Hussein captured only part of Iran since Iraq is simply too small to subdue its much larger and powerful neighbor, even after factoring in the successful surprise at the beginning of the war and weakness of the post-Revolutionary Iranian army.

Another explanation, more relevant to our discussion, has to do with the Iranian revolutionary spirit and especially the emergence of a death cult as an offshoot of Iranian Islamism. One can consider this moment in the history of Iranian nation as a turning point, and a paradoxical one. The very revolutionary regime that adopted a universal pan-Islamic ideology and discarded the Shah's Irano-Persian nationalism was the one successful in bringing about national unity necessary for a major international test. Muslim Iran was united in its fight against Muslim Iraq in the name of Islam. This was a success of Iranian nationalism in the mantle of a universal ideology.

How can one explain this paradox? Research into the propaganda war of the Iranians has shown that it had been rather sophisticated using nationalistic and religious elements as needed. Hence, the general framework of Khomeinism was one of a universal pan-Islam, trying to lighten, obfuscate and ignore the age-old chasm separating Shiite and Sunni Islam. This attitude was essential to its anti-Western paradigm that was predicated on the "Orientalism in Reverse" pattern, namely Islam against the West. It also helped, and still does, help Iranians collaborate with their Sunni allies everywhere. A quintessential example is the cooperation between Iran and the Lebanese *Hezbollah* and various factions among the Palestinians who are virtually all Sunni. Another example is that of the Kurds in Iran who are Sunnis. Their support was needed during the war and obviously an overtly Iranian or Shiite language was not the right way to approach them.

### Shiite Particularism

While Iran has made an extensive effort to co-opt Sunni radicals into its sphere of influence, there are limits to the use of ecumenism by a radical Shiite regime. The mainstay of Iranian ideology is religious and, unlike the Sunni case, it has been led in its formative years by erudite and well-recognized members of the clergy. Hence, notwithstanding the innovative spirit of Khomeini and his like, there were limits to how Shiite principles could be bent.[22] After all, the *raison d'être* and the spiritual zeal of Shiites is inseparable from the alleged evil doings directed at the House of the Prophet, *Ahl al-Bait*, and to the Shiite community throughout history. In fact the Sunnis are seen as having usurped the Caliphate from the House of the Prophet ignoring Mohammad's public request, the *eshareh* (Arabic *isharah*, signaling), pointing to Ali and his descendents Imams as the sole rightful heirs to the leadership of the Islamic *Ummah* (world-wide community). Indeed, for the leaders of the Islamic Republic most of historical Islam has never been genuine. Take, for example, the following words by Supreme Leader Ayatollah Khamenei:

---

[21] One of the best overviews of modern Iranian history is: Nikki R. Keddie, Roots of Revolution: An Interpretative History of Modern Iran, New Haven and London: Yale University Press, 1981.

[22] Gil Aloni, "A Study of Revolutionary Messages in Elementary School Textbooks in Iran (in Hebrew)," M.A., Hebrew University, 2000.

> "While it is true that during the last twelve or thirteen centuries there has risen in the world of Islam itself governments, which spoke in the name of (Mohammad) the Great Messenger, and saw themselves as successors to the Messenger (Caliphs, *khalifeh-ye peyghambar*). When a person would confront them and argue that that they had not been not what they claimed to be, they would even go as far as killing that person and insisting that indeed they were the successors of the Messenger. Take, for example, the period from the rise of the Ummayds Caliphate through the (end of) the Abbasid one, they ruled some five to six hundred years. Then the Fatimids in Egypt and North Africa and then again the Ottoman Caliphs, ruling in Asia Minor, namely Turkey proper, all the way to World War I. This had been the center of the government and from there they ruled all of the Arab countries. Each of these were presented as Caliph. What does a Caliph mean? It means a successor to the Messenger! Some of them even went so far as calling themselves successors to God! Representatives of God! This was the *title* they had adopted! But what about their *actions*? They followed the very same policies of oppression as practiced in the world by the kings that had preceded them and by contemporaneous governments in other places in the world. Even today, after them, one can find many such governments around the world. The name was "Successor to the Messenger," but the action, the doing, the behavior – these were altogether something else. You know how should one call these? Hypocrites (*monafeqin*)."[23]

Interestingly, the Iranian leader does not mention, among evil dynasties of the past, the Safavid dynasty (1501-1722), which invited the Shiite clergy from the Arab lands and made was the Twelver Shi'a faith a national religion in Iran. The Shiite Safavids and the Qajars (1796-1925) were criticized by Iranian revolutionary intellectuals. Ali Shariati, for example, made a clear distinction between *Tashayyo'-e Alavi*, the Islam of Ali, which he considered true revolutionary Shiites and the passive, bourgeois, Shiites of the Safavids, *Tashayyo'-e Safavi*.[24] Khomeini, in his later writings, went even further and rejected all kings including those considered in Iranian tradition as particularly just such as the Sassanian king Anushirvan (Khusraw I, 539-589) and the Safavid Shah Abbas (1587-1629).[25] Khomeini's rationale had been to exclude any non-clergy-ruled regime. Otherwise put, Khomeini and Shari'ati dismiss all Islamic polities ever as unjust and unacceptable, except for the two originals ruled by the Prophet Mohammad (ca 610-632) and then by Ali (656-661). The history of Islam is a long story of repression by "evil tyrants," who are typically non-Persian Sunnis, although Persian Shiite kings are also suspicious. Shiites and especially its original unpolluted version is a *sine qua non* in this political set of mind.

---

[23] In a speech for the commemoration of Imam Ali's birthday. Ettela'at, September 23, 2002. My translation.

[24] Ali Shari'ati, Tashayyo'-e Alavi va Tashayyo'-e Safavi (Alavid Shi'ism and Safavid Shi'ism), Tehran: Hosainiyyeh Ershad, n.d. See also: Ali Rahnema, An Islamic Utopian: A Political Biography of Ali Shari'ati, London and New York: I.B.Tauris, 2000. Naghi Yousefi, Religion and Revolution in the Modern World: Ali Shari'ati's Islam and the Persian Revolution, Lanham and New York: University Press of America, 1995.

[25] Ervand Abrahamian, Khomeinism: Essays on the Islamic Republic, London and New York: I. B. Tauris, 1993, p. 24. Ali Gheissari, Iranian Intellectuals in the 20th Century, Austin: University of Texas Press, 1998, pp. 97-107.

Iranian leaders, then, do not ignore the primordial Sunni-Shiite chasm. They cannot. If they do, religion would become irrelevant as a rallying force and would make the clergy, who lead the Islamic Republic, appear disingenuous and irrelevant. One cannot subscribe to a faith and ignore its main crux.

Besides the religious impossibility of predicating Iranian national unity on an ecumenical radical Islamism, there are also pragmatic reasons supporting the emphasis on Shiites as a tool for national unity in Iran. One of these reasons has to do with demography; some 90 percent of Iranian population are Shiite Muslims. While Shiites as a state religion was forced on the Iranians by the Safavids who recruited religious scholars from abroad, largely from Lebanon, in the early 16th century, it has since taken roots in Iranian society, and later efforts to eradicate or weaken Shiites have all failed.[26] One such failed attempt to convert Iran back to Sunnism was tried by Nader Shah in the mid-18th century. Another reason relates to the emergence of the specific of Iranian Shiites. In fact, Twelver Shiites as practiced in Iran has acquired many local, indeed Persian, cultural traits. Thus many rites and ceremonies observed in Iran are typical to Persia and to the Persian language. Among these one should point to Persian pre-Islamic customs such as the *Newroz*, Iran's ancient New Year celebrated on March 21, the vernal equinox. Indeed, the Islamist regime tried, in vain, to eradicate this quintessentially Iranian festival in the early days after the Revolution.

Perhaps the most important reason for the Shiite flavor of Iranian Islamism is that Shiite worldview naturally lends itself to a Revolution purporting to speak for the downtrodden (*mostaz'afin*) everywhere. After all, the leaders of the early Shiite community, the holy dynasty of the Imams from the house of Ali, were unjustly deposed and usurped. The result was much suffering to the family often dubbed *Bait al-Ahzan*, the House of Sorrows.

The formative myth of Shiite Islam as practiced in Iran is the martyrdom of Imam Hossein, the Lord of the Martyrs, *Sayyed al-Shohada*. The death and suffering of Imam Hossein and his family is indeed heart wrenching. Because of his suffering and purity, Hossein has become the one holding the keys to Paradise, an honor denied to a series of prophets from Abraham to Mohammad. Imam Hossein is the Redeemer of all humans who mourn him and, hence, he is practically, if not officially, the most important religious figure for Shiite Muslims. It is only by mourning Imam Hossein, weeping and agonizing his unjust death that, through the Holy Imam's intercession with God Almighty, one may enter Paradise. And the tears are shed because of the evilness and cruelty of Sunnis, such as the Caliph Yazid bin Muawiyyah and his generals Ibn Sa'ad and Shemr.

The horrible death of Hossein took place in the Iraqi desert near the city of Karbala on October 10, 680. Hossein and his family members including his wife, the Persian princess Shahrbanu, his sisters, Zeinab and Kulthum, and his little children found themselves encircled under the scorching sun without access to the nearby waters of the Euphrates river.[27] Just imagine Sakinah, the Imam's little girl, her lips cracked from dryness and thirst, pleading for some water. All her father has to offer are blood drops flowing from his eyes. Then she supplicates: "Father, don't leave me alone. Please!" But he will not budge. He will even refuse the help of the Lord of the Jinni's who comes to his rescue. Or think of the Imam's love of his loyal horse, Dhu al-Jinah, and his insistence to die on foot after making the arrangements to save the animal's life. The Imam's head is separated from his head by the evil Shemr and carried on sword tips, with the remaining women and children, to Damascus, the seat of the Ummayad Sunni Caliphate.[28]

---

[26] Rula Jurdi Abisaab, "The Ulama of Jabal 'Amil in Safavid Iran, 1501-1736: Marginality, Migration and Social Change," Iranian Studies 27, no. 1-4 (1994): 103-122.

The sacrifice of Imam Hossein was a central rallying battle cry during the Revolution, and the following fights against the Iraqis. The Shah, and then Saddam Hussein, were dubbed Yazid, the evil Caliph of Karbala. The intriguing part of the story is the transformation of the myth. Historically, the myth of Karbala, based on redemption through emotional identification with the martyrs' ordeal, encouraged the believers to quietly suffer the injustices of the world. However, from the 1970s on, to large part as a result of the writings of Dr. Ali Shariati, the fighting dimension of Hossein's martyrdom became the focal point of the myth. From a myth encouraging endurance and acquiescence it turned into a myth demanding militancy and activism. One should fight for the cause, even at the price of sacrificing one's life. Don't wait for Resurrection Day, act now![29]

We see, then, that an exclusively Shiite motif plays a central role in both defining modes of collective action in Iran drawing the borders between the "us" and the "them". Why did the Iranians adopt Shiism and particularly the motif of a self-sacrificing redeemer? As outlined above, this motif is an integral part of the Persianist heritage of Iran.

### Women and Radicalism

Sometimes, cultural issues , however, there were two notorious cases of direct cultural oppression by the state. The first was in 1936 when Reza Shah, westernizing Iran Ataturk-style, overdid his Turkish role model imposing a total ban on women veiling. The ban caused great distress to women and their families and many had to stay at home or suffer great embarrassment. Following the Islamic Revolution, our second case, cultural oppression made many Iranians feel they live under foreign occupation, as described by Azar Nafisi in her book *Reading Lolita in Tehran*:

> It was thus not surprising that the new Islamic government took over the university as the site of its weekly Friday prayers. This act gained added significance, because at all times, even after the revolution, the Muslim students,

---

[27] Mohammad Ali Amir-Moezzi, "Sharbanu, damme du pays d'Iran et mère des Imams: entre l'Iran pré-Islamique et le shiisme imamaite," Jerusalem Studies in Arabic and Islam 27 (2002): 497-549.

[28] Charles Virolleaud, Le Theatre Persan ou Le Drame de Kerbéla, Paris: Adrien-Maisonneuve, 1950. Mahmoud Ayoub, Redemptive Suffering in Islam: A Study of the Devotional Aspects of 'Ashura' in Twelver Shi'ism, The Hague, Paris, New York: Mouton Publishers, 1978.

[29] Marry Hegland. "Two Images of Husain: Accommodation and Politics in Iran." In Religion and Politics an Iran: Sh'ism from Quietism to Revolution, edited by Nikki R. Keddie, 218—235. New Haven: Yale University Press, 1983.

> especially the most fanatic ones, were a minority overshadowed by the leftist and secular student groups. It seems as if with this act, the Islamic faction asserted its victory over other political groups: like a victorious army it positioned itself on the most cherished site of the occupied land, at the heart of the vanquished territory. [..] Yet it seemed as if the grounds themselves rebelled against this occupation.[30]

This is expressed through another novel, which became a bestseller in Iran since published in 1994 – Fattaneh Hajj Seyyed Javad (Parvin)'s *The Morning After* (Bamdad-e Khomar). The novel tells the story of the ill-fated love story of an upper-class girl to an abusive lower-class man with whom she marries against all the good advice she gets from family and friends. The novel, an allegory on the consequences of Iran's short-sighted infatuation with the Ayatollahs' regime, ends with the unhappy separation of the couple following the drowning of their son. The Revolution made attacking women's rights a mainstay of its ideology and policies despite its reliance on women for Revolutionary action.[31]

Indeed, cultural and political oppression is often metaphorically encoded by stories telling the oppression of women and their forced veiling. A few examples from recent Iranian cinema are 1998 Marziyyeh Meshkini's *The Day I Became a Woman*, 1999 Tahmine Milani's *Two Women* and 2000 Ja'far Panahi's the *Circle*. Iranian cinema of recent years acquired a pronounced pro-women slant and this type of artistic feminism should be read as a protest against forced cultural system making Iran an "occupied land."

And yet again, one should be careful not to associate this kind of forced culture in Iran to Islam alone. In the thirties, Reza Shah forced Iranians to shave, wear western hats and even went a step farther than Ataturk, his role model, when he enforced in 1936 the traumatic unveiling on Iranian women.[32] It is not easy to grasp how humiliating and aggressive have unveiling and veiling been to women forcing them to shed in a second long-held tradition, way of life, identity and social role. The violation of one's own privacy was a devastating experience. In comparison, in 1985 a popular nationwide movement started in America to protest against the Coca Cola Company's decision to replace its century-old soft drink with a new version, somewhat sweeter. Organizations such as *The Old Coca Cola Drinkers of America* as well as many individual activists considering the new coke un-American fought and won forcing the giant drink-maker to reintroduce the by now-dubbed "classic" coke. Many citizens of the world, Americans and Americanized, alike, just could not go about their lives without this largely irrelevant product. The impact of tampering with an institution thousand-years and crucial to daily life and custom such as veiling and unveiling must have been indefinitely more traumatic. And that too: in 20th century centralized Iran resistance was futile even if we do not compare it to the United States. In 19th Iran, for example, a nationwide protest, culminating in the entire nation stopping to smoke, was successful in scuttling an initiative to grant an all-round tobacco concession to a British subject. But then, Iran was still pre-modern and the central government was too weak to resist.

---

[30] Azar Nafisi, Reading Lolita in Tehran: A Memoir in Books, New York: Random House, 2003, p. 89.

[31] Mahnaz Afkhami and Erika Friedl, eds. In the Eye of the Storm: Women in Post-Revolutionary Iran, Syracuse, New York: Syracuse University Press, 1994. On women status in the guerilla movement: Haideh Moghissi, Populism and Feminism in Iran: Women's Struggle in a Man-Defined Revolutionary Movement, New York: St. Martin's Press, 1996.

[32] One of the best introductions on Reza Shah's reforms is still: Amin Banani, The Modernization of Iran, 1921-1941, Stanford, CA: Stanford University Press, 1961.

The memory of the 1930s unveiling that locked many Iranian women to their homes is still alive. The following paragraph, from a new novel by woman writer Mehnaz Seyyed-Javad Javaheri, describes the memory of smuggling a traditional high-school senior student to take her finals a few weeks after the announcement of unveiling.

> My uncle went out ahead of me to test the water and I stayed behind, veiled, at the door, waiting for his all-clear signal. [..] As a bird out of her cage, I darted happily towards the carriage. Following my uncle's instructions, the driver covered all the carriage windows with curtains so no one could see me from outside. [..] The carriage pulled out and I moved the curtain just a little bit to the side to watch the passersby and the street. My heart wished to see everything after that long forced stay at home. But my uncle's hand gently pulled the curtain's end out of my hand and let it cover the entire window again. "It's safer this way," he said quietly.[33]

One cannot tell for sure to whom is this criticism of forced unveiling actually directed; whether it is to those forcing unveiling in the 1930s or, subtly, to the much-hated forced veiling of today. Oppression of women, as I have just pointed out, is a metaphor for cultural and national oppression. Moreover, Islamist and secular feminists often try to build bridges, sometimes at the price of intentional belittling of the significant strides toward the equality of the sexes taken by the Pahlavis and especially during the 1960s and 1970s.[34] The argument of those feminists revolves around the belief that legal reforms, guaranteeing equality for women are all but meaningless, because what matters most is inequality on the family and home levels. In other words, these Iranian feminists join us in arguing that patriarchy and authoritarianism constitute an abiding challenge for Iranian society regardless of the particular coloring of this or that regime.

### Sacrifice and Suicide: A Japan-Iran Perspective

In their effort for globalization, Iranians often adopted foreign role models of non-Western countries successfully grappling with modernity. Hence, some Iranian intellectuals of the 1960s were fascinated with Israel as a successful Eastern country and tried to convince both the clergy and the leftists in Iran that a fusion of national authenticity, religiosity, socialism, democracy and modernity is workable. Israel could serve as a fine example, they argued describing the Israeli state as a holy state and its leaders as heirs to the prophets. China today, representing the hope of technology without democracy. One of the most persistent role models for Iran—and, indeed, for the entire Middle East—has been Japan, representing a genuinely Eastern country successfully combing cultural authenticity with a modern cutting edge technology-based economy.

---

[33] Mehnaz Seyyed Javad Javaheri, Gowhar-e Yekdaneh (One of a Kind), 2nd edition, Tehran: Nashr-e Elborz, 1382 (2003), p. 55. My translation. For an excellent background on women writers: Farzaneh Milani, Veils and Words: The Emerging Voices of Iranian Women Writers, Syracuse, NY: Syracuse University Press, 1992.

[34] One such example is Parvin Paidar, Women and the Political Process in Twentieth-Century Iran, New York: Cambridge University Press, 1995. See also Ziba Mir-Hosseini, Islam and Gender: The Religious Debate in Contemporary Iran, Princeton, New Jersey: Princeton University Press, 1999.

Interest in Japanese culture in Iran include many facets among them the possibility of spirituality without a formal faith let alone state religion. Japan and Iran include other parallels as well as substantial differences in their way to modernization. In the next section, I will discuss only one parallel, suicide killings. While suicide killings are not a central aspect of these two cultures, and in fact may be seen as an aberration, a discussion of the Japanese and Iranian types of martyrdom may shed light this phenomenon, which sadly has become the highlight of radical Islam.

A salient image of Japan in the world is its culture of ceremonial suicides, personal, the *Hara-kiri* (Belly Slashing), or military, *Kamikaze* (Spirit of the Gods). During the last stages of the Pacific War some 5,000 Japanese youth served as suicide pilots crashing into American battleships and causing thousands of casualties. These attacks and the Japanese resistance to death known as *Gyokusai* (Breaking the Precious Stone), were part of the background leading to the dropping of nuclear bombs on Hiroshima and Nagasaki. They also gave the Japanese an image of robot-like people.

Ceremonial military suicide was revived in Iran following the Islamic Revolution. Many thousands of willing youth and children were sent in suicide operations such as clearing mine fields during the Iran-Iraq War.[35] Unlike the Japanese who used suicide killings as a weapon of last resort on the verge of defeat, in the Iranian case, sacrificing children was an arbitrary decision accompanied by a *fatwa*, issued by Ayatollah Khomeini in 1983, some two years after Iran's success in retrieving all the land captured by the Iraqi. At that stage the war took an ideological dimension related to the insistence on toppling the Iraqi regime, and thus proving that the Islamic Revolution of Iran was only the beginning, and evil regimes were bound to be destroyed by Islam everywhere. The tactics chosen were therefore part of the debate and emanated from a revolutionary culture fostering martyrdom and blood cult.[36] Khomeini's Iran preferred the Islamist zeal of *Basij* units to the Western sophistication of the army. The *fatwa* leading to it was widely used in the later stages of the war when all Iranian territory had been already retrieved and Iraq was all but begging for an accommodation. In fact, suicide was used to avoid the embarrassment of recognizing the failure of the principle of implementing Khomeinist Islamism globally. The raison d'être of continuing the war, defined as "the road to Jerusalem passes through Kerbala," proved to be an illusion. Iran used self-immolation tactics in Lebanon where the suicide bombers' phenomenon first appeared and also on other fronts such as in its by-proxy operations in Israel and Saudi-Arabia. Kamikaze tactics are associated in the public's mind with world terrorism culminating with mega-terror events such as the attacks on America's Twin Towers and the Pentagon on September 11, 2001 perpetrated by the Al-Qa'ida organization.

---

[35] Mine fields and their traumatic effects have been a recurrent theme in Iranian films. See Javad Taheri's 1983 film Ubur az Midan-e Min (Crossing the Mine Field) and Ahmed Reza Darvish's 2000 popular movie Born Under Libra (Motavalled-e Mah-e Meh (Born in the Month of Mehr; also translated as Born Under Libra).

[36] Chelkowski, Peter J., and Hamid Dabashi. *Staging a Revolution: The Art of Persuasion in the Islamic Republic of Iran*. London: Booth-Clibborn Editions, 1999.
146-147.

The term "Islamic Kamikaze" appears in a slogan in one of Al-Qa'ida training camps in Afghanistan, which came to be known in the mid 1990s as the Kamikaze Barracks.[37] It is not clear, however, to what extent, if at all, did the Japanese *Kamikaze* inspire the leaders of Iran, when they pioneered these tactics. Yet, it is intriguing that Bahram Beiza'i uses a Kamikaze-style battle suicide in the 1975 *Stranger and the Fog*, a film that studies the Iranian identity crisis leading to the Revolution. The significance of the sequence that I am about to describe is that it sheds light on the phenomenon of humans using their children as a disposable ammunition being an offshoot of a national identity crisis. The suicide bomber, in other words, embodies a society in a process of suicide-killing: simultaneously destroying oneself and one's neighbor as a solution to an identity dead end.

The *Stranger and the Fog* concludes in a marvelously photographed à la Kurosawa battle scene in which a group of five black-clad falchion-wielding strangers lands on the beach of a Japan-style village. The villagers engage in a fierce battle with the foreigners and gain the upper hand. All the strangers are dead. One crippled child, the hero's best friend, dies at the hand of the strangers. One of the strangers is killed by the hero's wife while a third kills himself in a dramatic way: he hits his own head with his falchion. Ayat, the male protagonist, is injured during the fight in the same places on the body and at the same time as the injuries sustained by the invaders. The villagers win the battle, but the movie ends with the protagonist committing a symbolic suicide by losing his consciousness. Wrapped in white shrouds, his body is laid in a boat, which slowly drifts out with the tide deep into the fog and far into the open seas. The entire village mourns him, and group of *sinehzanan* (chest-beaters) beat themselves in an intensive rhythm.

The sequence features two suicides. One is that of the protagonist. The other is that of one of the invaders. The director makes it clear that both protagonist and antagonists (the invaders) are part of one supra-human entity – hurting an invader at a certain place in his body, injures the protagonist in the same place. Both sides are controlled by a connection to a source of identity that is hidden and to which they must obey. Efforts by the protagonist, throughout the film, to become a free independent individual ends in a naught in the symbolic suicide of the last scene. The suicide of the protagonist stands for the director's pessimism as for the possibility of solving Iran's identity crisis in a Revolutionary way. Killing the Shah and rejecting Western culture by way of a revolution, Bei'zai metaphorically predicts, will lead to typical Persian martyrdom and self-immolation. There is no way of gaining independence through the killing of a father figure.

But what about the more Japanese-style suicide of the invader killing himself by martial arts-fast falchion blow to his head? Is it a *Hara-kiri* or a *Kamikaze* type of suicide? According to the typology suggested by R. Israeli, killing oneself by *Hara-kiri* is meant to redress shame, on an individual or his superior, while *Kamikaze* denotes self-scarifying for a cause. The *Hara-kiri* occurs *because* of something while *Kamikaze* takes place *for* a purpose. Hence, he coined the term *Islamikaze* for Islamist "suicide bombers," a term he rejects arguing that they do not commit suicide but rather sacrifice their lives *for* a cause, the victory of Islam.

---

[37] Raphael Israeli, Islamikaze: Manifestations of Islamic Martyrology, London and Portland, OR: Frank Cass, 2003, p. 78.

Let us now consider the suicide-in-battle of the film's invader character in light of this typology. The black-clad invader kills, others and himself, during an attack. In that sense he is a *Kamikaze*. And yet, his self-destruction is not simultaneous and instrumental to the death of his enemy as the case of the Pacific War's *Kamikaze* pilots or today's Islamist suicide bombers. Of course, other types of war-related suicide are known. Japanese soldiers as well as thousands of others, women, man and children jumped from the cliffs into the sea in Saipan Island on July 1944. Similar cases of suicide in the face of defeat are known from other times and places such as the suicide of the Jewish defenders of Masada Rock in Palestine in the year 71 C.E. The character in Bei'zai's movie, however, just surprisingly kills himself in the middle of the battle for no apparent reason.

And there is one more point. The protagonist, Ayat (sign, Qur'anic verse, omen), loses his memory at the beginning of the film. Originally, he emerged from the sea; the wide deep unconsciousness, where he had been part of this suprahuman entity just like those invaders who now demand his return. This unity, then, goes both ways. The invader kills himself because he is involved killing others and the protagonist kills himself, because he knows he belongs to the invaders. No real otherness separates Ayat from his enemies. They are one. In fact, what we have here are not two warring camps but a sort of civil war.

What is a civil war? The dictionary tells us that a civil war is a war between factions or regions of the same country. In other words, a country, an entity, fights against itself, kills itself. A civil war is sort of suicide on a national scale and so is a revolution, in which part of the people sets up to kill and destroy another part of the people. This Iranian filmmaker, some three years before the Islamic Revolution, warns his people that a civil war is imminent and that the identity-crisis that is causing it will lead to much bloodshed but no solution. Indeed, the Islamic Revolution was dubbed by one of its critics *Thanatos on a National Scale*.[38] For the director, then, both *Hara-kiri* and *Kamikaze* are two aspects of the same national identity dead end. And if we this insight back to a the original Japanese context, the young pilots crashing into American battleships and those Japanese people performing *Hara-kiri* in front of the Emperor's palace after learning about Japan's unconditional surrender, are both manifestations of a deep identity crisis within Japanese society. Similarly, both children sent by Khomeini to swipe mine fields and those *Hizballah* operatives blowing themselves up for this or that strategic target are in fact manifestations of an identity crisis within Islam in adopting modernity.

Arguably, there is a difference between personal suicide, ceremonial shame-redressing suicide (*Hara-kiri*) and self-sacrificing battle suicide (*Kamikaze*, *Islamikaze*). All three, however, are manifestations of identity crises, be them personal or national. Looked from the viewpoint of society, all are the same. In the personal suicide case, society, as first shown by Durkheim, fails to provide meaning and comfort to one of its members. In the *Hara-kiri* case, society expects people to commit suicide since its identity is too narrow to accommodate personal failure. Finally, in the *Kamikaze/Islamikaze* case, a bankrupt cultural concept refuses to admit its failure. In the cases of Khomeini's Iran and WWII Japan, both countries held an ideology inseparable from successful conquests.

---

[38] Gholam R. Afkhami, The Iranian Revolution: Thanatos on a National Scale, Washington, DC: Middle East Institute, 1985.

Iran's Khomeinism is a fundamentalist movement from the type of "conquering a world," which it has an agenda of controlling a certain geographical space.[39] For Khomeinism, the "world" was first the country of Iran, and later, following this successful conquering, came more "worlds" to be conquered. These were the Shiite and all-Islamic "worlds," in preparation for taking on the entire globe. The Japanese were engaged in conquering South-East Asia and a failure to do so was not an option, hence, its unrealistic war with America. A point to be reckoned with is that both Iranian and Japanese did not use their people as ammunition while their war aims seemed reasonably within reach.

Finally, statistics for Iran's western provinces, Kermanshah and Ilam, indicate that the number of suicides in the years 2001-2004 increased by 37 percent. According to one survey, about 50 percent of the women suffered from depression, of whom 15 percent actually attempted suicide. Iranian mental health officials ascribe these sad statistics to the aftereffects of the eight year long Iran-Iraq War. To this we could add the trauma of a country ruled for years by a revolutionary elite forcing a worldview representing only one pale shade out the dazzlingly colorful Iranian cultural rainbow. The thirst for colors and the play of blindness-seeing cry out of many of the films released in Iran in recent years.[40]

An Iranian official said that "factors such as a rise in education level, lack of jobs, lack of access to counselors and psychiatrists, mistreatment, and abuse by their spouses, family violence, growing awareness of social conditions, and inappropriate family behavior and relations can induce suicide attempts among women."[41]

And yet again, one may add to this list of possible causes Durkheim's *anomie*, meaning the state of confusion and meaninglessness segments of the populations feel in situations of social change, trauma and disintegration of religious, community and family ties.[42] This perhaps what is described by the Iranian official as "growing awareness of social conditions." The Islamist ideology fails to provide meaning to its constituency. Some of the methods used to handle this state of *anomie*, are worrisome. Alongside the thrust for nuclearization, the concept of *Shahadah*, martyrdom or suicide killings, is being dusted off and gains new visibility in Iranian media.[43] According to Iran's Supreme Leader Ali Khamenei, "the enemies of Iran tried to humiliate and diminish the value of martyrdom [*shahada*] and the culture of *Jihad* in the eyes of the youth, particularly students... *Shahada* means the giving of one's greatest material asset for an ideal, the revival and fertilization of which are for the good of humanity. This is one of the most beautiful human values, and when this ideal is pleasing to Allah as well – and is the aspiration of all Allah's messengers – this value is the supreme human virtue, and cannot be measured by any material criterion. Acceptance of this [ideal] is the same wondrous element that gives those fighting *Jihad* for the path of truth the strength to overcome any scheme of the front of hostility."[44]

---

[39] Gabriel A. Almond, R. Scott Appleby, and Emmanuel Sivan, Strong Religion: The Rise of Fundamentalisms around the World, London: The University of Chicago Press, 2003, p. 191 ff.

[40] Ja'far Panahi's 1995 The White Baloon, Majid Majidi's The Colors of Paradise, Mohsen Makhmalbaf's 1996 Gabbe and 1996 Silence, Samira Makhmalbaf's 1998 The Apple and Marziyeh Meshkini's 2000 The Day I Became a Woman and Reza Mir Hakimi's 2000 The Boy and the Soldier are just a few examples.

[41] "Iran Daily," 16 August 2004, quoted by *RFE/RL Iran Report*
Vol. 7, No. 28, 23 August 2004.

[42] Following his classic: Emile Durkheim, Suicide: A Study in Sociology, translated by John A. Spaulding and George Simpson, New York: The Free Press, 1951 [1897].

[43] See, for example, "Ettela'iyyeh-ye Thabt-Nam-e Niruha-ye Estesh'hadi," (Enrollment Announcement to the Martyrdom/Suicide Forces), which appeared the Parto-Sokhan Iranian weekly in July 2005. The announcement and the application forms in Persian with English translation are available from the Iran Focus web-site. Eli Lake, "Iran Signs Up Killers for Suicide Attacks on Yanks, Israelis," Sun, November 30, 2004, p. 1. "200 Iranians Volunteer for Suicide Attacks," Associated Press (December 2, 2004).

## Conclusions

So what are we to make of Iranian policies? Is Iran a nation state in search of respect and stability within a peaceful context? Are the policies of the regime defensive or offensive? Similar questions extend to Tehran's Iraq policy. To what extent is a repressive Iran worried of the emergence of a successful democracy next door? To what extent is Iran using the Iraqi conundrum to thwart American efforts to stop its nuclearization?

While the primary source of authority in the Iranian regime is God, in His Shiite Islamic manifestation, an important source of authority is also Iran's multi-ethnic public who determines its leadership through a variety of elections. Yet, at the end of the day, ultimate power in Iran belongs with the Supreme Leader who is elected for life, and, hence, independent from God and people alike. In matters considered state interest the Iranian state may be exempted from *Shari'ah* rulings on the assumption that what God wants most is for the Islamic Republic to do well.[45] The Supreme Leader is largely immune from following the will of the people because the constitution lacks a genuine division among the branches of government.[46] They are all subordinate to the Leader. There is no effective protection of freedom of expression and political activity. This is a country with an authoritarian regime, led by an unpopular elite determined to stay in power, with great many economic and social problems. An array of tools are applied to keep this political structure intact including coercion, intimidation and terrorism, but also a degree of flexibility, bribing and common sense.

If we accept the assumption that all Iranian regimes are just variations on the theme of patriarchy, the questions arises: why Islamic radicalism, then, and what will come next? And the first question in line would be how did the pendulum of Iranian society swing from the apex of Westernization in the 1930s, to its opposite, Islamization, in the late the early 1980s? Then we may be able to follow that very pendulum as it swings back in the late 1990s, with the Khatami reform movement, only to be absorbed by the hardliners and then swing again in the direction of Islamism all the way to 2005.

At this stage of time, with the hopes of reforms through people's participation evaporating, Iran is headed towards a legitimacy crisis. The religious justification for the clergy to hold on to power is no more there. The social and economic performance of the Revolution is nothing to be proud of and global forces do not bode well for the regime. The collapse of the Soviet Block provides examples of disintegration via liberalization (Gorbachev's Russia) and of collapse via popular uprising (Ceausescu's Rumania). Ethnic disintegration of Iran is also, according to some experts, not an impossibility, as new independent republics, such as Azerbaijan, suggest that borders and regimes are never eternal. The American campaign to democratize the Middle East, which includes the presence of American forces around Iran and the emergence—albeit in a slow and bloody way—of a Shiite dominated democracy in neighboring Iraq – is a further reminder of the volatility of the regime's situation. And while oil prices reach new highs, Iran's total dependency on this God-given resource keeps it a pawn of global markets. Without genuine liberalization of the economy and politics, an economic resuscitation in unlikely. Yet liberalization brings to mind the case of the Soviet Union, and the clergy do not want to go the way of the Communist party "apparatchiks".

---

[44] "Message to the 8th Congress on Martyred Students," Sharq (Iran), January 6, 2005, quoted by MEMRI.

[45] Olivier Roy, "The Crisis of Religious Legitimacy in Iran," Middle East Journal 53, no. 2 (1999): 201-216. Roy's analysis suggest that faith lost all meaning in the political game.

[46] Asghar Schirazi, The Constitution of Iran: Politics and the State in the Islamic Republic, translated by John O'Kane, London and New York: I. B. Tauris, 1997.

Economic reforms and cultural pluralism could jeopardize the regime's version of Islam. It is the rigid forced-from-above state religious system that guaranteeing the power of the elite in power. Liberalization is rejected philosophically and pragmatically by the hardliners. An overly liberal system also could also raise the specter of ethnic separatism, especially among Azeri-Turks and Kurds.[47] The current system's legitimacy, however, is shaky. Being based on repression and greed with no genuine religious approval to the principle of rule by the clergy,[48] it induces cynicism and fails to effectively tackle Iran's numerous economic and social problems. Cynicism toward the clergy class is generations-old in Iran and the current status of usurpation, corruption and repression makes country's rulers extremely unpopular. While Iranian political institutions appear to be solid, the regime nevertheless is fully aware that it came to power on the waves of a Revolution and, therefore, is not immune from one. In fact, the surprising election of Mohammad Khatami to the presidency in 1997 could be described as an uprising in the ballot box since Khatami was not the candidate recommended by the regime and the elections were never meant to be anything more than a hollow ritual. The hardliners' success in bringing in President Mohammad Ahmadinejad in 2005 constitutes the culmination of an eight-year long effort on their part to contain the danger of the liberalization or, democratization. Not having any real executive or legislative leverage in the first place, the reformists failed. The fact remains, however, that the regime is unpopular, lacks legitimacy and thus vulnerable. One way of handling this vulnerability is by paying off constituencies using easy income from the energy sector, which serves as one important equalizer for the weak system.

As either liberalization or rigidity is dangerous, a third way is being sought after. Iran strives to imitate China and Japan: China as a non-democratic military Super-Power and Japan as an Eastern technological giant. In the times of the Shah, Iran had planned to become a new Japan, one of the leading world powers. Today, Iran's hardliners speak about Japon-e Eslami, Islamic Japan. The Japan dream is still constructed, however, on an oil-based economy and vulnerable political and economical systems. The other option which is popular among Iranian strategists is the Chinese way. Chinese and Persians, for centuries connected via the silk way, have rediscovered each other. They share in common a need to liberalize the economy without liberalizing politics. Both share resentment towards American policies and prefer a multi-polar world in which ancient Asian civilizations assert themselves in the face of America, the "newcomer." Both cases, it seems, require augmenting nationalistic/militaristic rhetoric and action. In China it focuses on Taiwan and in Iran on anti-Americanism and anti-Israeli rhetoric and actions.

---

[47] Brenda Shaffer, "The Formation of the Azerbaijani Collective Identity in Iran," *Nationalities Papers* 28, no. 3 (2000): 449-477.

[48] As Roy ("The Crisis") puts it, no Ayatollah supports the Ayatollahs regime.

While Islam represents only one segment of Iranian identity, radical Islam is the state ideology. And yet, despite the involvement of Iran in international terrorism and support of terrorist organizations, Iran is not a clandestine global organization such as *Al-Qaida*, but a real nation state. As such, Iran forms part of the international system of states and is an active participant in a host of organizations such as the United Nations of which it is a distinguished member. International law providing legitimacy to the Iranian state is not based on Islam: Iran operates in a global environment, legally and culturally. Iran's participation in global non-Islamic culture is not limited to what is essential to survive. Thus, for example, Iran went global and earned a reputation for the quality of its motion picture industry and its competitive sports teams in branches such as soccer and wrestling. Arguably this global involvement also helps the Iranian regime to deflect criticism directed at those aspects of its policies that are not consistent with good world citizenship. At the same time, Iran's international status is dear to the regime and is perceived as a main component of its survivability.[49]

The Islamic ideology of Iran, like other radical Islamist trends, assumes that the entire world should eventually become part of Islam and therefore the current international legal system is only temporary. The modus operandi of Iran in Lebanon, its insistence, in word and in action, on eliminating Israel, a UN member state, and its policy of funneling arms and money to religious/terrorist organizations in Iraq are all manifestations of this ideology. Arguably, these pan-Islamic/pan-Shiite policies serve well Iranian national interests as long as these are compatible with the survival instinct of the regime. Hence, striving for hegemony in the Gulf is seen as serving Iran's national interests as well as the cause of Shi'ah and pan-Islam, Iran being, in its own eyes at least, the cultural and spiritual mainstay of Islam.

Faced with domestic and international vulnerability, the Iranian regime sees a need for a strategic equalizer. The current Iranian regime is aware of the fact that it may not enjoy the support of its people should a convincing foreign threat appears. Hence, the need for a strategic equalizer in the form of a military nuclear capability. This has become Iran's central national project. Khomeini's dismissal of the nuclear program and his decision to rely in its stead on spiritual zeal has been forgotten. While suicide bombers are still trained and radial movements still supported, Iran's current leadership believes that power should rely first and foremost on oil and nuclear weapons.

The question remains to what extent a possible nuclear weapon in the hands of Iran will be used only as an instrument for bolstering the regime by reinventing its legitimacy at home. Are Iran's attempts to project moderation temporary, a stop-gap policy until it achieves its nuclear goals? Would the sense of relative security from foreign aggression make the regime more willing to allow liberalization processes? Or, on the contrary, will the clerics make use of their new equalizer (the first being oil) to pursue more aggressive pan-Islamic policies, including brinkmanship against targets of choice?

No doubt, the regime is aware of the fact that the combination of a nuclear capability and Islamic radicalism however would exacerbate the concerns of Iran's neighbors and makes enemies for the regime at the same time that they would provide a deterrent against them.[50] Yet for the Islamic règime, this very state of tension is an important contribution to regime survival. By creating a sense of threat and a constant state of emergency, the regime can stem the demands for freedoms in a globalized world where ideas such as democracy and free choice travel far and freely. Ayatollah Khomeini understood this truth and that is why he kept dragging the war against the Iraqi regime and then made sure with his Salman Rushdie edict that normalizing relations with Europe would never be smooth.

---

[49] Eldad J. Pardo, "Iranian Cinema as Universal Cinema: The Case of Abbas Kiarostami's *The Wind Will Carry Us*," to be published soon by Tel Aviv University.

Does Iran actually strive, as many Iraqis suspect, to turn their country into a virtual Iranian protectorate? Will a nuclear Iran foster imperial dreams, in a pan-Islamic/pan-Shiite or even a nationalistic guise? Or, would Islamist Iran return inwards finally? The answers to these questions should be sought on two fronts. The first is indeed whether Iran is heading internally towards economic, political and cultural opening-up, which, at a price of temporary inconveniences, could enhance stability and prosperity. After all, despite the radical Islamic regime, the country is a multicultural society with a significant affinity to the West. The second front is to what extent will Iran continue to follow contentious pursuits, such as its nuclear program, support of terrorism and radical Islamic movements, and taking advantage of destabilizing opportunities. A combination of tolerance and pluralism at home and moderation abroad would suggest Iran has changed is ways. At the moment, the opposite still seems to be the case.

---

[50] Eldad J. Pardo. "The Age of Wonder and the Age of the Plumber: Iran and Israel in Global Perspective," in Israel, The Middle East and Islam: Weighing the Risks and Prospects, edited by Oded Eran and Amnon Cohen, 51-74, Jerusalem: Truman Institute, Hebrew University, 2003.

# Chapter VII

# Some Elements of *Jihad* Ideology in the Light of Contemporary *Fatwas*

–Shmuel Bar –

# Some Elements of *Jihad* Ideology in the Light of Contemporary *Fatwas*

–Shmuel Bar –

## Introduction

The rise of the modern *jihad* movement in the last two decades of the 20th century has given birth to a plethora of *fatwas* that anchor the political call for *jihad* as a legal religious obligation, define clear guidelines for the waging of such a *jihad* and thus provide moral and legal sanction for acts of terrorism. These *fatwas* relate to issues such as the very definition, current existence and area of application of the state of *jihad*; the necessary conditions for *jihad*; the identity of the "infidels" whom *jihad* must be waged against; who must participate in *jihad*, and how; what are the legitimate means and who are the legitimate targets of *jihad*; the legitimacy of suicide attacks and other issues. The discussion in these *fatwas* may seem casuistic but holds far-reaching implications; questions which are commonly deemed "moral" and "ethical" are subordinated to legal casuistry. This paper will present some of the issues arising from these *fatwas*.

## The Role of the ***Fatwa*** in Islam

Islam is a **nomocracy**; it offers government by immutable law and provides to the believer not only a revelation of divine will, but also a highly detailed legal code which regulates all aspects of human behavior on both the private and the collective level. According to this *Weltanschauung*, the entire scope of human behavior has detailed instructions. Private and public behavior, morality and immorality, are all matters to be regulated by the precepts of Islamic law (*shari'ah*). All religious and moral issues can be deduced from the sources of *shari'ah* by way of casuistic analysis, and clear instructions can be given regarding right and wrong.

But who may determine what a "duty" is and what is "forbidden"? The laity does not have "the time, the training or perhaps the capacity to thoroughly study and analyze the indicators… the responsibility of the laity is to imitate the jurists (perform *taqlid*).[1] As time passed since the establishment of Islam and the world which the early jurisprudents of Islam lived in changed, the need for authoritative rulings on new problems grew. Social and political causes also contributed to the expropriation of moral decision from the individual Muslim and to handing it over to authorized interpreters of the Law – the Islamic scholars.

The Islamic scholars (*'alem*, pl. *'ulama*, or *faqih*, pl. *fuaqaha*) in Muslim societies play a double role in Islam: as both a "legislative branch" of society which, by interpreting the sources of the Law created new duties and prohibitions, and as a

---

[1] Khaled Abu Fadl, Speaking in God's Name – Islamic Law, Authority and Women, Oxford, 2001, p. 51.

"judicial branch" which passes judgment on violators of the law. The mechanism by which the scholar brings the principles of *shari'ah* to bear in the practical world is *fiqh* – Islamic jurisprudence and its product is the *fatwa* – a written legal opinion or ruling on a specific subject which dispels uncertainty and shows the clear path for behavior on the chosen subject. A *fatwa* can only be given by a scholar with wide enough *shari'ia* knowledge to be considered a mufti. The classic *fatwa* consists of a question (*istifta'*) posed by a petitioner (*mustafti* pl. *mustatifun*) and a response (*jawab*). A *fatwa* must be based on the sources (*usul*) of *fiqh*: these include the Qur'an, the *Sunna*, logical analogy (*qiyas*) and consensus of the *'ulama*. The two latter represent the discretion of the *'ulama,* either in finding an analogy between two cases or in taking into account pragmatic considerations of "public interest" (*maslahah*) or necessity (*darura*). Most *fatwas* though make little use of these tools and suffice with citing precedents from decisions by the *mujtahidun* of early Islam and the codex of existing *fatwas*.

The reliance of the laity on the *'ulama* for legal dispensation raises the question of personal accountability. This question is particularly relevant in the case of acts of violence, which, if committed in the context of a legitimate *jihad* may be a great duty, and if not would be a severe sin. If the misleading opinion is intentional, its author is guilty of the heinous sin of *istihlal* – "*permitting that which (Allah) forbade*".[2] On the other hand, Islam is unusually tolerant of "honest mistakes" by scholars. The very act of exegesis is considered a fulfillment of a religious duty. Consequently, differences of opinion (*ikhtilaf*) are considered legitimate and even a benefit to the Ummah. This pluralistic nature of Islam has its drawbacks; while "red lines" are drawn clearly by radicals against more lenient interpretations, the respect towards *ikhtilaf* is frequently an obstacle to blocking radical interpretations.[3]

A Muslim who poses a question to a scholar does not necessarily have to accept his ruling, and may, theoretically, seek a second opinion. However, often, the *mustafti* asks a question, knowing in advance the general sense of the *fatwas* he can expect. Furthermore, in many cases, the petitioner has a deep affiliation with the scholar whose advice he seeks.

The subordination of the lay Muslim to the Mufti is compounded in cases of fundamentalist and radical movements. The members of these movements may pledge an oath of fealty or allegiance (*ba'yah*) to their leader, whose title in those movements – *Amir* (Commander), *Moraqib* (Overseer), *Murshid* (Guide) or even *Mahdi* (Messiah) – reflects this relationship. The *ba'yah* derives from the custom of pledging fealty to the tribal leader or to the Muslim Caliph, and as such it indicates acceptance of the leader as both spiritual guide and temporal leader. His *fatwa* then is not only a juridical opinion, but an operational diktat. It has been observed that this relationship is reminiscent of Gnostic sects in Christianity, characterized by an all-powerful and omniscient leader with a unique interpretation of reality and a clear straight path for salvation.

---

[2] *Qur'an* 9:37

[3] Khaled Abu Fadl, *And God Knows the Soldiers – The Authoritative and Authoritarian in Islamic Discourse*, pp. 24–25.

The mechanism described above relates to Sunnite Islam. The Shiite *'ulama* and their *fatwas* wield even greater sway over their followers. Shiite Islam never closed "the gates of *ijtihad*". Rather it expanded its scope and placed it in the hands of a number of living authorities. The highest degree of religious authority in Islam is that of a "*marja' taqlid*" (pl. *maraja'*) or "model of emulation". Every Shiite Muslim must choose such a "model" to follow. However, due to the large number of *maraja'* from different backgrounds and different countries (the numbers in the last generations were in the tens, if not more), religious power remained decentralized. A Shiite Muslim may only be a *muqallid* (follower, imitator) of a living *marja'*. In principle, when a marja' dies, his authority dies with him and his *muqallidun* must accept the authority of another marja'. This principle operates as well on the collective level. If all the *'ulama* of a certain generation accept a given ruling (by consensus, *ijma'*) such a decision is only binding on that generation and not in the future.[4]

*Fatwas* have played a pivotal role in politics since the early days of Islam. Muslim regimes have used them to legitimize their policies, to bolster their Islamic credentials against domestic opponents and to mobilize support for *jihad* against foreign enemies. Some of these *fatwas* are *bona fide* questions posed by devout Muslims confused by the apparent contradiction between the legal reasoning of the clerics who call for *jihad* and the conventional morality of modern society, not to mention their own natural scruples. Many others however, are clearly politically motivated *fatwas*; the questions are either invented or invited by the responding scholar in order to provide him with the opportunity to present his legal reasoning on one or other aspect of *jihad*.

The authors of the *fatwas* dealing with *jihad* come from diverse backgrounds. Some are scholars who provide their flock with *fatwas* on a wide range of issues, among them the question of *jihad*. Others are "political *'ulama*" and leaders of political fundamentalist movements who are not seen in the wider Islamic world as having authority to provide *fatwas*, but are accepted as authorities by their own followers.[5] Furthermore, not all of the *fatwas* are prepared by individuals; some are promulgated by traditional Islamic institutions of higher education such as *al-Azhar* in Egypt or "*Fatwas* Committees" affiliated with certain Muslim communities or with Muslim governments.[6] Many fundamentalist movements (e.g. the Muslim Brotherhood and similar groups) also have their own "*fatwa* committees (or Councils)" which turn out politically motivated *fatwas* on a regular basis, though some defer regularly to external sources of authority.[7] In the final analysis, the influence of the *fatwas* is a derivative, first and foremost, of the religious authority and following of its author. The sources for ruling in these *fatwas* are, for the most part, the Qur'an and *Hadith*. However, *ijtihad* has been revived – officially or *de facto* – in the radical Islamic movements.

---

[4] Shmuel Bar, Iranian Defense Doctrine and Decision Making, Institute for Policy and Strategy, October, 2004, pp. 19–20.

[5] A prime example is Osama bin Laden himself. Others of this type are: Sheikh Yusuf Qaradawi. The leader of the Hizb al-Tahrir, Taqi a-din Nabahani was considered by his followers as a "*mujtahid mutlaq*" (perfect *mujtahid*)

[6] Examples of such committees include: "The European Council for Fatwa and Research"; "The Fiqh Council of North America"; "The Islamic Fiqh Academy in India"; "Islamic Research Academy"; "The Palestinian Scholars League"; "The House of *Fatwa* "; "Al-Azhar House of *Fatwa* ", "The Committee of the Highest 'Ulama"; "The Permanent Committee for Research and Iftaa' (Saudi Arabia); etc.

[7] The Muslim Brotherhood in Jordan has been extremely prolific over the last few years in promulgating political *fatwas*. The Palestinian Hamas, on the other hand, has no home–grown religious authority and frequently turns to the Egyptian and Jordanian Muslim Brotherhood for guidance on fiqh.

The lions share of the *fatwas* on *jihad* relate to general issues and not specific cases. Indeed, once a *fatwas* has been issued legitimizing a certain category of act, there is no need to obtain further dispensation for a specific act which is covered by the general *fatwas*. Nevertheless, **"operational"** ***fatwas*** are not unknown in the world of radical Islamic groups. These may be direct *fatwas* referring to a certain individual, declaring him an "apostate" (*murtad*) – a sin which entails a death sentence according to many scholars. They may also be specifically directed against specific non-personal targets such as international organizations, buildings etc. Operational *fatwas* have also come up in investigations of radical Islamic organizations in Jordan and other Muslim countries.[8] In some cases, the operational *fatwa* is oral and lacks the detail of many of the ideological *fatwas*. This is not unaccepted in Islam; a jurist who issues a *fatwa* has no obligation to disclose the evidence on which his ruling is based, though he must have the evidence and be willing to defend it if challenged by competent scholars.

While the lion's share of the *fatwas* on *jihad* originates in the Arabic speaking world (specifically from *'ulama* coming from the Gulf countries, Egypt and Jordan or Palestine), fatwas of this nature have been issues in other parts of the Muslim world as well. Outside of the Arab world, the main sources of contemporary *fatwas* on *jihad* are Pakistan, the Philippines and Indonesia[9]. All these Muslim societies are engaged in struggles with non-Muslim neighbors over the independence or autonomy of Muslim territory (Kashmir, Mindanao, Aceh, respectively). It is also noteworthy that many of the *'ulama* in the above countries who issue *fatwas* calling for *jihad* are either of Arab origin or have studied for years in the higher Islamic academies of the Arab world (*al-Azhar* in Egypt or in Mecca) and their style and reasoning show the influence of those schools.

Since 9/11 issuing of *fatwas* by radical clerics has increased. As a result, regimes in the Arabian Gulf have made efforts to clamp down on the phenomenon. The government of Saudi Arabia issued instructions that only authorized '*ulama* could issue *fatwas* and only the government was authorized to issue rulings on *jihad*. In Kuwait, a *fatwa* committee was established to coordinate and approve *fatwas*. Nevertheless, in many Muslim countries, the government has not even been able to avoid political embarrassment at the hand of its own religious establishment. A case in point is the *Fatwa* Committee of *al-Azhar* in Egypt, which has issued a wide range of *fatwas* for boycott of the United States and legitimizing suicide terrorism. These instructions of scholars belonging to the regimes, only serve to emphasize the diminishing religious stature of these institutions as against the popular and radical scholars.

---

[8] A recent case which was exposed in the Jordanian courts is that of 'Abd Shehadah al-Tahawi, who studied in Saudi Arabia and returned to Jordan to form a radical group. Members of the group petitioned him on various matters regarding their *jihad* plans: travel to Iraq for attacks there; attacks inside Jordan etc. al-Ghur (Jordan) 10 January 2005.

[9] See Nico J.G. Kaptein, *The Voice of the 'Ulama': Fatwas and Religious Authority in Indonesia*, ISEAS, Singapore, 2004.

The age of information has opened up a new venue for the Muslim to acquire religious instruction without having to come in direct contact with the Sheikh he is consulting with. The Internet now allows a Muslim to send a query to any learned Sheikh by E-Mail and to receive his ruling either directly or in the public domain of websites dedicated to such *fatwas*. These websites vary according to the leanings of the institution they represent, and the personalities of the Sheikhs involved in them. Some are "establishment" sites which represent renowned Islamic institutions or prominent individual Sheikhs and provide general Islamic instruction for the mainstream orthodox Muslim, including responses to queries on the rules and regulations of *jihad*; others are sites which are dedicated to *jihad* and include religious instruction and *fatwas* almost exclusively on the issue of *jihad*. The latter do not always provide the identity of the supplicant or of the "*Sheikh*" who gives the *fatwas*, thus compromising the authority of such *fatwas*.[10] Online *fatwas* also have a tendency to be recycled; questions which have already been raised and answered are re-posted and the former response is posted with it as if it was given on that date. As a result, occasionally a *fatwas* by a prominent Sheikh may be posted at a given date even after the death of that Sheikh.

The issues taken up by these *fatwas* range over almost every imaginable subject related to *jihad*. The questions repeat themselves – at times they are directed to radical Sheikhs in expectation to receive dispensation for acts of *jihad*, while in other contexts they are posed by moderate Muslims to likeminded Sheikhs in anticipation of moderating responses. The issues which these *fatwas* deal with include:

1. **The very definition, current implementation, and area of application of the state of *jihad*.** Is *jihad* one of the "pillars" (*arkan*) or "roots" (*usul*) of Islam? Does it necessarily imply military war, or can it be perceived as a duty to spread Islam through preaching or even the moral struggle between one's soul and Satan? If the former, then what are the necessary conditions for *jihad*? Does a state of *jihad* currently exist between *dar al-Islam* and *dar al-harb*? And how can one define Dar al-Islam today, in the absence of a caliphate? Is the rest of the world automatically defined as Dar al-Harb with which a state of *jihad* exists, or do the treaties and diplomatic relations which exist between Muslim countries and "infidel" countries (including the charter of the United Nations) change this?
2. **Who must participate in *jihad*, and how?** Is *jihad* a personal duty (*fard 'ein*) for each and every Muslim under all circumstances or a collective duty (*fard kiffaya*) that can be performed only under the leadership of a leader of all Muslims (*Imam, Khalifa, Amir al-Mu'aminin*)? Is it incumbent on women? On minors? May a Muslim refrain from supporting his attacked brethren or obey a non-Muslim secular law which prohibits him from supporting other Muslims in their struggle?
3. **How should the *jihad* be fought** (*jus in bello*)? The questions in this area relate inter alia, to: (A) is *jihad* by definition an act of conflict against the actual "*kuffar*" or can it be defined as a spiritual struggle against the "evil inclination"? If it is the former, must it take the form of war (*jihad fi-sabil Allah*) or can it be performed by way of preaching and proselytizing

---

[10] See Gary Bunt, Islam in the digital Age, pp. 135–160.

(*da'awah*)? (B) Who is a legitimate target? Is it permissible to kill noncombatant civilians — women, children, elderly, and clerics; "protected" non-Muslims in Muslim countries — local non-Muslims or tourists whose visas may be interpreted as Islamic guarantees of passage (*aman*); Muslim bystanders? (C) The legitimacy of suicide attacks (*istishhad*) as a form of *jihad* in the light of the severe prohibition on a Muslim taking his own life, on one hand, and the promise of rewards in the afterlife for the *shahid* who falls in a *jihad* on the other hand. (D) The weapons which may be used. For example, may a hijacked plane be used as a weapon as in the attacks of September 11 in the light of Islamic prohibitions on killing prisoners? (E) The status of a Muslim who aids the "infidels" against other Muslims. (F) The authority to implement capital punishment in the absence of a caliph.

4. **How should *jihad* be funded?** This subject relates to the transfer of *zakat* (almsgiving) collected in a community for *jihad fi-sabil Allah* (i.e., *jihad* on Allah's path or military *jihad*), the precepts of "war booty" (*ghaneema* or *fay'*) and the fifth (*khoms*) of the spoils which must be handed over to the public treasury.
5. **The behavior of a Muslim towards the *kuffar*** – The existence of a state of *jihad* raises the questions regarding support of the *kuffar* by purchasing their products, performing acts which call for loyalty to their countries, serving in their military, spying for them etc.

## *Dar al-Islam* and *Dar al-Harb*

A central issue in the legal thinking of radical Islam is the distinction between the "Abode of Islam (Dar al–Islam) and the "Abode of War" ("Dar la–Harb"). Modern *fatwas* present a number of criteria for distinguishing between the two:

- The most radical view, held by *takfir* movements virtually eliminates the category of *dar al-Islam*. In their view, since all Muslim countries are ruled by corrupt apostate regimes, they have ceased to be "Muslim"; their regimes are *kafer* and their citizens have sunken into a state of *jahiliyya* (the ignorance of the truth of Allah that preceded Islam).
- A classic fundamentalist view held by most Wahabbi and Hanbali Sheikhs and by most *jihad* movements implies a sharp dichotomy between *dar al-Islam* and *dar al-harb*.
- A traditionalist view defines *dar al-Islam* as any place which is ruled by *shari'ah*. All the other countries are *dar al-harb*. This of course raises questions regarding the status of Muslim countries which are ruled by secular regimes. This definition is widely used as the basis for the justification of *jihad* against secular Muslim regimes.
- A position held by the leader of the *Muhajirun* movement[11] maintains that the concept of *dar al-Islam* and *dar al-harb* are no longer relevant as the former implies the existence of the Caliphate and the later cannot exist without the

---

[11] The Muhajirun is a split–off of the "Islamic Liberation Party" (Hizb ul-Tahrir al-Islami) which has as its main tenant the restoration of the Caliphate.

former. Notwithstanding, when Muslim land is occupied by *kuffar*, this country becomes *dar al-harb* or *dar al-ghasab* (usurped land).[12]

- A moderate position of scholars residing in the west, according to which *dar al-Islam* is any country in which a Muslim may freely practice his religion. According to this interpretation emigration (*hijra*) from *dar al-harb* is only an obligation in the case of fear for one's right to practice Islam or for one's life or property due to his being a Muslim. Otherwise, if a Muslim may practice Islam freely in his place of residence, despite that the place happens to be secular or un-Islamic, and then he will be considered as living in a *dar al-Islam*; then not only is he not obliged to emigrate, but his presence there may be better for him to remain there in order to practice *da'wah* (preaching Islam) in that place.[13]
- A reformist definition, which forgoes the category of *dar al-harb* altogether and divides the world into *dar al-Islam* on one hand, and *dar al-kufr* or *dar al-da'wah* (the places where a Muslim must spread Islam through *da'wah* – in lieu of *dar al-harb*) on the other hand. *dar al-Islam* in this case is any country in which there is a Muslim majority even if the ruler does not completely abide by Islam. *dar al-kufr or dar al–da'wah*, on the other hand is any country in which the majority is non Muslim.[14] Other reformists propose new categories such as *dar al-'ahd* or dar *al-sulh* (counties with which there is a treaty or peace), *dar al-islah*, *dar al-durura* (land of necessity) or *dar al-aman* (land of security).[15]

All the categories discussed above are legitimate in Islam for determining the attitude towards non-Muslim countries and populations. The early distinctions of "*dar al–'ahd*" and "*dar kufr*" instead of *dar al-harb* reflect a development during the growth of the political power of the Islamic State that tempered the original contrast of "we" and "they" with political Realpolitik. Modern radical Islam though reverts to what it perceives as the "original" concepts – the sharp dichotomy of *dar al-Islam* and *dar al-harb*.

It is this dichotomy which is the basis of the rulings on *jihad* by most radical scholars. One major implication of this distinction is the prohibition to leave *dar al-Islam* for *dar al-harb* and the obligation to emigrate from the latter to the former. This is at the core of the Islamic concept of *al-walaa wa-al-baraa* (loyalty toward Muslims and taking distance from *kuffar*).While some scholars – including radical ones– propose pragmatic guidelines which allow a Muslim to remain in a non-Muslim country, others clearly oblige emigration (*hijra*) in order not to live among the *kuffar*. Some scholars stipulate that it is either a duty (*fard*) or recommended (*mustahab*) to perform *hijra* if this is for *jihad*.[16] Such *fatwas* were behind a wave of return of *mujahidin* from the West to Afghanistan in the early 2000.

---

[12] MEMRI, Special Dispatch Series no. 435, October 2002. Quotes the leader of the movement, Sheikh Omar Bakri Muhammad.

[13] *Fatwas* by Sheikh 'Atiyya Saqr, 11 October, 2002, www.islamonline.net/*fatwas*/english/*Fatwas*Display.asp?h*Fatwas*ID=51640
See also *fatwas* by Dr. Taha Jabir al-Alwani, President of The Graduate School of Islamic and Social Sciences in Virginia and President of the *Fiqh* Council of North America. Al-Alwani divides the world between *Dar al-Islam*, the Land of Islam, and *Dar al-Daawa*. Al-Alwani also supports renewal of *ijtihad* to deal with modern legal issues. A far reaching extrapolation of this principle is that of the Italian sheikh Pallazi who ruled that Israel cannot be viewed as dar al-harb since the Muslims there may practice their religion and pray five times a day.

[14] *Fatwas* by Sheikh Faysal Mawlawi, 29 August 2002, www.islamonline.net/*fatwas*/english/*Fatwas*Display.asp?h*Fatwas*ID=72774

[15] K. A. E. Fadl (1994) 'Islamic law and Muslim minorities: The juristic discourse on Muslim minorities from the 2nd/8th to the 11th/17th centuries'. In: V. 1 N. 2 Islamic Law and Society. 141-187; Muhammad Khalid Masud (1989) 'Being Muslim in a non-Muslim polity: Three alternate models'. In: V. 10 N. 1 Journal of Institute of Muslim Minority Affairs, pp. 118-128.

## Rebellion against Muslim Rulers

Many of the *fatwas* dealing with justification of rebellion against ostensibly Muslim leaders are, therefore, in essence judgments of *takfir*. Since leaders of the community in Islam have duties which transcend those of common Muslims, the criteria which can justify a judgment of *takfir* include elements relevant to these duties. These criteria include:

- Apostasy (*rida*) according to the criteria for apostasy for an individual Muslim).
- Annulling shari'ah or not allowing judgment according to shari'ah.
- Allowing that which God has forbidden and forbidding that which God has allowed.
- "Corruption" (*fassad*) upon the face of the Earth.
- Alliance with *kuffar* against Muslims. This is occasionally portrayed as "treason against the Ummah", which is, by definition also treason against God and against the Prophet.
- Allowing *kuffar* to occupy Muslim lands (i.e. collaboration).

The Saudi case is of particular interest as Saudi Arabia, unlike Egypt, is ruled ostensibly by *shari'ah*. On July 5 2003 one of the more radical Saudi Sheikhs, 'Abd al–Mun'im Mustafa Abu Halima (Abu Basir), issued a *fatwa* in which he accused the regime of: according *kuffar* the same rights as Muslims; persecution of Islamic scholars and mujahidin. These two sins alone are enough to determine that the Saudi regime is "*kafer*" and despotic (*taghut*). The Sheikh makes a legal distinction between a general revolt (which he does not call for, as the necessary conditions of popular support are not yet in place) and personal action to eliminate the despotic regime. Regarding the latter, the *fatwa* concludes, it is **not** *haram*.[17]

## What is ***Jihad*** and Whose Duty is it

Three of the most common approaches to *jihad* which are to be found in modern Islamic writings and in *fatwas*, ranging from the more radical to the more moderate, are:

- The radical definition, according to which *jihad* is only a military (physical) conflict between the Muslims against the *kuffar*. This is the most common understanding of the term and it is deeply embedded in orthodox Islamic interpretations and traditions.

---

[16] *Fatwa* by Sheikh Muhammad Saleh al-Munajid, 23 February 2004.
http://www.islamonline.net/fatwa/english/FatwaDisplay.asp?hFatwaID=110859

[17] Reuven Paz, "The March Goes On: Saudi Islamist Opposition is Fighting Back", *Prism Series of Global Jihad*, Vol. 1, No. 7, July 2003.

- A conservative definition according to which *jihad* is the struggle against heresy (*kufr*) and the *kuffar* in general, but this struggle does not necessarily have to be military but may have various manifestations, among them preaching (*da'awah*). This approach acknowledges the existence of a duty of *jihad* in Islam but find in traditional *fiqh* legal justification to put it in abeyance.
- A modernist (and – to some extent a mystic Sufi) definition, which relies on linguistic analysis of the word *jihad* (*jahada* – "to strive"), to divest it of its military connotation.[18] According to this definition, *jihad* is the "self exertion" of a Muslim to discipline his own soul, to improve one's faith and to refrain from combat his own evil inclination. To support this definition, a *hadith* is quoted, according to which the Prophet greeted soldiers on their return from war and told them that now they have returned from the "lesser *jihad*" (war) to the "greater *jihad*" which is the *jihad* against one's own evil inclination.

The argument in contemporary *fatwas* for defining *jihad* solely as a military struggle is based on:[19]

- The duty to emulate the Prophet and his companions; the Prophet "strove" in military *jihad* most of his later life and therefore it is worthy of a Muslim to imitate this behavior.
- The explicit statements in the Qur'an (2:216) that "Fighting is enjoined on you and it is an object of dislike to you and there may be that you dislike a thing and it is good for you.. Allah knows best." And (8:39) "And fight them until there is no more *fitnah* and the religion will be for Allah alone". These verses are interpreted as a clear command to fight in a *jihad*, whenever possible.
- Disproving of the authenticity of the *hadith* on the "lesser *jihad*" and the "greater *jihad*".

According to this viewpoint, not only is *jihad* a duty, but at least under the present circumstances, it may only take the form of a military *jihad*, and cannot be interpreted as a spiritual struggle. Furthermore, military *jihad* – and of course martyrdom – has both added spiritual and temporal value. It "implies all kinds of worship, both in its inner and outer forms. More than any other act it implies love and devotion for Allah, trust in Him, the surrender of one's life and property to Him, patience, asceticism, remembrance of Allah and all kinds of other acts [of worship]. And the individual or community that participates in it finds itself between two blissful outcomes: either victory and triumph or martyrdom and Paradise".[20]

A second position, found among many mainstream scholars affiliated with Islamic establishments, defines *jihad* as a struggle against heresy (*kufr*) in general, and not a military struggle against the heretics. These scholars tend to emphasize the spiritual interpretation of *jihad*, and its implementation mainly through *da'awah* and to play down its military connotations. The proofs brought to support this argument include:

---

[18] This is a rather specious argument. In all occurrences of the concept in traditional Islamic texts – and more significantly the accepted meaning for the great majority of modern Muslims – the term means a divinely ordained war.

[19] See *fatwas*: ww.islam-qa.com, *fatwas* no. 34830;

[20] Ibn Taymiyyah, "*al-Siyaasa al-shar'iyya fee Islah al-raa'ee wa al-raa'iyya*" (Governance according to Allah's Law in reforming both the ruler and his flock)

- The verse in the Qur'an which calls to "strive (*jihad*) against the disbelievers and the hypocrites (*munfaiqin*)"; since the "hypocrites" are Muslims, and a Muslim cannot wage a military *jihad* against another Muslim, it is construed to mean that the striving in this case cannot be in the form of war - *qital*.[21]
- A "historic" argument that the only way to spread Islam in the time of the Prophet was trough the sword. Today, however, there are many other ways to spread Islam, through *da'awah* – via the mass media, internet etc. An extreme example of this argument is that the concept of *jihad* was relevant in the 7th century and is not relevant in the modern world. However, such an argument runs the risk of contradicting the basic principle of the timelessness of the messages of the Prophet.
- A practical argument based on the relative weakness of the Muslims and the harm that will be caused to the Muslim *Ummah* if it wages a military *jihad* against the rest of the world.

If *jihad* is by definition a military conflict, the question remains whether a specific conflict warrants being defined as a *jihad*. The definition of a conflict as a *jihad* necessitates further rulings: is participation in the *jihad* a duty, or only recommended; or a duty for some and recommended for others? Is it a sin to refrain from participation of any sort in a *jihad*?

Islamic legal sources distinguish between two types of *jihad* according to the conditions which initiate them and the nature of the enemy:

- The "**offensive *jihad***" (*jihad taleb*) is a "collective duty" (*fard kifaya*) of the community of Muslims to pursue the infidels into their own lands, to call upon them to accept Islam and to fight them if they do not accept. It can only be implemented under the command of an .Islamic Ruler – the Caliph – who appoints believers to guard the borders and sends out an army at least once (some say twice) a year. As long as the Caliph has appointed Muslims to perform this duty, it is fulfilled and it is not incumbent on the rest of the Muslims in the community.
- The "**defensive *jihad***" (*jihad dafe'*) is an individual duty (*fard 'ein*) for all Muslims to defend Muslim lands when the infidels prepare to attack them or when they attack and occupy them or when Muslims come into proximity of infidels on the battlefield. In contrast to the former, this is a individual duty. As such, it is no less a religious imperative than the other five "pillars" of Islam: the statement of belief – *Shahadah*, prayer, fasting, charity and *Haj*. It becomes a *de facto* (and in the eyes of some a *de jure*) "sixth pillar"; a Muslim who does not perform it will not inherit Paradise.

A number of seminal tracts and *fatwas* by various radical scholars and leaders have put forth a cogent case that a defensive *jihad* exists and is an individual duty and their argument is echoed in many later *fatwas*. The argument for declaring the existence of a "defensive" *jihad* derives from the **"irreversibility" of the Islamic identity of Muslim lands**. Much as **individual Muslims** cannot convert (or even revert) to any other faith, any land, which had once been under the sway of Islamic law, may not revert to being controlled by any other law. In such a case, it becomes the "individual duty" (*fard 'ein*) of all Muslims in the land to fight a *jihad* to liberate it. If they do not succeed, it becomes incumbent on any Muslim in a certain perimeter from that land to join the *jihad* and so forth. There is in Islamic law no statute of limitations on a land being "Islamic"; the longer the "occupation" of a given land is in place, the greater the duty of the Muslims to liberate it; Andalusia (Spain) is as much an "occupied" Muslim land as Palestine.

---

[21] http://www.islam-online.net/*fatwas*/english/*Fatwas*Display.asp?h*Fatwas*ID=19944

Most contemporary *fatwas* on *jihad* agree that *jihad* becomes an individual duty incumbent on all any male sane and healthy adult Muslim who has reached the age of puberty, under the following circumstances:

- When a Muslim ruler commands someone to fight – the command of the ruler, when directed to the individual becomes an individual religious duty which may not be shirked.
- When facing the enemy in battle – the Qur'an is ambivalent on the issue of retreat in the face of superior enemy force; at first it forbids retreat entirely, except for tactical retreat, and then later allows retreat in the face of a tenfold superiority of the enemy and finally two to one. The traditional reasoning is that the act of *jihad* is, by definition, an act of faith in Allah; by fighting an weaker or equal enemy, the Muslim is relying on his own strength and not on Allah, whereas, by entering the fray against all odds, the "*mujahed*" is proving his utter faith in Allah and will be rewarded accordingly.
- When a country in which Muslims live is attacked by *kuffar*.

## Legitimate targets and those who should be spared

Many *fatwas* elaborate on various aspects of *jus in bello* – the rules of engagement – according to the laws of *jihad*. Arguably the question most relevant to justification of terrorism that is raised in *fatwas* is the definition of a legitimate target? This question is dealt with in *fatwas* through three categories: who **should be killed**; who **may be saved** (by discretion) and **who must be spared**.

A central guideline for treatment of the enemy according to classic Islamic jurisprudence distinguishes not between actual combatants and non-combatants, but rather between individuals who **may be able to fight** in the future and those who could not pose a threat to the Muslims. This distinction left a great deal of ambiguity regarding various categories. Early jurists were not in consensus regarding the ruling on killing women, children, and the aged or even monks (regarding whom the Qur'an specifically prohibited killing). In addition, the various schools of jurisprudence disagree over the very reason for the killing. Whereas most of the *Hanifi* scholars justified killing only those who may endanger the Muslims (and therefore forbade killing of women, children and aged people), the *Shafi'i* scholars, for the most part, justified killing the "pagans". (*mushrikun*) regardless of their civil status.[22] This ambiguity, as will be seen later, provides a sound basis for radicals today who permit killing civilians and raised profound difficulties for moderates in search of solid ground Many modern *fatwas* tend to ignore the category of enemies who "**may be spared**" or **may not be killed** (possibly since that category is linked in classic law to the option of ransom of hostages and slavery). Therefore, many *fatwas* issued since 9/11 have focused on the ruling regarding those categories usually defined in modern western society as protected by the laws of war – non–combatant civilians, women, children, elderly and clergy. The legal debate among Islamic scholars does not focus on the status of these people as "non-combatants" per se, but on their inclusion in categories which are idiosyncratic to Islamic law – *dhimmi*, *kafer* tourists carrying "visas" (*musta'min*) whose visas may be interpreted as Islamic guarantees of passage (*aman*) and citizens of non-Muslim countries which have peace treaties with the Muslims (*mo'ahadin*).

Many *fatwas* dealing with *jihad* justify killing protected persons belonging to certain groups either by portraying them in a fashion that excludes them from the general category of protection and disqualifies them from lenient treatment otherwise accorded to protected persons. Such justification is based either on their basic traits as described in the Qur'an and *hadith* or on portrayal of their contemporary behavior and analogies to groups from the time of the Prophet which behaved in a similar manner and were accorded harsh treatment by the Prophet or his Companions. One of the most well-known of these descriptions is the statements which equate the Jews (and occasionally the Christians) to "apes and dogs" – both lowly and impure animals in Islam.

Another – more problematic – dialectic for justifying total war against *ahl al-kitab* is through re-defining them not as monotheists worthy of lenience but as polytheists or atheists. This is sometimes deduced by defining democracy as a polytheistic religion: it "associates" other deities with God, thus denying the uniqueness of God and it allows humans to overrule the law of God. Under such a definition, "Democratists" – like the polytheists of 7th century Arabia – must either accept Islam or be put to the sword.[23] The legal problem arising from targeting civilians has been highlighted in *fatwas* dealing with the *jihad* in Palestine against Israel and Jews. The arguments in this regard include:

- **Israeli society is militaristic in nature**. Both men and women serve in the army and can be drafted at any moment.
- While it is forbidden to kill children and the elderly, **necessity justifies the forbidden**. If a child or an elderly is killed in such an operation, he is not killed on purpose, but by mistake, and as a result of military necessity.[24]
- The legitimacy of killing Israeli children derives from the fact that they will grow up to be soldiers who fight the Muslims.[25]

---

[22] Ella Landau–Tasseron, "Non-Combatants: Opinions in Islamic Law", draft paper for publication.

[23] See writings and *fatwas* by Asem al–Burqawi (Abu Muhammad al-Maqdisi) a Salafi Palestinian, leader of the *Bay'at al-Imam* group, who became on of Bin Laden's open spokesmen. The *fatwas* were published on his website www.maqdese.com which has been taken off the internet.

[24] Sheikh Yusuf Qaradawi to Al-Ahram, (Egypt), February 3, 2001

[25] See *fatwas* by Hamas.

- **The civilian who occupies land in a state of war is a *harbi*.** … Everyone in Israel, is *ahl al-qital'*. .. It is permitted to kill an Israeli traveling abroad because he is a *harbi* and the *harbi* "spreads corruption (*fassad*) throughout the face of the earth". Even if he is a diplomat, his blood is permitted; that does not mean that he **must** be killed; it only **permits** his killing.[26]
- A *fatwas* issued by the UK based *Muhajirun* limits the scope of legitimate targets to those clearly affiliated with the State of Israel– military forces, Embassies, military airports etc and excludes targeting "non–military or innocent Jews".[27]

Additional arguments which are applied both to the Israeli and the general cases (particularly the United States) include:

- The prohibition on killing women, children and aged derives from their **inability to fight** the Muslims. In modern warfare, physical stamina is not necessary to participate in war and therefore, these groups may be considered as legitimate targets. The *hadith* which is widely quoted as authority for the prohibition of killing women (the Prophet saw a woman dead and said: "she should not have been killed; she could not have fought") is interpreted as meaning that had she been able to fight, she should have been killed.
- **Democratic participation justifies killing civilians.** In Israeli society, women have the right to vote; therefore they are combatants in the sense that they provide the leadership with the legitimacy for waging war against the Muslims.[28] The American is also considered a combatant due to his **connection to his government, or because he supports it with money or opinion or counsel as is customary in their political regime**"[29] Similarly, the attacks of 9/11 were justified because "every decision taken by the *kafer* state, America, particularly those which relate to war, is based on public opinion through referendum and/or voting in the House of Representatives or the Senate. **Ever American, having participated in this opinion poll and having voted regarding the war is considered a combatant or at least a party to the war.**[30]
- In modern warfare it is **impossible to make a clear distinction between combatants and non-combatants** since war is total and the entire populace is involved in it. An attempt to make that distinction and to refrain from killing women and children may make it impossible to fight at all, resulting in the "paralysis of *jihad*".[31]
- The "sin" of the West is its **complicity in encouraging the apostasy** of the Muslims.
- The United States is responsible for the **attacks on Muslims across the world** – from Palestine to Iraq, Bosnia-Herzegovina, Kashmir, Chechnya and East Timor. Therefore, it warrants a status of a country which is at war with the Muslims.

---

[26] See ruling by the Mufti of Egypt, Dr. 'Ali Guma': MEMRi

[27] *Fatwas* by Sheikh Omar Bakri Muhammad, 2 October 2000.

[28] See discussion of the legitimacy of killing women, *Al-Watan*, Kuwait, August 31, 2001.

[29] Sheikh Ali bin Khdheir al-Khdeir, MEMRI, Special Dispatch 333, 18 January 2002.

[30] *Fatwas* by Sheikh Hammoud bin al–'Okla al-Shuweibi, 17 September 2001.

[31] *Fatwas* by Sheikh Hammoud bin al–'Okla al-Shuweibi, 17 September 2001

- Scholars who define Israeli civilians as *ahl al–qital* but do not extend that definition to the Americans are inconsistent, for "How can one permit the killing of the branch and not permit the killing of the supporting trunk?" All who permit martyrdom operations against the Jews in Palestine must allow them in America.
- The argument that the attacks were illegal because people "who Allah forbids killing" – women, children and elderly – were killed in them is unacceptable. This is because the "prohibition of the blood of women, children and elders is not absolute".

The preparations for the American campaign in Iraq provided the background for a wave of *fatwas* against "alliance with the *kuffar* against the Muslims. The issues of these *fatwas* were:

- A prohibition of alliances with the United States and declaring a duty on all Muslims to repel the "aggression" against the Muslims. The *fatwa* justifies this prohibition on the basis of the US support of Israel and its occupation of Afghanistan and Iraq.
- A boycott on trade with the United States and on American products. The *fatwa* derives its position from the fact that trade strengthens the United States and its ability to fight the Muslims.
- Prohibition of cooperation with the United States in its war against Iraq by providing airports, air space or sea ports to US forces or by providing intelligence.
- Declaration of *Jihad* as an individual duty. The *fatwa* warns the Muslim rulers that *jihad* is a fundamental duty in Islam. Therefore, any Muslim leader who attempts to suspend it will be guilty of "forbidding that which Allah has commanded" – a sin tantamount to heresy.
- The *jihad* in Iraq is a defensive *jihad*, and therefore is an individual duty incumbent on every able Muslim. It does not require a common leadership.
- No Muslim may harm anyone engaged in the *jihad* by informing on them.

- No Muslim may support the military operations of the occupying forces, however, services like electricity, water, health, business, and public security to prevent looting etc. may be provided.
- The blood and property of Muslims is inviolable; there are no "loopholes" or room for "loose interpretations" of this principle.
- It is in the interest of Islam and the Muslims that "oppressed and weak people" who are not part of the conflict … especially those who are in humanitarian relief work, the media or just earning their living" should not be harmed. This is especially due to the fact that the media is now focused on Iraq and such acts may have negative consequences for the Muslims.
- The unity of Iraq is vital; there should be no fighting between Muslims – Sunnites and Shiites, Kurds and Arabs.

The principles of *lex talionis* (*qissas*) and reciprocity ("repayment in kind" – *mu'amala bil-mithl*) are central to Islamic law in general. By nature the principle of "eye for an eye, tooth for a tooth, and soul for a soul" is accepted with the reservation that the value of a Muslim is greater than that of a *kafer*. This principle has seminal consequences for the modern interpretation of the law of *jihad*; it is used to reach the conclusion that the "punishment" applied to the *kuffar* for a perceived wrong committed against the Muslims need not be proportionate. Taking into account that by Islamic law, the life of a Muslim is worth between twice and ten times that of a non-Muslim, radical *'ulama* do the arithmetic that according to the number of Muslims all over the world killed by the infidels under American leadership, the Muslims have the right to kill at least four million Americans, half of them children.[32]

The issue of **mutilation of dead bodies** has also been the subject of debate between scholars. Here too the guiding principle is the perception of what the *kuffar* have done to the Muslims and the principle of **reciprocity**.[33] One typical response to a request for a *fatwa* on this matter states that Islam prohibits torturing living people and mutilating the dead, **even if they are non-Muslims**. However, if the enemies of Islam do this to Muslims, then Muslims are permitted to treat the enemies in the same manner. The dead can be mutilated not only as a reciprocal act but also when it **otherwise serves the Islamic nation** in that it serves "to **terrorize the enemy**" or to **"gladden the heart of a Muslim *mujahed*"**.

## Justification of Suicide Bombing

The justification for "martyrdom" attacks finds a great deal of support in the Qur'an and *Hadith*. The source books of early Islam are replete with praise for the *mujahid* who endangers himself even knowing that he is surely going to be killed. It is also not difficult to glean from them a favorable view of death in battle, which was cultivated in the early days of the wars of the nascent religion. This attitude is epitomized in the Qur'anic verses (Qur'an 9: 38), which exhorts Muslims: "*O ye who believe! What is the matter with you, that, when ye are asked to go forth in the cause of Allah, ye cling heavily to the earth? Do ye prefer the life of this world to the Hereafter? But little is the comfort of this life, as compared with the Hereafter*" and (Qur'an 3:143) "*Certainly you desired death before you met it*"[34]

Some of the main arguments in favor of justification of these attacks are as follows:

- The Qur'anic verse (2:195) "And spend yourselves in the way of Allah, and do not cast yourselves into destruction with your own hands" which is traditionally interpreted as prohibiting suicide actually is a tautological statement: **not** spending oneself "in the way of Allah" is the same as casting oneself into destruction.[35] One *fatwas* interprets the phrase "casting ones self into destruction" as "investing money and giving up *jihad*". This is based on a hadith, according to which the verse was revealed in response to the loss of heart of the "supporters" (Ansar) who preferred to forsake the *jihad* and go home to invest their money, thus "casting them selves into destruction".[36]

---

[32] See Abu Gheith (al–Qaeda spokesman) in www.alneda.com (the website has been closed down). Quoted in MEMRI Special Report no, 25, January 27, 2004, p 9.

[33] The principle of retribution (*qissas*) is deeply rooted both in Islamic law and in customary tribal law. In tribal customary law (*'urf*), the community is held responsible for the acts of its members.

[34] These verses are widely quoted by radical Islamic organizations and repeated again and again in al-Qa'ida recruitment videotapes.

[35] *Fatwas* by Sheikh Faysal Mawlawi, Deputy Chairman of the European Council for *Fatwas* and Research, 28 April 2001

- Precedents of the Companions of the Prophet who charged into the ranks of the *kuffar*, knowing that they would be killed.[37]
- The centrality of "intention" (*niya*) in determining the right or wrong a certain deed transforms the act of suicide into an act of martyrdom.[38]
- On the collective level, the absence of alternative tactics with commensurate effects justifies these tactics. The Muslims do not have the military power of their adversaries, and on the other hand, the "martyrdom" attacks are clearly "cost–effective".[39]
- A number of *fatwas* quote early *mujtahidin* who ruled that a Muslim may give up his life intentionally in *jihad* in certain circumstances: if his act hurts the enemy, encourages the Muslims and dispirits the enemy. If he is not sure that he will kill the enemy, such an act is "discouraged" (*makruh*)[40]

## Nuclear Weapons

Justification of acquisition and possible use of nuclear weapons has been treated in a number of *fatwas* for over a decade. The deliberations on this subject distinguish between obtaining nuclear weapons and actually using them. The prevailing argument is that as long as nuclear weapons are held by the "enemies" of the Muslims (e.g. the United States, Israel) or any other nation at all, it is the **Islamic duty of all Muslim countries to acquire such weapons**. A Muslim regime which does not fulfill this duty is a sinner and may be guilty of "corruption (*fassad*) on earth".[41] The aim of having these weapons is, first and foremost, deterrence; to "awaken fear in the land of *kufr*".[42]

The ruling on the question of **use** of nuclear weapons, however, derives from a different reasoning. Some of the *fatwas* take as their point of departure the Islamic laws of *qissas* (*Lex Talionis)*: "**in case these nuclear weapons are used against Muslims, it becomes permissible for Muslims to defend themselves using the same weapon,** based on Qur'an (16:126): "*If you punish, then punish with the like of*

---

[36] *Fatwas* by "Abu Ruqaiyah", *Nida ul–Islam*, December–January 1996–1997.

[37] Some examples which are frequently used as analogies are the cases of Ja'far ibn Abu Taleb, Zayd bin al-Haritha etc.

[38] Ibid. Based on a *hadith* that states that "Actions are but by intentions".

[39] See the *fatwas* issued by the Islamic *Fiqh* Council affiliated to the OIC in its fourteenth session, held in Duha (Qatar) 11–16 January 2003 C.E.: "Martyr operations are a form of *jihad*, and carrying out those operations is a legitimate right that has nothing to do with terrorism or suicide. Those operations become obligatory when they become **the only way to stop the aggression of the enemy, defeat it, and grievously damage its power."** Martyr Operations or Suicide, 24 January 2004, http://www.islamonline.net/*fatwas*/english/*Fatwas*Display.asp?h*Fatwas*ID=91481

[40] *Nida ul–Islam*, December–January 1996–1997.

[41] *Fatwa* by the al–Azhar *Fatwas* Committee headed by Sheikh 'Ali Abu al-Hassan . The *fatwa* was written by Sheikh 'alla al-Shanawi. http://www.islamonline.net/Arabic/news/2002-12/23/article06.shtml .

[42] See *fatwa* issued (21 July 2002) by Dr. 'Abd al-Mo'az Hariz from Jordan.

*that by which you were afflicted.*"[43] The Sheikh of *al-Azhar* Muhammad Tantawi, drew an analogy from the ruling of the Caliph Abu Bakr "to fight the enemy with a sword if he fights with a sword and ... with a spear if he fights with a spear". Therefore, had Abu Bakr lived today, he would have instructed that **if the enemy uses a nuclear bomb, it is the duty of the Muslims to use it**.[44] Another consideration is the certainty that use of nuclear weapons would cause the killing of "souls that Allah has forbidden to kill" such as Muslims, women, children, the elderly and ascetics in prayer. An unusually long (25 pages) *fatwa* by the Saudi Sheikh Nasser bin Hamid al Fahd in May 2003[45] – al-Fahd struggles in his *fatwa* with the legal ramifications of use of WMD even if children and other Muslims are killed and he reaches the conclusion that use of such weapons against the United States is obligatory. The basic justification for al-Fahd is also reciprocity; the behavior of the United States against the Muslims is such that it warrants use of weapons of mass destruction.

## Summary

The role of radical *'ulama* and their fatwas in legitimizing terrorism is a pivotal element in the social and political legitimization of terrorism and in the motivation of its supporters. The rulings analyzed above are not mere political manifests aimed at motivating followers, but an important tool in the battle pitched between radical and mainstream Muslims over the future of Islam.

This however is a one sided battle; the radicals are on the offensive whereas counter-attacks of moderates are few and far between. *Fatwas* commanding terror can only be countered by a clear opposing consensus (*ijma'*) of mainstream *'ulama*. Such a consensus does not exist; on the key issues relating to Islamic terror the mainstream *'ulama* are silent, a silence which is for many of their followers, construed as consent. This is due, inter alia, to the deference that mainstream *'ulama* feel towards the radicals as the quintessential believers, and the sense that they are competing with the radicals over the same constituency. Such deference is strengthened in Islam by orthodox Islam's aversion to declarations of heresy (takfir) and the fear of igniting internal conflict (*fitnah*). It is in the home field of this presumed silent majority that the main battle is taking place, and as long as it does not enter the fray, the battle cannot be won.

In practical terms, what is needed is a clear legal disengagement from any justification of violence, not through western style declarations of condemnation, but rather by clear and binding *fatwas* that contradict the radical narrative. These may include *fatwas* that declare that not only does no personal duty of *jihad* exist, but that that justification of *jihad* under the present circumstances is a corruption of the roots of Islam (*usul*) and an act of heresy, and that physical, moral, or financial support of terrorism is forbidden and condemns their perpetrators to eternal hellfire. For every *fatwa* that promises paradise to those who engage in *jihad*, an authoritative counter-*fatwa* is needed that threatens hellfire for those acts.

---

[43] *Fatwa* by Sheikh Faysal Mawlawi Deputy Chairman of the European Council for *Fatwas* and Research (headed by Sheikh Qaradawi) 16 October 2002, http://www.islamonline.net/*fatwas*/english/*Fatwas*Display.asp?h*Fatwas*ID=52398

[44] http://www.islamonline.net/iol-arabic/dowalia/alhadath-17-11/alhadath2.asp, November 17, 1999.

[45] Sheikh Nasr bin Hamid al Fahd, *Risalah fi hukm istikhdam aslihat al-damar al-shamel didh al-kuffar,*"A Treatise on the Legal Status of Using Weapons of Mass Destruction against Infidels," 1 May 2003

# Chapter VIII

# "Non-Combatants": Some Muslim Legal Views

-Ella Landau-Tasseron, The Hebrew University-

# "Non-Combatants": Some Muslim Legal Views *

by

Ella Landau-Tasseron, The Hebrew University

The law of war in the Western tradition developed over hundreds of years, based on Roman law, the views of the founding fathers of the church and medieval codes of chivalry. These various codes, rules and regulations crystallized from the 16th century CE onwards into a doctrine known as bellum iustum, a term translated into English as "Just War." The issues of justice and the justification of war are only part of this doctrine; it would be perhaps better to understand the Latin term as meaning "war carried out in accordance with law." This doctrine contains two well-defined categories dealing with different aspects of war. One is that of "ius ad bellum," which lays down the principles by which a war is determined to be either legal or illegal. The second is that of "ius in bello," which defines permitted and forbidden behavior towards the enemy and their property during combat and afterwards. One of the main rules of this second category is the distinction between combatants and non-combatants (often referred to as civilians). Non-combatants may not be harmed intentionally, by virtue of not being involved in warfare, they are considered to enjoy immunity[1].

The Muslim law of war existed hundreds of years before its Western counterpart. It does not have two clearly defined categories, but within it can be found parallels of almost all the Western rules and principles. The Muslim law includes, among other things, a prohibition of harming various groups of people. In this article I discuss the nature of this prohibition. It will be shown that the term non-combatants used in the doctrine of Just War is not suited to Muslim law. It is true that while all those who may not be harmed according to Muslim law are non-combatants, not all non-combatants are immune from harm. For this reason, the term "non-combatants" will appear here in citation marks, referring to all those categories of people mentioned in Muslim jurists' discussions about those who may not be harmed.. These categories will be explained and discussed below[2].

Statements about "non-combatants" appear in the earliest legal works, beginning from the second century AH/eighth century CE. In these works, the prohibition of harming "non-combatants" is usually based on the personal judgement of the jurist, or on a few sayings (ÎadÐths) going back to the Prophet and the first two caliphs, AbÙ Bakr and 'Umar. Only rarely is an attempt made to rationally justify these sayings, namely, to

---

* The original Hebrew version of this article was published in *Studies in Early Islam: lectures delivered in honour of professor M. J. Kister on the occasion of his ninetieth birthday,* The Israel Academy of Humanities and Sciences, Jerusalem, 2005

[1] The theme of "Just War" is extensive; see, i.e., Johnson, "Roots;" Walzer, *Wars*; Nardin, *War and Peace*.

[2] I have not classified the various legal solutions according to the legal schools for two reasons. The first is that in the case of the early jurists, it is not always clear to which school they belonged. The second is that the disagreements within the schools are sometimes as great as those between them. Nevertheless, I have noted in the bibliography the schools to which the various authors belonged (when this can be known for sure).

find the ostensibly true reason for such prohibitions. These ÎadÐths are usually considered in themselves to be the real reason for refraining from killing "non-combatants." They reflect the general principle which holds that a Muslim should not engage in killing if there is neither reason nor necessity for him to do so. This principle is not absolute, and the explicit prohibition of killing the "non-combatants" is conditional and significantly restricted by law. To use the legal language (developed after the second/eighth century), any given "non-combatant", although protected to a certain extent, does not in fact have immunity ('iÒma) and is not considered to be "a soul whom Allah has forbidden to kill," (nafs Îarrama AllÁh qatlahÁ). The concept of 'iÒma is the key to understanding Muslim attitudes towards "the other" in general, and towards the killing of "non-combatants" in particular.

The prohibition of killing has the validity of law in regard to Muslims and their allies; but when concerning others, it is merely a general and non-binding directive. In other words, the category of those who have full immunity ('iÒma), which means that they must not be harmed, includes only the Muslims and their allies, meaning infidels who have a specific legal treaty with the Muslims. Such a treaty may be either permanent (such as the dhimma contract) or temporary (such as amÁn, given for instance to infidel merchants in Muslim territory)[3]. The sanctity of the lives of the Muslims and of those who have a treaty with them is defined as Îurma and is absolute. Harm may be inflicted on them only in self-defence or as punishment for a crime committed by them. The Muslims and their allies have "measurable and substantial immunity" ('iÒma muqawwama or muqawwima). This means that whoever harms any of them has to pay, by enduring punishment and/or by paying compensations as set down in the law[4]. On the other hand, the lives of the "non-combatants" from among the enemy are forfeit to begin with. If they have immunity at all, it is merely "immunity that incurs a sin." ('iÒma mu'thima). This means that a Muslim who harms them is a sinner, but no punishment is meted out to him and he owes no compensation. There is general agreement regarding the exemption from punishment for a Muslim who harms "non-combatants." It is usually said that "there is nothing wrong" (lÁ baÞs bihi) with inflicting harm on a "non-combatant;" at the most, the person who inflicted this harm must ask for Allah's forgiveness and express his remorse (istighfÁr, tawba)[5]. The boundaries set by the concept of immunity are also reflected in the difference between the laws governing war against infidels on the one hand, and war against Muslim rebels (ahl al-baghy) on the other. Whereas the lives of the former are forfeit, the latter enjoy immunity and their lives are protected, since they are Muslim; those in power are allowed to fight only rebels who wage war, not those who belong to the rebel community but take no part in the rebellion.

---

[3] SarakhsÐ, *MabsÙÔ*, 10/78; YÙsuf, *AÎkÁm*, 35-6, 50.

[4] See *MawsÙÝa*, 30/137. Jurists disagree about certain details of this principle. Ibn Îazm, for example, *MuÎallÁ* 10/220, thinks that no blood-money should be set on a Muslim who has harmed a *dhimmÐ* or a *mustaÞmin* (one who has temporary protection), but that the culprit should be imprisoned and reprimanded (or punished: *yu'addab*). See also other opinions on this matter: MarghÁni, *HidÁya* 4/1606-1607; SarakhsÐ, *MabsÙÔ* 10/95. One should also look into the difference between intentional and unintentional damage; this, however, falls outside the issues which concern us; see, e.g., YÙsuf , *AÎkÁm*, 117-18, 148-210. For discussions about the concept of immunity (*'iÒma*), see Johansen, *Contingency,* chapters 5 and 6.

[5] ÓabarÐ, *IhkitlÁf*, 10; SarakhsÐ, *SharÎ* 4/1416, *MabsÙÔ* 10/30; *MawsÙÝa* 30/137; Ibn Nujaym, *BaÎr* 5/85; DirdÐr, *SharÎ* 2/177.

Here is where we find the concept of absolute immunity of those who really are non-combatants, but this is applied only to Muslim rebels and not to infidels. The reason for this is legal: the lives of all Muslims are sacred and it is a crime to harm them, unless they rebel or commit a crime that entails capital punishment[6]. But any act of violence against an infidel whose life is basically forfeit is not considered to be a crime at all[7]. The difference between a life that is forfeit and one that is not can be seen also in the issue of the tatarrus – the use of human shields. If the enemy uses Muslims as human shields, they may be fired upon only if it is absolutely necessary, because the lives of these Muslims are protected under Muslim law. There is no such limitation if the human shields are "non-combatant" infidels[8]. It is worth noting that early jurists such as AbÙ YÙsuf and AwzÁÝÐ made no distinction between Muslim and infidel "non-combatants" regarding tatarrus[9].

The difference between killing a person who enjoys full immunity and killing a "non-combatant" can be seen not only in the steps taken – or not taken – against the killer, but also in the terminology employed. While those who are really immune are "maÝÒÙm" (protected) or "ÎarÁm al-dam" (one whose blood is sacred), there are no specific legal terms to designate the "non-combatants." They are sometimes referred to as "those whom it is not allowed to kill," "one whose blood is not to be spilt," "one who should not be aimed at" and "one who should not be killed." (man la yuÎill qatluhu; maÎÛÙr al-dam; mamnÙ' an yuqÒad; man lÁ yuqtal)[10]. The prohibitions of killing "non-combatants" are not usually expressed by the word yuÎarram (forbidden), but rather by such terms as "not possible," "not allowed," "not proper"[11]. All these words convey a prohibition which is weaker than that expressed by the root Î-r-m.

It appears, therefore, that "non-combatants" – the infidels who may not be harmed – cannot be considered to have real immunity that protects them from harm[12]. Even the locution "they may not be harmed" is misleading, since this prohibition is severely limited and violating it does not entail any punishment.

---

[6] See, i.e, ShÁfiÝÐ, *Umm* 8/364. Abou al-Fadl, "The rules of killing," thinks that Muslim law is lenient regarding Muslim rebels because their action is considered to be the outcome of poor judgement rather than of evil intentions.

[7] YÙsuf , *AÎkÁm*, 50-56.

[8] MÁwardÐ, *ÍÁwÐ*, 14/187-188; ZakariyÁ al-AnÒÁrÐ, *FatÎ* 2/300; KÁsÁnÐ, *BadÁÞi'* 7/101; there is no consensus on this issue and even ShÁfiÝÐ voices two different opinions: once (*Umm*4/306) he applies the same rules to both Muslim and non-Muslim "shields", but on another occasion (*Umm* 8/378), he distinguishes between Muslim and non-Muslim "shields." See also the disagreements in SarakhsÐ, *MabsÙÔ* 10/31-32; Ibn ÝAbd al-Barr, *TamhÐd* 16/143.See about *tatarrus* also below, p. 18 .

[9] AbÙ YÙsuf, cited in ShÁfiÝÐ, *Umm* 7/369; AwzÁ'Ð, cited in FazÁrÐ, *Siyar*, 333. In the 5th/11th century SarakhsÐ supported the opinion viewing Muslims and non-Muslims as equal in regard to the issue of "human shields." According to him, Muslims must fire upon the enemy regardless of whether the "shields" are Muslim prisoners or infidel women and children; see *MabsÙÔ* 10/65.

[10] See e.g., ShÁfiÝÐ, *Umm* 4/253, 274.

[11] Later sources are less particular about terminology, and I have found use of the word *yuÎarram* to denote the prohibition of killing "non-combatants" in the following sources: SarakhsÐ (5th/11th century), *Sharh* 4/1416, *MabsÙÔ* 10/29; Ibn MufliÎ (8th/14th century), *FurÙ'* 6/210, see alswo 212; MardÁwÐ (9th/15th century), *InÒÁf* 4/133; ZakariyÁ al-AnÒÁrÐ (10th/16th century), *FatÎ* 2/299, 300. This terminology does not point to a change of attitude, because, as before, the jurists hold that whoever kills these "non-combatants" is not punished. The exceptions are women and children; since they are considered property, a person who kills them must re-pay their price.

[12] But see ZuÎaylÐ, *ÀthÁr*, 495, 503, where he claims that "non-combatants" enjoy immunity. This is just one illustration of this author's purpose to prove that the war of law in Islam is compatible with International Law.

### Categories of the enemy people

In order to understand properly the status of the "non-combatants" in Muslim law, they should be placed within the wider context of the enemy in general. In the legal works, rules are not usually presented systematically and sometimes are listed in a somewhat jumbled fashion. More often than not, the distinctions underlying the rules that are laid down are not mentioned, but it is sometimes possible to reconstruct them. One distinction is that made between various categories of people; the other is related to various situations. The categories are those of combatants as opposed to "non-combatants," while the situations are a situation of combat as opposed to one of captivity. According to these classifications, we can discern four categories of enemy people to which different rules are applied. These four categories are:

1. Combatants during combat.
2. Combatants who have been taken prisoner.
3. "Non-combatants" during combat.
4. "Non-combatants" who have been taken prisoner (with one reservation: there is a disagreement whether it is permissible to take them prisoner).

The disagreements among the jurists increase as we move from one category to another. The first, that of combatants during warfare, is the most straightforward: the enemy must be fought by all possible means and with no limitations whatsoever, the aim being either to kill them or to take them prisoner. There are no disagreements on this matter.

In the case of the second category, that of enemies who have been taken prisoner, we find disagreements regarding the fate of the prisoners. Qur'Án 47: 4 reads: "When you meet the unbelievers, smite their necks, then, when you have made wide slaughter among them, tie fast the bonds; then set them free, either by grace or ransom, till the war lays down its loads.[13]" This verse clearly offers two options: the prisoners may be released either for a ransom or without any kind of remuneration. Although the verse is clear, it seems that it was customary to execute prisoners of war. This is proved by the fact that certain early jurists denounced this practice. There is a report, according to which ÝAbd AllÁh b. ÝUmar (d. 73/693) was ordered by the governor al-ÍajjÁj to kill a prisoner and refused to do so, citing this verse. Al-Íasan al-BaÒrÐ (d. 110/728) and ÝAÔÁ' (d. 114 or 115/732 or 733) also opposed the killing of prisoners[14]. On the other hand some jurists, including AbÙ ÍanÐfa, added to the two options given in the verse also that of executing the prisoners, basing themselves on the general Qur'Ánic directive "slay the idolaters wherever you find them" (Qur'Án 9:5). Another justification of this option was found in the verse stating that "it is not for any Prophet to have prisoners" (Qur'Án 8: 67, although the verse continues "until he make wide slaughter in the land" – meaning, after which it is permissible to hold prisoners). There were also jurists who added the customary option of enslaving prisoners of war, although this is not mentioned in the Qur'Án. Others omitted the option of releasing prisoners without remuneration, even though this is mentioned in the Qur'Án[15]. Thus the discussions move between these four options – release, ransom, execution and enslavement. It is agreed that the Imam must choose one of these options (for some reason, the title "Imam" is always used in this context, to mean the caliph or his representative). Some jurists consider all four options to be valid, while others allow only some of them[16].

---

[13] All translations of QurÞÁnic verses are taken from Arberry, *The Koran Interpreted* (London, 1955).

[14] Ibn QudÁma, *MughnÐ* 9/179.

Numerous points of contention can be found concerning the third and fourth categories, namely, "non-combatants" in combat and "non-combatants" who have been taken prisoner. These disagreements can be listed under three main headings:

1. The lists of the categories of "non-combatants".
2. The prohibitions concerning the "non-combatants" during and after combat.
3. Actions that constitute taking part in combat.

The lists

In the early sources, the lists of those whom one should not harm include women, children, old people and monks. One may cite to this effect the ÝIrÁqÐ jurist AbÙ YÙsuf who lived at the end of the 2nd/8th century, as well as his Syrian contemporary, AbÙ IsÎÁq al-FazÁrÐ (d. 186/802)[17]. It seems that this list was a given and was axiomatic. Those who would prefer to adhere to the principle stating that the lives of all infidels are forfeit had to accept this list too, at least partially, or to explain it. This state of affairs is reflected in the opinion of the early jurist SufyÁn al-ThawrÐ (d. 162/178): in spite of the prohibition of killing monks, al-ThawrÐ insisted on demanding that they pay the jizya, and on killing them if they refused to do so. The person asking his opinion inquired: if this was so, then why could monks not be killed outright? Al-ThawrÐ replied: "because traditions were transmitted regarding this" (jÁ'a fÐhi athar)[18], meaning that the transmitted traditions (forbidding to kill monks) limited his choice of options.

The inclusion of monks in the early list of "non-combatants" had its ramifications. In Muslim law there is a direct link between the payment of jizya and the distinction between combatants and "non-combatants". The latter are not required to pay jizya (the term for "non-combatants" here is man lÁ yastaÎiqq al-qatl, "those who do not deserve to be killed")[19]. AbÙ 'Ubayd, who set down this rule in the beginning of the 3rd/9th century, was of the opinion that monks residing in monasteries have to pay jizya. This means that he does not consider such monks to be "non-combatants", and that the rules applied to them are the same as those applied to other infidels. It also means that AbÙ 'Ubayd was familiar with the distinction between monks residing in monasteries and those residing in cells (aÒÎÁb al-ÒawÁmi'): There were jurists who held that only the latter were meant in the list of "non-combatants", whereas the monks residing in monasteries were not[20]. Clearly the aim of this distinction was to restrict the category of "non-combatant monks". An exceptional view among the early jurists is that of ShaybÁnÐ, who omits the monks altogether from the list of "non-combatants" and includes in it women, minors, the elderly and the insane[21]. AbÙ ÍanÐfa, considered the mentor of both AbÙ YÙsuf and ShaybÁnÐ, is cited in the 5th/11th century as having once permitted the killing of monks and once forbidden it[22]. Of course, it is hard to tell what his opinion really was. In any case, it appears that later jurists found ways to evade traditions that contradicted their opinions, whereas earlier jurists, such as SufyÁn al-ThawrÐ, saw themselves as being restricted by such traditions. ShÁfi'Ð (d. 204/820), who took an extreme position, enjoining the killing of all and any infidels, felt himself compelled to accept as authentic the sayings attributed to the Prophet, which prohibited the killing of women and children. He found, however, a rational justification for this prohibition. Instead of viewing it as a moral imperative, which would mean respecting the lives of infidels, he interpreted the prohibition as a directive based on financial considerations. Women and children, ShÁfi'Ð explains, are property, and property should not be damaged[23]. Thus ShÁfi'Ð was able to resolve the contradiction between the ruling in the tradition forbidding the killing of women and children and the principle in which he believed: that the lives of all infidels are forfeit due to their infidelity. Regarding monks, two contradictory opinions are attributed to ShÁfi'Ð. On one occasion, he accepts the tradition attributed to AbÙ Bakr prohibiting the killing of monks. Their lives are forfeit only if they actively fight against the Muslims; but if they assist the enemy in other ways, they are to be punished but not executed. Elsewhere in the same book, ShÁfi'Ð states that all infidel men without exception must convert to Islam or be killed; all men of the protected religions (ahl al-kitÁb) must pay jizya or be killed. He emphasises that this rule applies to monks as well and denies the authenticity of the tradition attributed to AbÙ Bakr, which he himself had accepted on another occasion. Alternatively, he explains that even if the tradition from AbÙ Bakr is authentic, this does not mean that monks may not be killed. AbÙ Bakr's intention, according to ShÁfi'Ð, was that monasteries should be left aside temporarily in order to attain more important military targets. ShÁfi'Ð thus concludes that monks are not included in the lists of "non-combatants," and they most definitely may be fought and killed. Later ShÁfi'I jurists sometimes opt for either one of the two contradictory opinions recorded in ShÁfi'Ð's book, at other times they adduce both of them[24].

---

[15] AbÙ 'Ubayd, *AmwÁl*, 51-57, 61-67; AbÙ YÙsuf, *KharÁj*, 194.

[16] ShÁfiÝÐ, *Umm* 4/275, 305, 7/359, 8/606: MÁwardÐ, *ÎÁwÐ* 14/172-177' SarakhsÐ, *MabsÙÔ* 10/24; Ibn QudÁma, *KÁfÐ* 4/271-272, *MughnÐ* 9/179-180; Ibn MufliÎ, *FurÙ'* 6/212. It should be pointed out that the prisoner's religion may determine his fate: there are those who hold that a prisoner who is not one of the "People of the Book" must choose between Islam or death, and that the four options are not relevant in his case; see, e.g., ShÁfiÝÐ, *Umm* 4/302-303. See also Friedmann, *Tolerance*, 115-120. Detailed discussions concerning prisoners and the various options are recorded in ZuÎaylÐ, *ÀthÁr*, 429-442, 447-457, 471.

[17] Abu YÙsuf, *Kharaj*, 194, 195; Fazari, *Siyar*, 282, 334.

[18] TabarÐ, *IkhtilÁf*, 10-11; FazÁrÐ, *Siyar* 334, cf. p. 358, where al-ThawrÐ withdraws his opinion regarding the destruction of enemy property because of a tradition to the contrary.

[19] See AbÙ 'Ubayd, *AmwÁl*, 23; SarakhsÐ, *MabsÙÔ* 10/79; RÁzÐ, *TuÎfa* 1/188; Ibn 'ÀbidÐn, *ÎÁshiya* 4/199.

---

[20] See, e.g. Ibn QudÁma, *Mughni* 9/250; Ibn Nujaym, *BaÎr* 5/84; RÁzÐ, *TuÎfa* 1/188. According to ÓabarÐ, *IkhtilÁf*, 10, AwzÁ'Ð, in the 2nd/8th century had already regarded only the cell-residing monks as "non-combatants."

[21] SarakhsÐ, *SharÎ* 4/1415; there is no certainty, however, that this text is indeed ShaybÁnÐ's – it may be SarakhsÐ's, from the 5th/11th century. Elsewhere SarakhsÐ's list includes only three categories: women, minors and the elderly; *MabsÙÔ* 10/4-6, 29.

[22] SarakhsÐ, *MabsÙÔ* 10/137.

[23] ShÁfiÝÐ, *Umm* 7/370 (although in 4/253 he justifies the prohibition of harming women and children by traditions from the Prophet and by the fact that they are "not from amongst those who fight"); see also MÁwardÐ, *ÍÁwÐ* 14/193. At the beginning of the 7th/13th century the ÍanbalÐ Ibn QudÁma held the same opinion, see *KÁfi* 4/267, but he adds elsewhere a different reason: a minor may convert to Islam and therefore should not be killed, Ibn QudÁma, *MughnÐ*, 9/249.

[24] ShÁfiÝÐ, *Umm* 4/253-254, 257, 259, 265, 7/376, as opposed to 4/303, 304, and see also 7/376 (where monks and the elderly are counted among the "non-combatants"), 8/379; ÓabarÐ,*IkhtilÁf*,

As far as elderly enemies are concerned, ShÁfi'Ð ruled that their lives were forfeit, basing himself on a Prophetic hadith that contradicts the prohibition of killing them; the Prophet is reported to have said: "kill the elderly from among the enemy". The full version of this particular tradition allows for various interpretations, which were duly adduced in order to support varying legal opinions regarding the elderly. The tradition reads: "UqtulÙ shuyÙkh al-mushrikÐn wa-stabqÙ sharkhahum." ShuyÙkh normally means 'old, elderly' whereas sharkh has no fixed meaning, and it can refer to a young male as well as to a minor. ShÁfi'Ð interprets sharkh as "a minor" and takes this tradition to mean, "kill the old people and let the minors live". Certain ÍanafÐs interpreted shuyÙkh in this ÎadÐth as meaning 'adult' rather than old, so that according to them the saying means, "kill the adults and let the minors live". By this interpretation these ÍanafÐs kept intact the prohibition of killing the elderly. AbÙ ÍanÐfa himself reportedly based the prohibition of killing the elderly on another ÎadÐth which is the reverse of the one just quoted; it reads, "uqtulÙ al-sharkh wa-trukÙ al-shaykh"; here sharkh is interpreted as a young man, so that the tradition means, "kill the young men and let the old live". Thus different versions of traditions (ÎadÐths), as well as philology, were put to use in order to supply a textual basis to varying opinions[25].

Discussions of this kind in the writings of al-ThawrÐ and ShÁfi'Ð at the end of the 2nd/8th century show that this list of four categories – women, children, the elderly and monks – was deeply rooted. In the same period, FazÁrÐ defines these four categories as those whom it is forbidden (nuhiya) to kill, but also notes questions addressed to jurists concerning other categories: should the sick, the wounded, the lame, the blind, the disabled and those who have fled the battlefield be spared? It is no wonder that the same al-ThawrÐ, who attempted to evade the prohibition of killing monks, permitted killing most of the above. He voices reservations only in the case of the disabled and the blind: they must be killed only if they have the strength or the ability to fight. And for some reason, he shows mercy towards the retarded (maÝtÙh): "I shouldn't like it that such a one be killed" (lÁ yÙÝjibunÐ qatluhu)[26].

Al-ThawrÐ's reservation ("they should be killed only if they are able to fight") is phrased in a way which points to the principle guiding his opinion: only those who are unable to fight, and will continue to be unable to do so, should not be harmed. For this reason, he does not hesitate when it comes to killing the wounded, the sick, the wayfarer and those who have escaped from the battlefield. All of these can at some point recover or come back and take up arms.

---

11. ShÁfiÝÐ contradicts himself in the same manner also regarding the very elderly and possibly – the text is unclear - also regarding hired workers, craftsmen engaged in their craft, the blind and the disabled. In *KitÁb Îukm ahl al-kitÁb*, the killing of these is forbidden, whereas it is permitted in *Siyar al-WÁqidÐ*. See MÁwardÐ, *ÍÁwÐ* 14/192-193; MarghinÁnÐ, *HidÁya* 2/815, note 5; ShÐrÁzÐ, *Muhadhdhab* 2/233; see also Ibn 'Abd al-Barr, *TamhÐd* 16/139. Later jurists refer to such contradictions as "two opinions" (*qawlÁn*).

[25] The issue of the elderly: ShÁfiÝÐ, *Umm* 8/379; (for the contradictory opinions of ShÁfi'Ð see also ibid. 4/303 and MÁwardÐ, *ÍÁwÐ* 14/192-3); Ibn QudÁma, *MughnÐ* 9/250; Ibn 'Abd al-Barr, *TamhÐd* 16/142. Ibn Íazm, *MuÎallÁ*, 7/351; Ibn AbÐ Shayba, *MuÒannaf* (Beirut) 7/657. The Íanafi interpretation: SarakhsÐ, *SharÎ* 4/1417, *MabsÙÔ* 10/6. AbÙ ÍanÐfa's reversed version: MÁwardÐ, *ÍÁwÐ* 14/193.

[26] FazÁrÐ, *Siyar* 335;ÓabarÐ, *IkhtilÁf*, 10-11.

There were, however, other opinions. Whoever raised the question whether it was permissible to kill the wayfarer, the wounded, those who escape from the battlefield etc., was apparently working on the assumption that whoever was not involved in combat should not be harmed. This conclusion also arises from the jurists' rulings in various matters. For example, AbÙ ÍanÐfa thought that the use of ballistas was permitted even if this might harm "women, children, the very elderly, the retarded, blind, disabled and chronically ill". Admittedly this constitutes permission to harm these people rather than a prohibition thereof. But, this statement proves that there were discussions concerning groups of "non-combatants" not mentioned in the sayings attributed to the Prophet and AbÙ Bakr[27]. Indeed the lists of "non-combatants" attributed to AbÙ ÍanÐfa include children, women, the elderly, the insane, the blind, the chronically ill or the disabled, monks and farmers[28]. AwzÁÝÐ, in the 2nd/8th century, includes in the list the blind, wayfarers and shepherds, as well as the original four categories[29]. There must have been jurists who thought that the wounded should not be killed, otherwise AbÙ YÙsuf (d. in 182/798) would not have taken the trouble to explicitly state that women, children, the elderly and monks should be spared, but that the wounded enemy must be killed[30]. ShÁfi'Ð argues with those who thought that the ill, cowards, craftsmen and farmers – meaning, those who do not take part in combat – should not be killed; he thought that they should be killed even though they do not take part in combat[31]. Clearly ShÁfi'Ð's opponents, among them AwzÁÝÐ, as mentioned above, thought otherwise. And when ÓabarÐ states that the blind, terminally ill, shepherds, farmers, wayfarers and monks should be killed, this is obviously not a list that he invented; he is merely arguing against those who thought that all these people should be spared as "non-combatants." According to ÓabarÐ, only reliable traditions from the Prophet justify refraining from killing certain people; such traditions, he says, mention only women, minors and monks residing in cells[32]. It is noteworthy that concerning the ill, the cowards etc., authoritative sayings from the Prophet and his Companions (hadiths) were neither found nor invented. There are only a few sayings about servants and hired workers, such as the order reportedly given by the Prophet to his general KhÁlid b. al-WalÐd: "do not kill children, nor servants". The words used here to refer to servants and hired workers – wuÒafÁ', 'usafÁ' – are rare, and I have hardly seen them in use, except in these traditions. There is, in fact, no consensus regarding the meaning of these words. ShÁfi'Ð understood ÝasÐf as "slave", and on the basis of this tradition, he extended the category of "non-combatants" to include slaves as well, out of economic considerations[33]. In addition, a prohibition of killing farmers is sometimes attributed to 'Umar (though not to the Prophet)[34]. It seems that the opinion, according to which the category of "non-combatants" was understood as those not involved in warfare, was marginalized to a large extent. Prominence was given to the stricter view, according to which only those who are not able at all to contribute to warfare, could be included in the list of the "non-combatants," along with the original four categories mentioned in the early list (or original two – only women and children – according to one of ShÁfi'Ð's opinions, or original three – women, children and the elderly – according to one of the opinions attributed to AbÙ ÍanÐfa). The original list was expanded to include those who are not able to contribute to warfare: the disabled, chronically ill, blind, insane, retarded and the like. This expansion was based on analogy: for example, one who suffers from a disability or a defect is like an old person whom the Prophet forbade to kill[35]. The distinctions became more and more precise and minute. For instance, at the end of the 6th/12th century, the "non-combatants" list of the ÍanafÐ jurist, KÁsÁnÐ, reads as follows: women, children, the very old, the disabled, paralyzed, blind, those who have no right arm, those who have a leg and an arm missing (from opposite sides of the body), the retarded, the monks residing in cells, the solitary wayfarer living in the mountains, monks living in their homes or those living in churches who do not venture outdoors. KÁsÁnÐ explicitly excludes from this list priests, a wayfarer who is in contact with other people, people suffering from temporary insanity, the mute, the deaf, those missing their left hand or missing one leg. The fact that KÁsÁnÐ mentions all these groups probably means that their inclusion in the list of the "non-combatants" was discussed. A person missing his left hand, for example, is able to fight with his right one, therefore he is excluded from the list of those who may not be harmed. The list includes only those whose disabilities keep them from making any kind of contribution to battle. Anyone who is able to fight or to contribute to the battle (ahl al-qitÁl) may be killed, regardless of whether they actually take part in battle. Women and children, and those who have withdrawn from society in an extreme fashion, are not physically disabled, but they may be regarded as socially and religiously restricted.[36] The later, stricter principle sometimes co-existed with the older one. Thus the ÍanbalÐ Ibn QudÁma (d. 620/1223) explains that a sick person who might recover and then take part in the battle must be killed, but that if he is terminally ill, "there is no fear that he will be able to fight." Yet the same Ibn QudÁma preserves to a certain extent the early principle that bystanders should not be harmed; he holds that farmers should not be killed, if it is certain that they do not take part in battle. He bases this opinion on three arguments: a tradition attributed to 'Umar, the customary practice of the Companions during the conquests and the opinion of the early Syrian jurist, AwzÁÝÐ. He refutes the opposing opinion of ShÁfi'Ð[37]. Again the same Ibn QudÁma elsewhere lists, along with the four original categories, only the disabled, the blind and the androgynous; the latter are included since they might in fact be women and as such should not be killed.[38] The ÍanbalÐ Ibn MufliÎ (d. 763/1361) left on the list as well as those suffering from various disabilities also farmers, slaves and even Jewish sages (Îabr)[39]. A restricted list is typical of ShÁfi'Ð jurists, who abided as far as they were able by the general directive in the Qur'Án, "kill the infidels." Their list was extended to include only slaves, the insane and the androgynous. The lives of all the others are forfeit, as they say, "also monks, hired workers, the blind and the disabled, even if they are unable to fight or to contribute to war by giving counsel". Nevertheless, there is no unanimity among all ShÁfi'Ð jurists, except in what regards women and children. The ShÁfi'Ðs exclude them from the Qur'Ánic directive "kill the infidels," due to the existence of an authentic Prophetic saying (ÎadÐth) prohibiting to kill them. It should be pointed out that this hadith contradicts the plain meaning of the Qur'Ánic verse and yet the ÎadÐth, and not the verse, is considered to be decisive.[40]

---

[27] ÓabarÐ, *IkhtilÁf*, 6-8. This permission is given since harming "non-combatants" under these circumstances is considered unintentional. See the section on "Prohibitions concerning 'non-combatants'."

[28] ÓabarÐ, *IkhtilÁf*, 12; cf. the opinion attributed to AbÙ ÍanÐfa in SarakhsÐ, *MabsÙÔ* 10/137: women, minors, the very old, the disabled or chronically ill; contradictory opinions are attributed to him concerning monks. According to Ibn 'Abd al-Barr, *TamhÐd* 16/138-139, AbÙ ÍanÐfa and MÁlik included in the list of "non-combatants" the blind, the retarded, the paralysed and the monks residing in cells (as well as women and minors).

[29] ÓabarÐ, *IkhtilÁf*, 10. According to Ibn 'Abd al-Barr, *TamhÐd* 16/138-139, AwzÁÝÐ included women, monks, the insane, the very old and farmers.

[30] AbÙ YÙsuf, *KharÁj*, 194, 196.

[31] ShÁfiÝÐ, *Umm* 4/254, 305; ÓabarÐ, *IkhtilÁf*, 11-12; MÁwardÐ, *ÍÁwÐ*, 14/193 gives this position legal justifications. Ibn Íazm, *MuÍallÁ* 5/351 shares ShÁfiÝÐ's opinion, arguing that the Prophet did not spare servants, merchants, farmers and the very old. See also QurtubÐ, *TafsÐr* 2/349.

[32] Ibn 'Abd al-Barr, *TamhÐd* 16/139, note the omission of the elderly.

---

[33] Cited in Ibn QudÁma, *MughnÐ* 9/250. See the tradition, for example, in IbnAbÐ Shayba, *MuÒannaf* (Beirut) 7/654.

[34] Ibn QudÁma, *MughnÐ* 9/251.

[35] See, for example, Ibn QudÁma, *KÁfÐ* 4/267.

[36] KÁsÁnÐ, *BadÁ'î* 7/101; cf IbnNujaym, *BaÎr* 5/84; MarghinÁnÐ, *HidÁya* 2/815.

[37] Ibn QudÁma, *MughnÐ* 9/251.

The prohibitions concerning the "non-combatants" during and after combat

When discussing this topic, the distinction drawn above between "non-combatants" during combat and "non-combatants" who have been taken prisoner is no longer sufficient. An additional distinction is necessary, namely, one made between innocent "non-combatants" - those who do not take part in combat - and those who do take part, in one way or another (see the section "Participation in warfare" below). The latter are not always treated like regular warriors. Thus there are in fact four categories of "non-combatants": two during combat: the innocent and those who contribute to the war effort, and another two in captivity: again, the innocent "non-combatants" and those who contributed to the war effort. It should be mentioned again that the jurists usually do not mention these distinctions explicitly and it is often unclear which category they have in mind when setting down their rules.

Innocent "non-combatants" during combat

During combat, the prohibition of harming innocent "non-combatants" hardly takes effect. The ShÁfi'Ð jurist, MÁwardÐ, even claims that any prohibition of harming "non-combatants" refers, in fact, only to prisoners, and not to "non-combatants" during combat, when everything is permitted (mubÁÎ)[41]. ShÁfi'Ð himself, as well as most jurists of all schools, do not go that far. They do, however, restrict the prohibition to that of intentional harm, while unintentional harm is not considered to be a breach of the law. According to the legal definition, unintentional harm (ghayr 'amd) is not the equivalent of accidental harm (khaÔa'), which is caused by distraction, like a "stray bullet" (or stray arrow). A person who causes accidental harm is not aware of the consequences of his deed, while a Muslim fighting the infidels, among whom there are also "non-combatants", knows what might happen during battle. Such knowledge, however, does not make him responsible, in fact the opposite is the case. The difference between accidental and non-intentional harm is reflected in the rules governing each of the cases, as follows: a Muslim who harms another Muslim (or a dhimmÐ or a musta'min) accidentally has to perform expiatory acts (kaffÁra) in order to acquire absolution of his fault. Harming a "non-combatant" during combat, on the other hand, is always regarded as unintentional or even permissible (mubÁÎ); if innocent "non-combatants" are hurt during combat, or killed, there is "no harm" in this (lÁ ba's), and the person who committed the act is not punished, nor is he required to pay blood-money or to perform expiatory acts[42]. The effect of this is a severe limitation of the prohibition to inflict harm on innocent "non-combatants". Thus, most jurists, both early and late, permit firing at enemies who use women and minors as shields, as long as the Muslims do not aim at the women and the minors[43]. Likewise, the use of non-discriminatory weapons and tactics, such as ballistas, flooding, setting alight a fortress and launching an attack by night, is usually permitted. All these might harm women and minors (for some reason, these discussions are always about women and children and not about other "non-combatants"), but they are always considered to be without ill-intent.[44] I have not seen in the sources any discussion of cases of Muslims intentionally causing harm to "non-combatants", nor have I seen any jurist who holds a Muslim responsible for harming innocent "non-combatants" during combat.

---

[38] Ibn QudÁma, *KÁfÐ* 4/267. Other schools discuss the androgynous too, e.g. the ShÁfi'Ðtes, see ShÐrazÐ, *Muhadhdhab* 2/233

[39] Ibn MufliÎ, *FurÙ'* 6/211; Ibn QudÁma, *MughnÐ* 9/250.

[40] ZakariyÁ al-AnÒÁrÐ, *FatÎ* 2/300; ShÐrazÐ, *Muhadhdhab* 2/233-234; these two authors add emissaries to the list of those who must not be harmed, since "this is the custom." Emissaries are usually not mentioned in the context of "non-combatants." For other lists, see, for instance, Ibn QudÁma, *MughnÐ* 9/250; SarakhsÐ, *MabsÙÔ* 10/79 and above, notes 23, 24.

[41] MÁwardÐ, *ÍÁwÐ*, 14/184.

Finally, it is worth referring again to the contradiction in ShÁfi'Ð`s positions concerning monks, this time in the context of the permissible conduct towards them. As recorded in the KitÁb al-umm, on one occasion he prohibits killing them and taking them prisoner, as well as looting their property. A few pages before this, he holds that monks should not be killed, but that their property, wives and children (sic.) belong to the Muslims. Elsewhere, later on, we read that monks are to be treated like all the other infidels: their lives are forfeit during combat without any reservations or restrictions, and they are in fact not considered "non-combatants".[45]

### "Non-combatants" who take part in combat

Taking part in combat is not limited only to taking up weapons, as will be clarified in the following section. It is widely agreed that the lives of "non-combatants" who take part in combat are forfeit, like those of the warriors themselves[46]. ShÁfi'Ð, although usually severe in his attitude towards the infidels, is cautious when it comes to women and children taking part in combat, probably because of the explicit traditions from the Prophet. He does not say outright that they should be killed, but rules that "there is no need to be careful not to harm them with weapons."[47] The same Prophetic traditions caused MÁlik to rule that women and minors should not be killed even if they fight the Muslims.[48] There were later MÁlikÐs who rejected this opinion of MÁlik and shared with other schools the view that during battle, the lives of "non-combatants" taking part in the fighting are forfeit[49].

---

[42] ÓabarÐ, *IkhtilÁf* 5; ShÁfiÝÐ, *Umm* 4/252-253, 7/369; MÁwardÐ, *ÍÁwÐ* 14/184; SarakhsÐ, *MabsÙÔ* 10/65; Ibn 'Abd al-Barr, *TamhÐd* 16/145; Ibn Nujaym, *BaÎr* 5/85; DirdÐr, *SharÎ* 2/177; Ibn MufliÎ, *FurÙ'* 6/217, and see above p. 4.

[43] This is the issue of *tatarrus* (the use of human shields), see, for example, ShÁfiÝÐ, *Umm* 4/258, 7/369; MÁwardÐ, *ÍÁwÐ* 14/186-187 (but they also cite the opinion that the Muslims should not fire at all in this case), 7/369; Ibn MufliÎ, *FurÙ'* 6/210; KÁsÁnÐ, *BadÁ'i'* 7/101; ZakariyÁ' al-AnÒÁrÐ, *FatÎ* 2/300; according to MÁlik and AwzÁÝÐ, the Muslims should not fire at all at the enemy taking cover behind women and minors, see ShÁfiÝÐ, *Umm* 7/369; ZuÎaylÐ, ÀthÁr 497-498. ZuÎaylÐ omits mention of the fact that most jurists do permit firing "without aiming" at women and minors. This omission is one of many examples of the apologetic tendency of his book, see note 12 above.

[44] ShÁfiÝÐ, *Umm* 4/ 256, 257, 274, 7/369, 8/378; ÓabarÐ, *IkhtilÁf* 5-8; SarakhsÐ, *MabsÙÔ* 10/65, Ibn 'Abd al-Barr, *TamhÐd* 16/143-145. Some jurists limit the permission to a situation when there is no other choice and no other way to overcome the enemy, or when the Muslims are in danger, see, e.g.., ZurqÁnÐ, SharÎ 3/16.

[45] ShÁfiÝÐ, *Umm* 4/265, 303, see also pp. 10-11 above.

Innocent "non-combatants" who have been taken prisoner

At the outset, the difference between a situation of combat and the situation following combat should be made clear. During combat, the permission to kill "non-combatants" or the prohibition thereof applies to every Muslim warrior. When it comes to prisoners, the general rule is that the only one who has authority to determine their fate is the Imam[50]. This is the reason why the law forbids Muslims in general to kill prisoners, whether warriors or "non-combatants"; only the ruler and his representatives have the authority to execute a prisoner. Despite this, no punishment is meted out to a Muslim who kills a prisoner. A justification for this is the idea that the life of a prisoner is forfeit to begin with, being an infidel (he is mubÁÎ al-dam and not ma'ÒÙm)[51]. Certain jurists rule that a Muslim who kills a woman – or a minor – prisoner has to pay their price to the public treasury (bayt al-mÁl), but this is a payment of compensation rather than a punishment for a crime. As will be presently shown, women and minors are considered to be property, and whoever kills them must pay the damage incurred by their death to the public treasury[52].

Since there is a prohibition of killing "non-combatants," however limited, the Imam cannot treat them as warriors and execute them when taken prisoner (unless they had taken part in the fighting against the Muslims, see above). One of the legal opinions concerning them holds that by becoming prisoners the "non-combatants" have become enslaved[53]. More often than not, "non-combatant" male prisoners are excluded from this rule so that it is applies only to women and minors. The latter should not be killed, regardless of whether or not they belong to the People of the Book, but they become enslaved once they have been taken prisoner; they are of the same status as any other property that falls into Muslim hands[54]. Nevertheless, discussions of the following issues are found in the sources: may women and children be released with no remuneration? May they be ransomed for money? May they be exchanged for Muslim prisoners? It goes without saying that different jurists rule differently regarding to these issues. Some think that women who remain in Muslim hands might eventually convert to Islam, and that minors become converted to Islam by their captors; therefore, they should under no circumstances be returned to the enemy. Others hold the same view for different reasons: they fear that, if returned to the enemy, the minors would grow up to fight the Muslims and the women would give birth to sons who would fight against the Muslims. Still others attach priority to releasing Muslim prisoners and therefore allow exchanging women and children for Muslim prisoners[55].

---

[46] ÓabarÐ, *IkhtilÁ*f, 9; ZuÎaylÐ, ÀthÁr, 418, 419, 497; SarakhsÐ, *MabsÙÔ* 10/5, ZakariyÁ' al-AnÒÁrÐ, *FatÎ* 2/300; Ibn QudÁma, *MughnÐ* 9/250-252; see also the references in the section "Participation in combat."

[47] ShÁfiÝÐ, *Umm* 4/253. But ShÐrÁzÐ, who adhered to the ShÁfi'Ð school, permitted to kill women warriors, see *Muhadhdhab* 2/233.

[48] ÓabarÐ, *IkhtilÁf* 8 -9. Al-ThawrÐ distinguishes between women, who should be killed if they participate in combat and minors, who should not be killed; ÓabarÐ, ibid., 9.

[49] Ibn 'Abd al-Barr, *TamhÐd* 16/138. He mentions that there were jurists whose opinion was different but does not name them.

[50] See above p. 6-7. But see SarakhsÐ, *MabsÙÔ* 10/137, where AbÙ ÍanÐfa allows a captor to kill a prisoner.

[51] ShÁfiÝÐ, *Umm* 4/274,305; MÁwardÐ, *ÍÁwÐ* 14/177' Ibn MufliÎ, *FurÙ'* 6/212, 217; SarakhsÐ, *MabsÙÔ* 10/64; Ibn Nujaym, *BaÎr* 5/85.

[52] ShÁfiÝÐ, *Umm* 4/305; ZuÎaylÐ, *ÀthÁ*r, 418. According to ZuÎaylÐ, this is the ShÁfiÝÐ opinion, but I have found ÍanbalÐs of this same opinion, see Ibn MufliÎ, *FurÙ'* 6/211; the MÁliki jurist, DirdÐr, applies this rule to all the "non-combatants" and not only to women and minors, *Sharh* 2/177.

[53] Ibn MufliÎ, *MubdiÝ* 3/326; Ibn MufliÎ, *FurÙ'* 6/217-218; Ibn QudÁma, *MughnÐ* 9/249; MardÁwÐ, *InÒÁf* 4/133.

There is a wide range of opinion regarding "non-combatant" male prisoners. According to some, they should be treated like warriors who had been taken prisoner, namely, the Imam is to decide their fate applying one of the options mentioned above: execution, enslavement, and release (with no recompense, or release in exchange for money or for Muslim prisoners)[56]. This means that, in the case of "non-combatant" male prisoners, the state of captivity cancels out the distinction between combatants and "non-combatants"; the only distinction that remains is that between women and minors on the one hand, and men, on the other. The idea underlying this approach seems to be that the inability to fight (which makes one a "non-combatant") is no longer relevant. Presumably, once the state of war is over, and a prisoner cannot engage in combat in any case, the distinction between combatants and "no-combatants" is unnecessary. The very same idea can lead to the opposite conclusion. SarakhsÐ holds that blind, paralysed and retarded prisoners should not be executed, because as prisoners they can cause no harm, therefore there are no grounds for killing them. SarakhsÐ is only one of the jurists who think that the distinction between combatants and (male) "non-combatants" is not annulled by the state of captivity and that the restricted immunity of the latter is valid both during and after combat[57]. Therefore, the ruler or his representative may not execute them but he may choose between the remaining options of the treatment of prisoners. Some jurists offer the ruler only two options: to release the prisoner with, or without, recompense. This means that, according to them, male "non-combatant" prisoners cannot be enslaved (contrary to the Arabian pre-Islamic custom)[58]. There are ÎanbalÐs who went so far as to forbid taking male "non-combatants" prisoner altogether, or at least those who are of no use to the Muslims[59]. The MÁlikÐs and the early Syrian jurist, AwzÁÝÐ, apply the prohibition of taking prisoners only to monks[60]. Moreover, MÁlik maintains that the monks should be left with means to keep themselves alive[61].

---

[54] Ibn QudÁma, *KÁfÐ*, 4/271; Ibn Muflih, *FurÙÝ* 2/218. MÁwardÐ cites ShÁfiÝÐ as allowing to kill female prisoners who do not belong to the People of the Book, cited in ZuÎaylÐ, *ÀthÁr*, 418.

[55] See, e.g., AbÙ ÝUbayd, *AmwÁl* 61; Ibn MufliÎ, *FurÙÝ* 6/217; Ibn QudÁma, *KÁfÐ* 4/272-273; SarakhsÐ, *MabsÙÔ* 10/138-140, see details in ZuÎaylÐ, *ÀthÁr*, 420-427.

[56] MáwardÐ, *ÎÁwÐ* 14/173; Ibn QudÁma, *MughnÐ* 9/179; Ibn Nujaym, *BaÎr* 5/84, and see in the following note the opposite opinion of SarakhsÐ, who, like Ibn Nujaym, is a ÎanafÐ.

[57] SarakhsÐ, *MabsÙÔ* 10/64; ZuÎaylÐ, *ÀthÁr* 427-428.

[58] All these opposing opinions are within the ÎanbalÐ school, see Ibn Muflih, *FurÙÝ*, 6/217-218; Ibn QudÁma, *MughnÐ* 9/179.

"Non-combatants" who had participated in battle and were taken prisoner

Early jurists were of the opinion that "non-combatants" should not be harmed once taken prisoner, regardless of whether they participated in combat against the Muslims or not, since they no longer pose a threat[62]. Among the later jurists some permitted executing them, as a punishment for having participated in combat, while others preserved the early view[63]. There were ÍanafÐ jurists who distinguished between the prisoners on the basis of the concept of legal accountability: after the battle had ended, they no longer distinguished between combatants and "non-combatants," distinguishing rather between those who can be held legally accountable in a court of law (mukallaf) and those who cannot. Those who are accountable are treated like warriors who have been taken prisoner. Thus a woman and an elderly person who took part in combat may be executed. Those who are not legally accountable – there are jurists who specify this as referring to minors and the insane – may not be executed after being taken prisoner, even if they killed Muslims during battle[64].

An issue related to captivity is that of the fate of prisoners who cannot walk because of an illness or any similar reason. Discussions of this kind may refer to prisoners at large and not necessarily to "non-combatants", and at times it is unclear whether or not the latter are included. The ÍanbalÐs disagree among themselves on this matter: some permit to kill such a prisoner, while others forbid it. As far as I have seen, such permission is given only with regard to men[65]. AbÙ ÍanÐfa, however, is unequivocal on this issue: in case the prisoners cannot be taken to Muslim territory, the women and children must be released and the men killed. According to ShÁfiÝÐ, regarding the same case, the men may be killed, although this is not obligatory, while the women and children may not be killed[66]. This particular topic is sometimes discussed without any solution being proposed: Ibn Nujaym states that "non-combatants" should not be left in enemy territory unless they are unable to procreate (men) or give birth (women), but he does not say what should be done with prisoners who cannot be taken to Muslim territory and do not meet these criteria[67]. The early jurist, al-ThawrÐ, on the other hand, sets down a clear and simple rule in this case: women, minors and the elderly who cannot be taken to Muslinm territory should be left behind, whereas monks must pay jizya or be executed[68].

---

[59] Ibn QudÁma, *KÁfÐ* 4/271; Ibn Muflih, *MubdiÝ* 3/326-327; MardÁwÐ, *InÒÁ*f 4/133. Some ÍanbalÐs, however, hold that the state of captivity transforms all the "non-combatants" into slaves, see note 53 above.

[60] For the MÁlikÐs see ÓabarÐ, *IkhtilÁf*, 9-10; DirdÐr, *SharÎ* 2/177; ZuÎaylÐ, *ÀthÁ*r 428. For AwzÁÝÐ, see FazÁrÐ, *Siya*r 334, ÓabarÐ, *IkhtilÁf*, 10.

[61] Ibn ÝAbd al-Barr, *TamhÐd* 16/139; SaÎnÙn, *Mudawwana* 3/6.

[62] ÓabarÐ, *IkhtilÁf*, 9 (AwzÁÝÐ, ShÁfiÝÐ).

[63] ZuÎaylÐ, *ÀthÁ*r 418, 427.

[64] SarakhsÐ, *SharÎ* 4/1416, *MabsÙÔ* 10/64; Ibn Nujaym, *BaÎr* 5/84; MarghinÁnÐ, *HidÁya* 2/816; cf, al-ThawrÐ's position, note 48 above.

[65] Ibn Muflih, *FurÙÝ* 6/211.

[66] ShÁfiÝi, Umm 4/274, 305; ÓabarÐ, *IkhtilÁf*, 132, 133; SarakhsÐ, *MabsÙÔ* 10/36.

[67] Ibn Nujaym, *BaÎr* 5/85.

### Actions that constitute participation in combat

There are many points of contention regarding this matter. It appears that in the early period the lives of the "non-combatants" were forfeit only if they actively took part in combat. The early scholar, al-Íasan al-BaÒrÐ (d. 110/728), related that the Prophet's Companions used to kill women and children who had acted against them[69]. The early Syrian jurist, AwzÁÝÐ, held that "non-combatants" should not be harmed on account of the mere possibility or the fear that they might cause harm, but only if they actually do so[70]. Even ShÁfi'Ð, who took an extreme position towards infidels, wrote that only actual fighting makes the lives of monks, women and children forfeit. If they turn Muslims over to the enemy, or supply weapons to the enemy, they are punished but not killed[71]. MÁlik, on the other hand, rules that "anyone who is feared must be killed.[72]" SufyÁn al-ThawrÐ rules that the blind and the disabled must be killed if they have the strength to fight[73]. This reflects the principle that a potential to commit a hostile act is equivalent to committing it. The concept of participation in combat, which makes the life of a "non-combatant" forfeit, was extended to include such actions as espionage, turning Muslims over to the enemy, agitation and giving counsel to the enemy. Even having a position of authority among the enemy, the mere suspicion of having taken part in battle, the ability to take part in battle or to give counsel, or to cause any kind of damage even if not directly connected to battle – all these became factors which made the life of a "non-combatant" forfeit[74]. The jurists differ on these matters as they do on most topics. First, different jurists cite different factors; second, not every factor is applied to every "non-combatant." The matter of giving counsel or the ability to procreate is mentioned in connection with the very old (and not, for instance, the ill or the disabled). The suspicion or knowledge of assistance to the enemy is mentioned in relation to monks (and not, for instance, the old, the insane etc.)[75]. The reason for this is historical: it was presumably monks who were suspected of assisting the enemy during the conquests; and it was the aged poet and tribal chief, Durayd b. al-Ñimma (executed by the Prophet), who served as an example of a "non-combatant" who can harm the Muslims by the counsel he gives to his people. Later sources sometimes would take a factor that had been applied to a specific group of "non-combatants", and apply it to other groups[76]. In any case, the statement by the ÍanafÐ Ibn Nujaym (10th/16th century) that "in our opinion, that which makes a person's life forfeit is combat" is meaningless in light of the fact that he considers "combat" to include the ability to shout, the ability to have children and mental clarity (which enables a person to give counsel)[77].

---

[68] FazÁrÐ, *Siyar*, 334-335, 358. As mentioned above, the early list of "non-combatants" included only these four categories.

[69] Cited in Ibn AbÐ Shayba (beginning of the 3rd/9th century), *MuÒannaf* (1970-1971) 12/389; cf. QurÔubÐ, *TafsÐr* 2/348: a minor who fights must be killed but not a woman.

[70] FazÁrÐ, *Siyar* 334; ÓabarÐ, *IkhtilÁf*, 10.

[71] ShÁfiÝÐ, *Umm* 4/253, 265. As pointed out above, ShÁfiÝÐ contradicts himself elsewhere (4/303) and claims that monks are like any other man belonging to the People of the Book and they must either convert to Islam or pay *jizya* or else be killed, see above note 25.

[72] Ibn ÝAbd al-Barr, *TamhÐd* 16/139.

[73] FazÁrÐ, *Siyar* 335, cf. a similar opinion regarding the disabled or the chronically ill (*zamnÁ*), QurÔubÐ, *TafsÐr* 2/349. See also above, p. 12.

[74] See, e.g., KÁsÁnÐ, *BadÁÞi'* 7/101, and the references in notes 36-37; Ibn Muflih, *FurÙÝ* 6/211; Ibn QudÁma, *KÁfÐ* 4/267.

[75] See,e.g., Ibn Muflih, *FurÙÝ* 6/211.

[76] See ibid., 6/210-211; Ibn Muflih lived in the 8th/14th century.

Special stipulations are sometimes mentioned concerning women. Some jurists allow killing a woman if she curses the Muslims or exposes herself to them: these are actions that, when carried out by women, constitute participation in combat[78]. We might well wonder why a blind or a handicapped person who curses the Muslims is not treated equally. The answer is probably related to the special role played by women in combat – a role that is considered "women's business," just as lamenting the dead is an affair for women. There are hardly any references to this in the legal works I have seen, but a hint can be found in QurÔubÐ's interpretation of Qur'Án 2: 190. Here it is said that women may cause damage, either by financing war or by agitation. They might set out with their hair down, issue battle cries and berate those who escape from battle with the Muslims; all this constitutes participation in combat. In spite of this, QurÔubÐ prefers that such women be taken prisoner rather than killed[79]. SarakhsÐ bases the special directives concerning women on the Prophetic custom: he is referring to traditions according to which the Prophet allowed killing women who cursed him and incited others against him[80].

## Conclusions

### A. The sources of contention

In light of the many points of contention regarding the list of the "non-combatants" and other matters, one may wonder how and why they arose. It seems to me that they do not arise, for example, out of contradictory Qur'Ánic directives, since the Qur'Án hardly deals with these matters. Only rarely was one verse or another adduced as a justification for the prohibitions on harming "non-combatants.[81]" Neither could the various contradictory Prophetic traditions (ÎadÐths) give rise to contention. As is well known, traditions were often forged to back up arguments, and jurists cited them as part of ongoing disputes. Contradictory traditions therefore reflect the result of the disagreements rather than the reason for them. The same can be said of the different, sometimes contradictory, interpretations of Qur'Ánic verses and of traditions.

The disputes regarding "non-combatants" appear to me to have arisen first and foremost because of a conflict between different principles, such as that which states that the lives of the infidels are forfeit, as opposed to the general principle that one should kill only when it is absolutely necessary or because there is legal ground for doing so. According to the statements of the ÍanafÐs, they think that only aggression on the part of the infidels makes their lives forfeit, therefore those who are unable to fight – like the disabled – should not be harmed[82]. This means that the ÍanafÐs attached greater importance to the general principle than to the anti-infidels one. On the other hand, the

---

[77] Ibn Nujaym, *BaÎr* 5/84.

[78] Ibn MufliÎ, *FurÙÝ* 6/211 (with a reference to the fact that this is not the opinion of all ÍanbalÐs).

[79] QurÔubÐ, *TafsÐr* 2/348; Ibn MufliÎ, *FurÙÝ* 6/211.

[80] SarakhsÐ, *SharÎ* 4/1418-1419.

[81] Qur'Án 2: 190: "And fight in the way of God with those who fight with you, but aggress not."

[82] See,e.g., MarghinÁnÐ, *HidÁya* 2/815; SarakhsÐ, *MabsÙÔ* 10/4-5, 30-31, 64, *SharÎ* 4/1415.

ShÁfiÝÐs accept at face value the directive in the verse "kill the infidels"[83]; idolatry is, according to them, the legal ground for killing, and the lives of the infidels are forfeit – including the disabled, the elderly, etc. However, two points should be emphasized. First, there are disagreements within each school, and there are surely ShÁfiÝis and ÍanafÐs whose views are not compatible with these statements. Second, the disagreement between the ShÁfiÝÐs and the ÍanafÐs is not as great as it seems at first. The ÍanafÐ jurist, SarakhsÐ, states that the lives of all humans are basically protected (al-ÁdamÐ fi-l-aÒl maÎqÙn al-damm, note that he does not say ma'ÒÙm); this formulation creates the impression that he is cautious when it comes to the lives of all human beings, and only allows warfare against aggressors, but this is not the case. SarakhsÐ permits, for instance, the use of non-discriminatory weapons and tactics, such as ballistas and flooding, and exempts those who harm "non-combatants" from responsibility, as do the ShÁfiÝis[84]. In addition, the ÍanafÐ's concept of "combat" is very expansive. As shown above, this concept includes the refusal to convert to Islam, the ability to perform certain activities, such as shouting, and a certain way of life too: being a monk is to them the equivalent of taking part in combat, since this presents exemplary behavior to the infidels. Thus the number of non-aggressors whose lives are protected is very small[85].

A second source of disagreement is the different interpretations given to the basic legal principles. For instance, one of the basic principles is that of utility and damage. When applied to war this principle dictates that whoever inflicts damage on the Muslims must be killed, even if he/she is a "non-combatant". When interpreted in an extended manner this principle dictates, for example, that whoever is capable of procreation must be killed, since they might in the future increase the number of enemies. Thus various answers were given to the question, whose life is forfeit and under what circumstances.

B. Inconsistency

All the people mentioned in the lists recorded above were included in them on the assumption that they do not take part in combat. However, as shown in this article, Muslim law does not adhere to the distinction between those who take part and those who do not: it adheres to the lists. The result is a one- way movement, from within the lists outwards. That is to say: when a person included in the lists acts contrary to the assumptions and takes part in combat, he/she is withdrawn from the list and is not considered a "non-combatant". But, when a young healthy free male acts against the assumptions and refrains from taking part in combat, he is not put on the list of "non-combatants". This means that Muslim law does not in fact distinguish between soldiers and civilians. The distinction made is between those who are subject to certain disabilities and limitations (in body, in mind, and in religious and social behaviour) and those who are not. Only the former enjoy some immunity from harm, provided they do not contribute in any way to the combat against the Muslims. This one-way movement may be considered as inconsistency in the law.

Inconsistency in adopting and applying the legal principles is common to all the legal schools. For example, ShÁfi'Ð rules that the directive in the verses reading "kill all the idolaters" is comprehensive and absolute ('Ámm). This means that no exception is to be made. But ShÁfi'Ð and his followers feel themselves bound by the Prophetic tradition and the ancient custom stipulating that women and minors must not be killed. In other words, ShÁfi'Ð and his followers do not consistently apply the Qur'Ánic principle that the blood of all idolaters is forfeit. On the other hand the ÍanafÐs expressly argue that all humans basically enjoy immunity from harm, and only aggression on the part of a person constitutes legal grounds for killing him. But the ÍanafÐs do not apply this principle of the immunity of the innocent to all by-standers: They have their lists of the "non-combatants". Furthermore, as shown above, they permit the use of indiscriminate weapons and tactics (which may harm the innocent) as well as the execution of prisoners (who can no longer harm the Muslims). Reportedly AbÙ ÍanÐfa allows Muslim captors to kill prisoners even before bringing them before the commander[86]. The ÍanbalÐ jurist, Ibn QudÁma, explains in the 7th/13th century that an old man should not be killed because he is not one of the combatants (laysa min ahl al-qitÁl); in spite of this, he does not apply this prohibition to others who are in practice also non-combatants[87]. And if we were to assume, based on common sense, that the principle of self-defence would apply in any case, we then find that MÁlik forbids harming women and children, even if they fire at the Muslims[88]. Even the principle of utility is not applied consistently. For instance, the jurists state that this is the principle that determines the fate of the prisoners: they should be released if there is a chance that they will convert to Islam, or they should be exchanged for ransom or for Muslim prisoners; they should be killed if this will weaken the enemy, or they should be enslaved[89]. Had the law been consistent, these same options would be relevant also to women and children. The opposite also holds true: the jurists explain that women and children are considered property and hence should not be killed; the same could be said of male prisoners, but the law does not take this approach[90]. Different rules regarding different groups included in the list of "non-combatants" are also evidence of inconsistency[91]. This inconsistency shows that there was no general concept of non-combatants whom it is forbidden to harm.

---

[83] See, e.g., Ibn QudÁma, *MughnÐ* 9/250; ZakariyÁ' al-AnÒÁrÐ, *FatÎ* 2/300; the verse is 9:5.
[84] SarakhsÐ, *MabsÙÔ* 10/81, opposed to 30-31, see above.
[85] SarakhsÐ, *MabsÙÔ* 10/31, 137, see above, the section "Participation in combat."

### C. The concept of non-combatants

It is no accident that Muslim law has no term analogous to that of the non-combatants, or civilians, in the International Law. Rather, it has defined lists of various categories of people, which do not include all the non-combatants. These lists are based on an ancient and deeply rooted tradition, according to which four categories of people should not be harmed: women, minors, the elderly and monks. It appears that at the basis of this tradition lies the principle, or custom, not to kill bystanders. Muslim law did not extend this principle to include all bystanders. On the contrary, this principle was largely rejected in favour of another principle, one that held that only those who are incapable of harming the Muslims in any way, due to physical, mental or other limitations, should not be harmed. The ShÁfiÝÐs refute this principle too, and prohibit harming only women and minors (because of the ancient tradition mentioned above), even though some of them extended this prohibition to others as well, on the basis of analogy.

---

[86] SarakhsÐ, *MabsÙÔ* 10/137-139 and see above, the section "Combatants who have been taken prisoner".

[87] Ibn QudÁma, *MughnÐ* 9/250. The phrase *ahl al-qitÁl*, however, caqn also mean "those who do not usually engage in fighting", and in that case there is no contradiction in his position.

[88] ÓabarÐ, *IkhtilÁf* 8.

[89] ShÁfiÝÐ, *Umm* 4/275, and see the section "Combatants who have been taken prisoner" above.

[90] QurÔubÐ, the 7th /13th centruy Qur'Án interpreter, was probably thinking of this inconsistency; see *TafsÐr* 2/348, where he explains: women tend to convert to Islam sooner than men and are also less likely to escape from captivity, hence they should be enslaved rather than killed, unlike men.

[91] See, for example, QurÔubÐ, *TafsÐr* 2/348: a woman who took part in combat should be killed; not so a minor, see also the section "Prohibitions concerning the "non-combatants" above.

The most stable element found in the rules concerning the "non-combatants" is that of refraining from harming women and minors. These two groups are mentioned in the earliest lists, and there are almost no disagreements about the prohibition of killing them under any circumstances. Even when men included in the list of "non-combatants" lose this classification after being taken prisoner, the lives of women and minors are still considered to be protected. When women and minors who have been taken prisoner cannot be taken into Muslim territory, the jurists do not order to kill them (unlike their ruling regarding male prisoners)[92]. An opinion permitting to kill women and children is rare and is considered aberrant (gharÐb)[93]. AbÙ YÙsuf's ruling concerning arbitration is yet another witness to the stability of the "non-combatants" status granted to women and children: According to Muslim law, the enemy have the option of surrendering unconditionally, entrusting the decision of their fate to a named Muslim arbitrator. AbÙ YÙsuf ruled that if the arbitrator decreed that women and children should be executed, his ruling contradicts the Prophetic Custom (sunna) and is therefore illegal[94]. It is also noteworthy that no distinction is made between women and children belonging to the People of the Book (kitÁbÐs) and those of other religions. The rule that forbids killing includes all women and children, whereas rules concerning men distinguish between kitÁbÐs and idolaters. By taking this approach towards women and children the Muslims are continuing a very long tradition[95].

Respect for early traditions transmitted from the Prophet and his close Companions (ÎadÐths) impelled many jurists to include the monks and the elderly in the list of the "non-combatants". To be sure, they sometimes explained their attitude on the basis of analogy (e.g., the elderly are harmless, like women). However, certain jurists did exclude these two categories from the list by denying the authenticity of the early ÎadÐths or by interpreting them in ways that allowed this exclusion.

It seems to me that, in our own way of thinking, a concept of non-combatants would be formulated first, and a list of protected people would be drawn up on that basis. But the attitudes towards non-combatants in Muslim law developed in a different way: there was first an original list of "non-combatants", probably based on ancient custom, and on the notion that bystanders should be left alone. The list took the form of ÎadÐths and became rooted in Islamic practice. Some of the earliest jurists, in the 2nd /8th century, readily accepted the tradition. Others had a different opinion, but they nevertheless respected the tradition and attempted to explain the list, or parts thereof, on the basis of analogy, or by applying the principle of utility. There were also attempts to explain away parts of the list, because the notion that bystanders should be left alone was not acceptable to all jurists. At the same time the list was expanded to include additional categories on the basis of analogy. All these processes are reflected in the remarks of the 7th/13th century ÍanbalÐ jurist, Ibn QudÁma: according to him, women and minors should not be killed, since this was forbidden by the Prophet, and in addition, they are considered to be property, and property should not be damaged; the elderly should not be killed, since this was forbidden by the Prophet, and in addition, they are unable to cause damage during war (lÁ nikÁya lahu fÐ al-Îarb) and they are thus like women; the disabled and the blind are like the elderly; AbÙ Bakr prohibited the killing of monks, and since they do not participate in combat for religious reasons, they are like those who are unable to fight; slaves who fall into Muslim hands become their property, like women and minors, hence they are treated in the same way as far as the prohibition of killing them is concerned[96].

---

[92] ShÁfiÝÐ, *Umm* 4/274, 305.

[93] ZurqÁnÐ, *SharÎ* 3/16.

[94] AbÙ YÙsuf , *KharÁj* 203.

[95] See Deuteronomy, 20:13-14.

The fact that various explanations were offered for the different categories leads to the conclusion that the list was not drawn up systematically according to a certain principle, but was rather gathered from various sources and extended on the basis of analogy. The later legal discussions remained very similar to those from earlier periods when the jurists were faced with questions based on analogy: "What is your opinion regarding the blind? How would you rule concerning the sick? And what of the disabled?" This is one the reasons why it is so difficult to follow the discussions in the legal sources. Another (related) difficulty is that each category in the lists is discussed separately and different reasons are adduced as explanation why it should not be harmed. Usually no systematic distinctions are made, and the discussions often revolve around some of the categories, ignoring others. The discussion about the permissibility of taking prisoners, for instance, is usually recorded as pertinent only to monks and not to others on the list. The elderly, the disabled, etc., are discussed separately. It can be said that there is no general concept of a category of non-combatants, nor is there one theoretical basis for the rules concerning them.

### D. The practical, moral and legal considerations[97].

Refraining from killing "non-combatants" is often explained in Muslim law on the basis of considerations of utility. The inconsistency in their application has been shown above, and apart from this, there is no need to explain such considerations. The moral principle, that is, the inculpability of those not involved in combat, is usually absent from the explanations offered by Muslim jurists. ZurqÁnÐ is exceptional in this regard; he explains the prohibition of killing women and minors as derived from the fact that they are unable to commit acts of idolatry (li-quÒÙrihim Ýan fiÝil al-kufr). Exactly what he means by this is left unclear, since obviously women can be idolaters. The author, however, does not neglect to mention that leaving women and minors alive is useful, since they can be exchanged for Muslim prisoners or used as slaves[98].

The prohibition of killing "non-combatants" is sometimes explained with the words "they are not of those who fight" (laysa min ahl al-qitÁl, lÁ yuqÁtilÙn)[99]. This explanation may be taken as reflecting a moral approach, but it seems to me that the approach of those who offered it was legal rather than moral. If their reasoning had been purely moral, the principle of inculpability would have been applied to all those who do not actually participate in combat rather than only to those included in the list of the "non-combatants." As SarakhsÐ states, the prohibition of killing the "non-combatants" is based on the ensuing utility for the Muslims' gain, or on the absence of a legal basis for killing them[100]. No moral consideration is present. The case of rebels (ahl al-baghy) strengthens my interpretation. In this case, all those who do not take part in combat should not be killed, but for legal rather than moral reasons: their lives are immune (maÝÒÙm), because they are Muslims (see above).

---

[96] Ibn QudÁma, *KÁfÐ* 4/267, *MughnÐ* 9/250.

[97] The tension between the practical and moral imperatives is the subject of Abou al-Fadl's article "Rules of killing." He ignores the legal imperative.

[98] ZurqÁnÐ, *SharÎ* 3/16.

[99] E.g. ShÁfiÝÐ, *Umm* 4/253; SarakhsÐ, *MabsÙÔ* 10/29; Ibn QudÁma, *MughnÐ* 9/250, 252; Ibn ÝAbd al-Barr, *TamhÐd* 16/138.

It appears that in early Islam, the tendency to avoid killing farmers, shepherds, craftsmen, the disabled and deserters was indeed based on a moral consideration of inculpability. Although this is not stated explicitly, this seems to me to be the only possible interpretation of traditions such as the following: "'Umar wrote to the commanders to fight in the way of Allah and to fight only those who fight against them (emphasis mine), and not to kill women or minors, nor to kill those who do not use a razor" (namely, minors).[101] This moral tendency is reflected also in particular rulings. AwzÁÝÐ, for instance, prohibited the extraction of information from monks, since this might endanger them if they are later taken prisoner by the enemy[102]. Not much survived of this moral approach, not even the names of those who held it. They appear, for example, as ShÁfiÝÐ's adversaries, when he adduces arguments against them[103]. It is especially noteworthy that ShÁfiÝi uses the factor of inculpability rather in the case of animals. When asked whether it is permissible to destroy property in order to prevent it falling into enemy hands, he gives an affirmative answer, excluding animals: "animals have souls and they suffer if tortured; an animal has not sinned [and should not be killed except for consumption].[104]" The idolaters, by definition, are guilty, and therefore their suffering should be not be a consideration, even if they pose no threat to the Muslims. This distinction between a moral imperative and a legal one complements what has been said above: the lists of "non-combatants" were drawn up on the basis of analogy, drawn from a core list, and not on the basis of a moral principle. The only principle guiding the jurists was a legal one – that of immunity, 'iÒma, or to be precise, the lack of it as far as infidels are concerned. It seems that the approach of Muslim law to the idea of "non-combatants" is different from the distinction made by International Law between combatants and the civil population, even if, at first glance, the rules seem similar.

---

[100] SarakhsÐ, *SharÎ* 4/1415-1416.

[101] Abu ÝUbayd, *AmwÁl*, 23.

[102] FazÁrÐ, *Siyar*, 334; ÓabarÐ, *IkhtilÁf*, 10.

[103] See above pp. 13-14. Abou el-Fadl, "Rules of killing," claims the opposite: he says that from the 4th century AH the moral imperative overcame considerations of efficacy.

[104] ShÁfiÝi, *Umm* 4/274: *...li-annahu dhÙ rÙÎ ya'lam bi-l-'adhÁb wa-lÁ dhanb lahu* .

## Bibliography

Abou al-Fadl, "The rules of killing," = Abou al-Fadl,, Khalid "The rules of killing at war: an inquiry into classical sources", The Muslim World 89, 1999, 144-157.

AbÙ ÝUbayd, AmwÁl = AbÙ Ýubayd al-Qásim b. SalÁm, KitÁb al amwÁl. Beirut: MuÞasasat NaÒir l-'l-thaqÁfa, 1981.

, KitÁb al-kharÁj in , KharÁj = YaÝqÙb b. IbrÁhÐm, AbÙ YÙsuf AbÙ YÙsuf MawsuÝat al-kharÁj. Beirut: DÁr al-maÝrifa, n.d

Dirdir, SharÎ = AbÙ al-BarakÁt Aîmad al-Dirdir (MálikÐ). Al-SharÎ al-kabÐr. Beirut: DÁr al-fikr, n. d.

FazÁrÐ, Siyar = AbÙ IsÎÁq al-FazÁrÐ. KitÁb al-Siyar. Beirut: MuÞasasat al-risÁla, 1987.

Friedmann, Tolerance = Yohanan Friedman, Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition, Cambridge: Cambridge University Press, 2003

Ibn AbÐ Shayba, MuÒannaf (1970-1971) = ÝAlÐ b. MuÎammad b. AbÐ Shayba. Al-KitÁb al-muÒannaf fÐ 'l-aÎÁdÐth wa-l-ÁthÁr, 1970 – 1971.

Ibn AbÐ Shayba, MuÒannaf (Beirut) = ÝAlÐ b. MuÎammad b. AbÐ Shayba. Al-KitÁb al-muÒannaf fÐ 'l-aÎÁdÐth wa-l-ÁthÁr. Beirut: DÁr al-fikr. n. d.?

Ibn Íazm, MuÎallÁ = ÝAlÐ b. MuÎammad b. Íazm. Al-KitÁb al-MuÎallÁ. Beirut: DÁr al-fikr, 1984.

Ibn MufliÎ, MubdiÝ ? = IbrÁhÐm b. MuÎammad b. MufliÎ (ÍanablÐ). Al-MubdiÝ. Beirut: al-Maktab al-IslÁmÐ, 1400/1980.

Ibn MufliÎ, FurÙÝ = MuÎammad b. MufliÎ al-MaqdisÐ (ÍanbalÐ). KitÁb al-furÙÝ. Beirut: ÝÀlim al-kutub, 1405/1985.

Ibn NajÐm, BaÎr = Zayn b. IbrÁhÐm b. NajÐm (ÍanafÐ). Al-BaÎr al-rÁÞiq fÐ sharÎ Kanz al-daqÁÞiq. DÁr al-kitÁb al-IslÁmÐ, n. d.

Ibn ÝÀbidÐn, Íáshiyya = MuÎammad AmÐn b. ÝÀbidÐn (ÍanafÐ). Radd al-MkhtÁr ÝalÁ durr al-MkhtÁr. Beirut: DÁr al-fikr, 1387.

Ibn ÝAbd al-Barr, TamhÐd = YÙsuf b. ÝAbd AllÁh b. ÝAbd al-Barr (MálikÐ). Al-TamhÐd. Morocco: WizÁrat ÝumÙm al-awqÁf wa-l-shuÞÙn al-IslÁmiyya, 1387.

Ibn QudÁma, KÁfÐ = Muwaffaq al-DÐn b. QudÁma al-MaqdisÐ (ÍanbalÐ). Al-KÁfÐ fÐ fiqh Ibn Íanbal. Beirut: al-Maktab al-IslÁmÐ, 1988.

Ibn QudÁma, MughnÐ = Muwaffaq al-DÐn b. QudÁma al-MaqdisÐ (ÍanbalÐ). Al-MughnÐ ÝalÁ MukhtaÒar al-KhrqÐ. Beirut: DÁr al-fikr, 1405.

Johnson, "Roots," = James Turner Johnson, "Historical Roots and Sources of the Just War Tradition" in J. Kelsay and J.T. Johnson (eds.), Just War and Jihad, New York, Connecticut, and London: Greenwood Press, 1991, 3-30;
Johansen, Contingency = Baber Johansen, Contingency in sacred law, Leide, Koln and Boston: Brill , 1999

KasÁnÐ, BadÁÞiÝ = ÝAlÁÞ al-DÐn al-KasÁnÐ (ÍanafÐ). BadÁÞiÝ al-ÒanÁÞiÝ. Beirut: DÁr al-kitÁb al-ÝArabÐ. 1982.

MardÁwÐ, AÒnÁf = ÝalÐ b. SulaymÁn al-MardÁwÐ (ÍanbalÐ). Al-AÒnÁf. Beirut: DÁr iÎyÁÞ al-turÁth al-ÝArabÐ. N. d.

MarghinÁnÐ, HidÁya = ÝalÐ b. AbÐ Bakr al-MarghinÁnÐ (ÍanafÐ. Al-HidÁya sharÎ BidÁyat al-mubtadiÞ. Cairo: DÁr al-IslÁm. 1420/2000.

MÁwardÐ, ÍÁwÐ = ÝAlÐ b. MuÎammad al- MÁwardÐ (ShÁfiÝÐ). Al-ÍÁwÐ al-kabÐr fÐ fiqh al-ImÁm al-ShÁfiÝÐ. Beirut: DÁr alkutb al-Ýilmiyya, 1414/1994.

MawsÙÝa = WizÁrat al-awqÁf wa-l-shuÞÙn al-IslÁmiyya. Al-MawsÙÝa al-fiqhiyya. Kuwait: DÁr al-salÁsil. N. d.

Nardin, War and Peace = Terry Nardin (ed.), The Ethics of War and Peace, Princeton: Princeton University Press, 1993.

QurÔubÐ, TafsÐr = MuÎammad b. AÎmad al-QurÔubÐ. TafsÐr al-QurÔubÐ. Cairo: DÁr al-shaÝb, 1372.

al-RÁzÐ, TuÎfa = MuÎammad b. AbÐ Bakr al-RÁzÐ (ÍanafÐ). TuÎfat al-mulÙk fi fiqh madhhab AbÐ ÍanÐfa. Beirut: DÁr al-bashÁÞir al-IslÁmiyya, 1417.

SaÎnÙn, Mudawwana = SaÎnÙn b. SaÝÐd (MÁliki) . Al-Mudawwana al-kubrÁ. Beirut: DÁr Ñadir, n. d.

SarakhsÐ, MabsÙÔ = MuÎammad b. AbÐ Sahl al-SarakhsÐ (ÎanafÐ). Al-MabsÙÔ. Beirut: DÁr al-maÝrifa, 1406.

SarakhsÐ, SharÎ = MuÎammad b. AbÐ Sahl al-SarakhsÐ. SharÎ al-siyar al-kabÐr. Al-Sharika al-sharqiya l-l-iÝlÁnÁt.

ShÁfiÝi, Umm = MuÎammad b. IdrÐs al-ShÁfiÝi. KitÁb al-Umm. Beirut: DÁr al-Fikr, 1980.
Shirazi muhadhdhab

ÓabarÐ, IkhtilÁf = AbÙ JaÝfar b. JarÐr al-ÓabarÐ. KitÁb ilhtilÁf al-fuqahÁÞ. Leiden: Brill, 1933.

Walzer, ``Wars'' = Michael Walzer, Just and Unjust Wars, New York: Basic Books, 1992.

YÙsuf , AÎkÁm = MaÎmÙd ÝAbd al-FattÁÎ MaÎmÙd YÙsuf . AÎkÁm al-Îab fÐ al-sharÐÝa al-IslÁmiyya wa-l-qanÙn. Cairo; DÁr al-fikr al-ÝArabÐ, n. d.

ZakariyÁ al-AnÒÁrÐ, FatÎ = ZakariyÁ b. MuÎammad al-AnÒarÐ (ShÁfiÝÐ). FatÎ al-wahÁb bi-sharÎ Minhaj al-tullÁb. Beirut: DÁr al-kutub al-Ýilmiyya, 1418.

ZuÎaylÐ, ÀathÁr = Wahaba al-ZuÎaylÐ, ÀathÁr al-ÎÁrb fÐ al-fiqh al-IslÁmÐ: dirÁsa muqÁrina. Damascus; DÁr al-fikr, 1981.

ZurqÁnÐ, SharÎ = MuÎammad b. ÝAbd al-BÁqÐ al-ZurqÁnÐ (MÁliki). SharÎ ÝalÁ MuwwaÔÁÞ al-ImÁm Málik. Beirut: DÁr al-kutub al-Ýilmiyya, 1411/1990.

# Chapter IX

# Modern Sufi Attitudes toward the West: Four Naqshbandi Cases

-Itzschak Weismann-

# Modern Sufi Attitudes toward the West: Four Naqshbandi Cases

-Itzschak Weismann-

The mystical aspect of Islam rarely shows up in the contemporary public and scholarly debates concerning the relations between the Middle Eastern societies and the West. When mentioned, mainly owing to the revival in Sufi activity within the general resurgence of Islam in the last three decades or so, it is regarded at best as of secondary importance in comparison with the major religious and sociopolitical trends dominating the modern Middle Eastern scene – fundamentalism versus secularization, democratization or terrorism, internal culture wars and globalization.[1] Nevertheless, there is an obvious need for understanding Muslim religious approaches other than those of the vociferous Islamists. After all, to use Huntington's famous phrase, the answer to the crucial question regarding the relations between "Islam" and the "West" - are we heading towards accommodation or rather towards a "clash of civilizations" - depends to a large extent on whether a militant type of Islamism is to overtake Islam, or whether there will remain within the Islamic discourse space for other, more peaceful, religious interpretations, such as the Sufi one.[2]

Yet in order to fully appreciate the importance of Sufism for today's debates it is not enough to examine it against the backdrop of the present situation. A broader historical perspective reveals that on the eve of that fateful encounter with the West during the eighteenth and early nineteenth centuries, apart from the famous yet rather peripheral Wahhabi movement,[3] Sufi brotherhoods were the most dynamic form of socio-religious organization in the Middle East and in the Muslim world at large.[4] Alarmed at the inner decline of the great empires of the time - the Mughal, the Safavid, and the Ottoman – outstanding mystical thinkers and leaders emerged from among these brotherhoods who moved in to fill the gap by consolidating their structures, urging rulers to maintain law and order, and increasing their appeal among all sections of the society.[5] Sufis were also among the first to respond to the rising challenge of the West, either intellectually, by reformulating Islamic theology and law on the basis of their mystical revelations (*kashf*), or politically, by mobilizing their followers for jihad.[6]

Their remarkable contribution to the Islamic cause notwithstanding, by the end of the nineteenth century Sufis throughout the Muslim world came under increasing multi-faceted attack.[7] The most obvious source of the challenge was indeed the penetration of the West, with its rationalist-secular mode of thinking and, what was perhaps of even greater consequence, of socioeconomic and political organization. This penetration has greatly accelerated recently, in the wake of the global communications revolution, leaving little room for the divine secret.[8] But more formidable have been the inner-Muslim rivals of Sufism. These were, on the one hand, the modern State, which has exploited Western technology and discourse to take control of the civil society, and on the other hand, the no less modern Islamic fundamentalism (the Salafiyya and its derivatives), which rejected large parts of the

Muslim tradition in its struggle to preserve the autonomy of religion against both Western domination and the secular-autocratic State.[9]

In the face of such powerful enemies Sufism was compelled to retreat. During the twentieth century many Sufi branches, particularly the popular and quietist ones, were marginalized or even totally disappeared.[10] The more activist branches, however, were able to develop from within their own spiritual and organizational resources new strategies to survive, adapt, and at times even thrive. In many cases, this process of adjustment resulted in a partial or complete transformation of these brotherhoods into new religious structures, including educational societies, popular associations, economic enterprises and political parties.[11] The foremost example of this organizational transformation in the Middle East was the Society of the Muslim Brothers.[12] From another point of view, it may be argued that Sufi elements were transplanted onto these new-type religious structures, even when professing to be anti-Sufi, and helped in shaping their ideas and actions.

Modern Sufi attitudes toward the West should be examined within the context of such accommodations and transformations. In this paper I focus on four cases, all related to the Naqshbandiyya, the brotherhood which has proved the most capable of adapting to the modern situation.[13] Originating in the mystical tradition of the great masters (*khwajagan*) of Central Asia, this *tariqa*, whose name is derived from the epithet of the fourteenth century master from Bukhara, Baha' al-Din Naqshband, has always regarded itself as the most orthodox and activist among all Sufi brotherhoods. These traits were reflected in its definition of itself as the way of the companions of the Prophet (*tariqat al-sahaba*), in its use of a silent form of recollecting God (*dhikr khafi* or *qalbi*), and in the principle of *khalwat dar anjuman* (solitude in the crowd), one of its eleven foundational "words" which implied involvement in the affairs of society and state.[14] The Naqshbandi teaching was further elaborated and systematized in the early seventeenth century by Shaykh Ahmad Sirhindi, founder of its Indian offshoot of the Mujaddidiyya, a name which indicated his pretension to be the reviver of Islam in its second millennium (*mujaddid-i alf-i thani*). Apart from purely mystical themes, Sirhindi emphasized in his writings both the supremacy of the shari'a over the *tariqa* and the duty of the Naqshbandi shaykhs to seek influence with the rulers in order to guide them along the straight path.[15]

The practical emphases of Ahmad Sirhindi were implemented in the most comprehensive way during the early part of the nineteenth century, on the onset of the encounter between the Ottoman society and the West, by the Kurdish shaykh Khalid al-Shahrizuri (better known as al-Baghdadi).[16] In the quest to turn his own Naqshbandi-Mujaddidi offshoot into an effective socio-religious organization, Khalid introduced a number of innovations into its path. The most important among them concerned the practices of *rabita* – the constant binding of the disciple's heart to his master – which he ordained should be directed solely towards himself, and of *khalwa arba'iniyya* – a concentrated form of seclusion which was designed to facilitate swift ordination of disciples.[17] The relatively centralized and widespread brotherhood that had been formed through these organizational innovations allowed Khalid and his disciples after him to lend their support to the Ottoman Sultan Mahmud II and, following him, the architects of the early Tanzimat reforms in their endeavors to set the Empire on the course of modernization in the face of the rising Western menace.[18]

Toward the end of the nineteenth century, and during the twentieth century, as Westernization increasingly permeated the Middle Eastern states and societies, various lines of the Khalidiyya have undergone a paradoxical reorientation, which reflected a new tension between its two fundamental characteristics of orthodoxy and activism. This reorientation involved, on the one hand, an alliance with the conservative sections of the religious estate in a common endeavor to defend the shari'a against secular encroachment, and on the other hand, an accommodation with one or another of the modern trends in order to maintain the brotherhood's influence in society and politics. By this kind of double strategy, the Khalidiyya often managed to overcome the incessant persecution of hostile regimes and the disdain of westernized elites, and to eventually continue to grow. My case studies are taken from Turkey and Syria, the Middle Eastern countries in which the brotherhood had been most involved politically, as well as from the global scene.

Our first case is that of the Iskenderpa□a mosque-complex in the Fatih quarter of Istanbul, one of four major Naqshbandi centers active today in the Turkish capital.[19] The origins of this branch date back to Ahmed Ziya'üddin Gümü□hanevi (1817-1894), who departed from the brotherhood's traditional teachings in emphasizing hadith rather than the shari'a as the principal guide for religious and social conduct. On the basis of this principle, which according to his interpretation implied obedience to the rulers, Gümü□hanevi became attached to 'Abdülhamid II's court and served the Sultan's autocratic regime and pan-Islamic policies.[20] Despite Kemal Ataturk's ban on Sufi activity in 1925, and the eventual destruction of the original lodge (*tekke*), his followers continued to transmit the message in secret. In the more relaxed period of the 1950s, this Naqshbandi line resurfaced under the last living deputy, Mehmed Zahid Kotku (1897-1980),[21] who was allowed to establish himself in the Iskenderpa□a mosque. Substituting the people for the State as his base of support in response to the realities of the Republic, Kotku turned the mosque into a kind of "open university", which attracted students from far and wide.[22] His influence came to encompass leading religious-minded academics and politicians, including among the latter Turgut Özal, the leader of the Motherland Party and President of Turkey from 1989 until his death in 1993, as well as the more conservative Necmettin Erbakan, head of the Islamist National Salvation and its successor Welfare parties who served as Prime Minister in 1996-1997.[23]

Zahid Kotku's ideas could be implemented in full only after his death in 1980, which coincided with the military coup that led the State to recede from its heavy-handed intervention in social affairs. Under his successor, Esad Co□an (1938-2001),[24] his son-in-law and professor of theology in Istanbul University, the Iskenderpa□a mosque became the center of educational, economic, and communications networks run along Western businesslike lines. In contrast to Erbakan, who has favored direct political action, [25] Co□an promoted a policy of gradualism and adjustment toward the Turkish State and turned his efforts to the civil society by sponsoring welfare projects such as hospitals and schools. This, however, was part of a moral-bound kind of Capitalist enterprise which he launched in the belief that the hidden hand of the market is a reflection of the hand of God. Relying on a dedicated group of businessmen and merchants, Co□an founded firms and companies that by 1994 employed more than 1500 people, and used Naqshbandi connections for distributing credit and jobs. The moral-religious vision of the brotherhood is propagated through its several magazines, a radio station, and the Internet. Contributing regularly to these organs, Co□an showed himself to be closely familiar not only with Islamic issues but also with the affairs of the world. In this vain he encouraged disciples to study foreign languages, to use computers, and to travel abroad.[26] Co□an's death in a car crash in Australia in 2001 does not seem to have seriously hampered the function of his enterprise, which is now run by his son, Muharrem Nurüddin Co□an.[27]

The working of the Abu al-Nur Foundation in Damascus, our second case study, resembles in many respects that of the Iskenderpaşa mosque-complex in Istanbul, apart from its heavy reliance on the State.[28] This foundation serves as the headquarters of Ahmad Kuftaru (b. 1912), Syria's Grand Mufti for the last forty years and the head of its leading Naqshbandi branch.[29] The roots of this Naqshbandi line go back to 'Isa al-Kurdi (1831-1912), a young contemporary of Gümüşhanevi originating from the Diyarbakr region, who shared his conservative attitudes as well as his support of Sultan 'Abdülhamid II's rule.[30] A son of one of 'Isa's latest deputies in Damascus,[31] Ahmad Kuftaru was to perpetuate the master's path by allying with the Ba'th regime, especially under Hafiz al-Asad, while adopting a modernist stand which stresses the need to interpret Islam by reason and in relation to the present.[32] Faced with the Salafi critique, he has even expressed himself ready to do away with the Sufi terminology, including the term *tasawwuf* itself, in favor of a strictly Qur'anic vocabulary.[33] Dedicating himself at the first place to educational work, Kuftaru used the Abu al-Nur Foundation, which had been established in 1971, to found in Damascus numerous private schools, to be topped by a Higher Institute providing Ph.D. degrees in Islamic Law. Concomitantly, he has financially supported students in acquiring modern professions such as computers and engineering. With the help of such followers who completed their training in the West, Kuftaru developed the Abu al-Nur Foundation beyond its strictly religious-educational functions into an effective economic, social and political organization.[34]

The patronage of the State has allowed Ahmad Kuftaru to propagate his vision of Islam not only among his fellow Syrians, but also to non-Muslim audiences abroad. Since his early days in office, Kuftaru exploited his extensive travels to present Islam and Sufism in both the Communist Block and in the West. Paying particular attention in recent years to the United States, he was able to open in 1993 an Abu al-Nur Institute in Baltimore, Maryland. The message contained in the weekly *dars* which the shaykh continues to deliver despite his advanced age is spread through the most modern devices - from videotapes and audio cassettes to the Internet - and in the last decade a collection of them was published in English translation.[35] Kaftaro's *da'wa* to Westerners bears an intentional ambiguity. While subscribing to the orthodox position that Islam is the final and most perfect religion, he also maintains that the three monotheistic religions stem from a common source and even that all denominations are different traditions of the one universal religion. In harmony with the latter position, indicated in the title of his official website – Abrahamic religion - Kuftaru has been long engaged in interfaith dialogue, taking part in various conferences around the globe and hosting delegations of Christian clergymen in the Abu al-Nur mosque. In such occasions he has often repeated his call to all men of religion to unite in the face of the prevailing atheism and cooperate in the struggle against the modern world's afflictions of egotism, social promiscuity, and political and intellectual oppression.[36] His interests have recently expanded to include other issues of international concern such as human rights and the environment.[37]

The cultivation of the Kuftariyya by the Asad regime was primarily designed to offset the influence of Sa'id Hawwa (1935-1989), the foremost ideologue of the Islamic opposition in Syria, who was also attached to the Naqshbandiyya.[38] Hawwa, our third case study, was affiliated to the North Syrian Khalidi branch which under the guidance of Shaykh Abu al-Nasr Khalaf of Homs (1875-1949) had become extremely popular among both ulema and the common people during the Mandate era.[39] Some of Khalaf's disciples were instrumental in founding local branches of the Muslim Brothers during the 1930s and 1940s, prominent among them 'Abd al-Fattah

Abu-Ghudda (1917-1997) in Aleppo and Muhammad al-Hamid (1910-1969) in Hamah.[40] Under the 'Alawi-based Ba'th government, Abu-Ghudda emerged as the leader of the Islamists' northern opposition faction,[41] while Sa'id Hawwa carried Hamid's work to the national level. A prolific writer, one of Hawwa's principal aims was to bring about a reconciliation between the Islamic activists and the reformist Sufi tradition as represented by the Naqshbandiyya.[42] However, as against Kuftaru's complicity with the government, but also against the radical vanguard within the Islamic movements itself, he conceived of a scheme for a grass-roots religious organization, a popular supra-brotherhood as it were, that would unite all Islamic forces in the country and lead them in the struggle against the secular tendencies of the regime.[43] The drift of the Syrian Muslim Brothers toward the radical ideas of Sayyid Qutb, which culminated in the Hamah uprising of 1982 and its brutal suppression by Asad's security forces, left this scheme unfulfilled.

Like other contemporary Islamist thinkers, Sa'id Hawwa's main concern was with the internal weakness of the Muslim *umma*, which he attributed to its ignorance of its religion.[44] This weakness, he argued, was exploited by the western world, in both its Capitalist and Communist heads, by way of colonial conquest and the support of Zionism to sow political division among the Muslims and keep them in economic disadvantage. Still worse, westernization brought in its wake secularism and moral laxity, which threaten to uproot the Islamic culture and value system from its own land.[45] Yet when examining the Capitalist world in itself, Hawwa could not but admire its achievements in raising the standard of living and guaranteeing human rights and freedoms, which so sharply contrast with the Syrian realities. In a truly Salafi logic, he dissolves the dilemma by the apologetic claim that the West borrowed whatever good it has from the Medieval Muslim civilization and that therefore the acquisition of modern technology, science, and even the democratic political system, is nothing but the retrieval of that which had originally belonged to the Muslims.[46]

Our fourth and final case study is that of the Haqqaniyya. This offshoot of the Naqshbandiyya-Khalidiyya has its roots in Turkey, Syria and Lebanon,[47] but since the 1970s it has emerged as one of the most visible and rapidly growing brotherhoods around the globe, with active centers in India and South-East Asia, Europe and the United States. The founder and leader of this branch is Muhammad Nazim 'Adil al-Haqqani (b. 1922),[48] a Cypriot who was first attracted to the *tariqa* while studying in Istanbul. In the early 1940s Nazim made a journey through Syria and studied with a number of local Naqshbandis, but finally in Damascus he chose as his shaykh the immigrant 'Abdallah Fa'iz al-Daghestani (1891-1973), apparently to demonstrate his independent standing. Daghestani's spiritual line went back to Muhammad al-Yaraghi and Jamal al-Din al-Ghazi-Ghumuqi, the masters of Imam Shamil, who led the struggle against the Russian occupation of the north Caucasus in the nineteenth century.[49] Upon the death of his shaykh, Nazim claimed to have received inspiration from the Prophet to spread the light of Islam throughout the world. Within this perceived global mission, special efforts were made to propagate Islam and the Naqshbandi brotherhood among westerners. Beginning his work in this direction in London immediately following his master's death in 1973,[50] Nazim extended his operations in the 1980s to Western Europe and in the 1990s to North America, where Hisham al-Kabbani, his Lebanese son-in-law, serves as his deputy in the western hemisphere.

Under Shaykh Nazim's leadership the Haqqaniyya has developed a global hierarchical structure, with a well-organized network of national and local Sufi centers. To promote its projects, it pays particular attention to people with financial and political resources, as well as to trained technocrats. It thus can effectively convey its message, especially in the United States, where Kabbani has adopted Capitalistic strategies of marketing through the most diverse means, from high-quality books and its own-run magazines to the Internet, in which its presence is most conspicuous. Women constitute an integral part of the Haqqani brotherhood under the leadership of Nazim's wife Anna, and the two maintain personal connections with their followers through almost constant traveling.[51] Nazim's conspicuous success among westerners derives from the anti-modernist stand he presents and from his promotion of appealing mystical themes such as spiritual growth, love, respect for the environment and religious tolerance, which sometimes border on the new-age phenomena. At the same time Nazim exhibits utter hostility toward all militant forms of Islam, which he groups together under the term "Wahhabis."[52] Another component in this success is his eschatological teaching, which combines traditional Muslim ideas with Christian-universal symbols. Claiming to have a spiritual connection with the *mahdi*, Nazim purports to prepare spiritual 'helpers', both Muslim and non-Muslim, for the final battle, a third world war in the end of which the anti-Christ (*dajjal*) will be killed and a rule of peace and justice will be established on earth, leading to the day of judgment. The exact timing and course of this apocalyptic vision have been updated in accordance with international developments such as the Gulf War, the collapse of Communism, or the year 2000.[53]

There are obvious differences between the adoption of the free market approach by an Esad Co□an in cosmopolitan Istanbul and the reliance on the State by an Ahmad Kuftaru in more closed Damascus, or between the affiliation to the Muslim Brothers' opposition of a Sa'id Hawwa in the small town of Hamah and the integration into the globalization trend of a Nazim al-Haqqani through a constant traveling from one country to another. The diversity of strategies which these Sufi and Sufi-related leaders represent reflects differences in their personality and even more so in the circumstances of their life and work. Yet beyond this diversity lies the common realization that for the sake of Islam, and particularly of its Sufi aspect, it is essential to modernize. In Naqshbandi terms, such accommodation may be understood as an effort to create a new ideological and organizational equilibrium between the brotherhood's two fundamental attitudes of orthodoxy and activism, which will safeguard both the implementation of the sacred law and the perpetuation of the Sufi tradition in the face of the modern challenge.

Undoubtedly, in the current political and socioreligious situation in the Middle East, and in the Muslim world at large, the likelihood of realizing the Naqshbandi goals is at best partial. In view of the formidable pressures of Westernization, modern State building and, more recently, globalization, the Sufi tendency has been largely superseded by the fundamentalist and its derivative radical Islamist trends. Yet, as our four Naqshbandi cases demonstrate, the Sufi cause is by no means lost. On the contrary, the strategy of allying with one or another of the modern forces has lent the mystical aspect of Islam in the last few decades a new vitality to withstand its enemies and critiques.

In the context of the relations between the Middle Eastern Societies and the West, the principal import of this revival lies in the inclination of the activist Sufi and Sufi-related leaders to pose, to some extent or another, as an alternative to the Islamists. This inclination has become clear in the present study in the cases of Iskenderpa□a and the Abu al-Nur religious foundations, in which work has been accomplished within the basically traditional Sufi Naqshbandi framework. It has shown to be even more significant when this framework has undergone some sort of transformation, as in the cases of the Naqshbandi-related Syrian Muslim Brothers, whose shattered scheme of a popular supra-brotherhood was designed to check the militancy of the movement's radical vanguard, as well as the millenarian Haqqaniyya, which through its intensive spiritual work in both "East" and "West" proved prepared to stand up to the militant "Wahhabis" on the global stage. The moderating effect of modern Sufism was not lost on Middle Eastern regimes. With proper encouragement, it may also prove to be a valuable asset in the worldwide struggle to root out international terrorism and promote civilizational interchange.

---

[1] There is an older interest of Westerners in Sufism, which derived from the sense of spiritual crisis in the West itself, as well as from the fashioned attraction to "Eastern mysticism". See Thierry Zarcone, "Rereadings and Transformations of Sufism in the West," *Diogenes* 187 (1999), 110-121; Mark Sedgwick, "Traditional Sufism," *Aries* 22 (1999), 3-24.

[2] For a forceful response to Huntington, which however ignores Sufism, see Fred Halliday, *Islam and the Myth of Confrontation: Religion and Politics in the Middle East* (London, 1996), esp. Introduction.

[3] Esther Peskes, "The Wahhabiyya and Sufism in the Eighteenth Century," in Frederick de Jong and Bernd Radtke (eds.), *Islamic Mysticism Contested: Thirteen Centuries of Controversies and Polemics* (Leiden, 1999), 145-161.

[4] On pre-modern Sufism, see Fazlur Rahman, *Islam* (2nd ed., Chicago, 1979), 193-211; Nehemia Levtzion and John O. Voll (eds.), *Eighteenth Century Renewal and Reform Movements in Islam* (Syracuse, 1987), esp. 33-86. For a revisionist view on the role of the brotherhoods during this period, see R.S. O'Fahey and Bernd Radtke, "Neo-Sufism Reconsidered," *Der Islam* 70 (1993), 52-87.

[5] This wave of Sufi reformism reached its peak in the first half of the nineteenth century with the two movements of the Idrisi tradition and the Khalidi offshoot of the Naqshbandiyya. On the first trend, see Rex S. O'Fahey, *Enigmatic Saint: Ahmad Ibn Idris and the Idrisi Tradition* (Evanston IL, 1990); Knut S. Vikor, *Sufi and Scholar on the Desert Edge: MuÎammad B. 'Al□ al-San□s□ and his Brotherhood* (London, 1995). The Khalidiyya is discussed below.

[6] The connection between shari'a-minded Sufism and jihad is clearly seen in the two illustrious nineteenth century movements of resistance to European incursion which were led by amir 'Abd al-Qadir al-Jaza'iri in Algeria and Imam Shamil in the north Caucasus. On 'Abd al-Qadir, see Pessah Shinar, "Abd al-Qadir and Abd al-Krim: Religious Influences on their Thought and Action," *Asian and African Studies*, 1 (1965), 139-160; Itzchak Weismann, *Taste of Modernity: Sufism, Salafiyya, and Arabism in Late Ottoman Damascus* (Leiden, 2001), 148-192. On Imam Shamil, see Moshe Gammer, *Muslim Resistance to the Tsar: Shamil and the Conquest of Chechnia and Daghestan* (London, 1994); Anna Zelkina, *In Quest for God and Freedom: The Sufi Response to the Russian Advance in the North Caucasus* (London, 2000).

[7] For a general introduction on the modern challenge to Sufism, see Elizabeth Sirriyeh, *Sufis and Anti-Sufis: The Defence, Rethinking and Rejection of Sufism in the Modern World* (Richmond, Surrey: Curzon Press, 1999).

[8] Carl W. Ernst, *Sufism: An Essential Introduction to the Philosophy and Practice of the Mystical Tradition of Islam* (Boston, 1997), 215-220.

[9] For the emergence of the Salafiyya, see David Dean Commins, *Islamic Reform: Politics and Social Change in Late Ottoman Syria* (New York, 1990); and my, "The Naqshbandiyya-Khâlidiyya and the Salafî Challenge in Iraq," *Journal of the History of Sufism* 4 (2003), ; idem, "Between Sufi Reformism and Modernist Rationalism - A Reappraisal of the Origins of the Salafiyya from the Damascene Angle," *Die Welt des Islams* 41 (2001), 206-237;.

[10] For a "classical" description of the so-called decline of Sufism in the twentieth century, see J. Spencer Trimingham, *The Sufi Orders in Islam* (London, 1971), ch. ix.

---

[11] For the Turkish case, see Thierry Zarcone, "The Transformation of the Sufi Orders (*Tarikat*) in the Turkish Republic and the Question of Crypto-Sufism," in Jayne L. Warner (ed.), *Cultural Horizons: A Festschrift in honor of Talat S. Halman* (New York, 2001), 198-209. For the Syrian lands, see Itzchak Weismann, "Le confraternite sufi in Siria e in Israele: Strategie religiose e implicazioni politiche (Sufi Brotherhoods in Syria and Israel: Religious Strategies and Political Implications)," in Marietta Stepanyants (ed.), *Sufismo e confraternite nell'islam contemporano: Il difficile equilibrio tra mistica e politica* (Turin, 2003), 103-121.

[12] On the Sufi background of Hasan al-Banna and his attitude toward Sufism, see Richard Mitchell, *The Society of the Muslim Brothers* (London, 1969), esp. 2-7, 214-216.

[13] For a general overview of the brotherhood, see Hamid Algar, "A Brief History of the Naqshbandi Order," in Marc Gaborieau, Alexandre Popovic and Thierry Zarcone (eds.), *Naqshbandis: cheminements et situation actuelle d'un ordre mystique musulman* (Istanbul and Paris, 1990), 3-44.

[14] For the consolidation of the brotherhood in Central Asia, see especially Marijan Mole, "Autour du Daré Mansour: l'apprentissage mystique de Bah□' al-D□n Naqsband," *Revue des Études Islamiques* 27 (1959), 35-66; Jurgen Paul, *Doctrine and Organization: The Khw□jag□n/Naqshband□ya in the First Generation after Bah□ 'udd□n* (Berlin, 1998). For a list of the eleven principles, see Trimingham, 203-204.

[15] On Sirhindi, see Yohanan Friedmann, *Shaykh AÎmad Sirhind□: An Outline of his Thought and a Study of his Image in the Eyes of Posterity* (Montreal and London, 1971); Muhammad Abdul Haq Ansari, *Sufism and Shari'ah: A Study of Shaykh Ahmad Sirhindi's Effort to Reform Sufism* (London, 1986); Johan J.G.J. ter Haar, *Follower and Heir of the Prophet: Shaykh Ahmad Sirhindi (1564-1624)* (Leiden, 1992).

[16] On Shaykh Khalid, see Albert H. Hourani, "Sufism and Modern Islam: Mawlana Khalid and the Naqshbandi Order," in idem, *The Emergence of the Modern Middle East* (London, 1981), 75-89; Butrus Abu-Manneh, *Studies on Islam and the Ottoman Empire in the 19th Century (1826-1876)* (Istanbul, 2001), ch. I.

[17] Fritz Meier, *Zwei Abhandlungen über die Naqsbandiyya* (Istanbul, 1994), pt. I, esp. 171-187; Michel Chodkiewicz, "Quelques aspects des techniques spirituelles dans la *Ôarîqa* Naqshbandiyya," in Gaborieau et al. (eds.), *Naqshbandis*, 69-82; Butrus Abu-Manneh, "*Khalwa* and *RâbiÔa* in the Khâlidî Suborder," ibid., 289-302.

[18] Butrus Abu-Manneh, *Studies*, chs. III-VI.

[19] Hakan Yavuz, "The Matrix of Modern Turkish Islamic Movements: the Naqshband□ Sufi Order," in Elisabeth Özdalga (ed.), *Naqshbandis in Western and Central Asia* (Istanbul, 1999), 137; Thierry Zarcone, "Remarques sur le rôle socio-politique et la filiation historique des □eyh Naq□bendi dans la Turquie contemporaine," in Gaborieu et al., 410-413. For an overview, see also Hamid Algar, "The Naqshbandi Order in Republican Turkey," *Islamic World Report* 1:3 (1996), 51-67.

[20] On him see □rfan Gündüz, *Gümü□hanevi Ahmed Ziyâüdd□n (K.S.). Hayat□, eserleri, tarikat anlayi□i ve Hâlidiyye tarikat□* (Istanbul, 1984); Butrus Abu-Manneh, "Shaykh Ahmed Ziya'üddin Gümü□hanevi and the Ziy□'i-Kh□lid□ Sub-order," in Frederick de Jong (ed.), *Shia Islam, Sects and Sufism: Historical Dimensions, Religious Practice and Methodological Considerations* (Utrecht, 1992), 105-117.

---

[21] For a biography of Zahid Kotku, see www.gumushkhanawidargah.8m.com/silsile39.html

[22] Thierry Zarcone, "le rôle socio-politique," 416-418; idem, "Les Nak□hibedi et la République turque: de la persécution au repositionnement théologique, politique et social (1925-1991)," *Turcica* 24 (1992), 140-142.

[23] Ibid., 145-147. See also the account of Turgut Özal's brother, Korkut Özal, "Twenty years with Mehmed Zahid Kotku: A Personal Story," in Özdalga, 159-176.

[24] On Esad Co□an's life and a list of his books, see www.gumushkhanawidargah.8m.com/silsile40.html

[25] On the rift between Co□an and Erbakan, see Zarcone, "Les Nak□ibendi et la République torque," 147-148.

[26] Yavuz, 137-146. See also the official site of the center, www.iskenderpasa.com

[27] www.gumushkhanawidargah.8m.com/mnc.html and the official site of the branch that Co□an established during his stay in Australia www.haqq.com.au

[28] Annabelle Böttcher, *Syrische Religionspolitik unter Asad* (Freiburg, 1998), 147-223; Frederick De Jong, "The Naqshbandiyya in Egypt and Syria. Aspects of its History, and Observations Concerning its Present-Day Condition," in Gaborieau et al. (eds.), *Naqshbandis*, 599-601; Eric Geoffroy, "Sufism, réformisme et pouvoir en Syrie contemporaine," *Égypte/Monde arabe* 29 (1997), 16.

[29] For his life and work, see Muhammad Habash, *al-Shaykh Ahmad Kuftaru wa-minhajuhu fi al-tajdid wa'l-islah* (Damascus, 1996).

[30] Itzchak Weismann, "The Forgotten Shaykh: '□s□ al-Kurd□ and the Transformation of the Naqshband□-Kh□lid□ Order in Twentieth Century Syria," *Die Welt des Islams* 43 (2003), 273-293.

[31] On the father, see Muhammad Habash, *al-Shaykh Amin Kuftaru fi dhikra khamsin 'am 'ala wafatihi* (Damascus, 1989).

[32] For an earlier testimony of Kuftaru's belief that for the sake of Islam it is necessary to approach the government and to adapt to the modern age, see Abu al-Hasan 'Ali al-Hasani al-Nadwi, *Mudhakkirat sa'ih fi al-sharq al-'arabi* (2nd ed. Beirut, 1975), 236-237.

[33] For an exposition of this doctrine in the context of the anti-Salafi debate, see Muhammad al-Shaykhani, *Al-Tarbiya al-ruhiyya bayna al-Sufiyyin wa'l-Salafiyyin* (Damascus, 1990), esp. 191-195, 287-297; 'Imad 'Abd al-Latif Naddaf, *al-Shaykh Ahmad Kuftaru yatahaddath* (Beirut, 1997), 150-192.

[34] Leif Stenberg, "Naqshbandiyya in Damascus: Strategies to Establish and Strengthen the Order in a Changing Society," in Özdalga, 111-115; Geoffroy, 14-15.

[35] Stenberg, 107-111; Ahmad Kuftaro, *The Way of Truth* (2nd ed. Damascus, 1997).

[36] Naddaf, 120-149. For meetings with German and Swiss delegations, see Naddaf, 295-309, and with an American delegation, see Syria Times, 18 December 1999, www.islamic-study.org/new. For his ecumenical speech on the occasion of the visit of the Pope John Paul II in Syria in 2002, see www.Kuftaru.org/English/wot

[37] See www.abrahamicreligions.com/Kuftaru/Interfaith.htm and www.abrahamicreligions.com/Kuftaru/Environment.htm.

[38] Itzchak Weismann, "Sa'id Hawwa: The Making of a Radical Muslim Thinker in Modern Syria," *Middle Eastern Studies* 29 (1993), 601-623. See also his autobiography, Sa'id Hawwa, *Hadhihi tajribati.. wa-hadhihi Shahadati* (Cairo, 1987).

---

[39] See Itzchak Weismann, "Religious Strife on the Periphery: Sufi Populists, Salafi Ideologues and Muslim Brotherhood in Twentieth Century Hamah," forthcoming in IJMES.

[40] For Abu Ghudda, who studied with 'Isa al-Bayanuni, one of Khalaf's deputies in Aleppo, see Muhammad ibn 'Abdallah Al Rashid, *Imdad al-fattah bi-asanid wa-muruyyat al-Shaykh 'Abd al-Fattah* (Riyadh, 1999), 149-150, 152. For Hamid, see Weismann, ibid.

[41] Hanna Batatu, "Syria's Muslim Brethren," *Merip Reports* 110 (1982), 14.

[42] Sa'id Hawwa, *Tarbiyatuna al-ruhiyya* (2nd ed. Amman, 1981), 6-8.

[43] Itzchak Weismann, "Sa'id Hawwa and Islamic Revivalism in Ba'thist Syria," *Studia Islamica* 85 (1997), 131-154. See also Sa'id Hawwa, *Ihya' al-rabbaniyya* (Cairo, 1984).

[44] Sa'id Hawwa, *Jund Allah thaqafatan wa-akhlaqan* (2nd ed. Beirut, n.d.), 5-15.

[45] Ibid., 15-23; idem, *Min ajl khutwa ila al-amam 'ala tariq al-jihad al-mubarak* (2nd ed. n.p. 1979), 80-82, 180-181.

[46] Sa'id Hawwa, *al-Rasul salla Allah 'alayhi wa-salam* (4th ed. Beirut, 1979), pt. 2, 151.

[47] For the operation of the brotherhood in Lebanon in 1980-1981, see Daphne Habibis, "Change and Continuity: A Sufi Order in Contemporary Lebanon," *Social analysis* 31 (1992), 44-78.

[48] For Nazim's biography see 'Adnan Muhammad al-Qabbani, *al-futuhat al-haqqaniyya fi manaqib ajilla' al-silsila al-dhahabiyya li'l-tariqa al-Naqshbandiyya al-'aliyya* (n.p, n.d.), 326-347. A luxurious though shortened edition of this book was published in English for Western consumption as Muhammad Hisham al-Kabbani, *The Naqshbandi Sufi Way: History and Guidebook of the Saints of the Golden Chain* (Chicago, 1995).

[49] For 'Abdallah Fa'iz al-Daghestani and the Haqqani line, see Qabbani, esp. 237-325.

[50] For the Haqqani community in London, see Tayfun Atay, "Naqshbandi Sufis in a Western Setting." (D. Phil. Thesis, University of London (SOAS), 1995).

[51] Annabelle Böttcher, "The Naqshbandiyya in the United States," www.naqshbandi.net. The Haqqaniyya-run websites include: the US organization – www.naqshbandi.org; the as-Sunna Foundation in America – www.sunna.org; the Islamic Supreme Council of America – www.islamicsupremecouncil.org; and the Muslim Women's organization – www.kamilat.org.

[52] Atay, 181-190, 248-253; See also for example, Muhammad Nazim 'Adil al-Haqqani al-Naqshbandi, *The Divine Kingdom* (Chicago, 1994). For Hisham Kabbani's testimony against Islamic extremism in America before the US State Department in 1999 and on other occasions, see Dave Eberhart, "Muslim Moderate Kabbani Firm on Terrorist Nuclear Threat," NewsMax.com (19.11.2001).

[53] Daphne Habibis, "Millenarianism and Mahdism in Lebanon," *Archives Europeenes De Sociologie* 30 (1989), 221-240; David Damrel, "A Sufi Apocalypse," *ISIM Newsletter* 4 (1999), 1-4; Muhammad Nazim 'Adil al-Haqqani al-Naqshbandi, *Mystical Secrets of the Last Days* (Los Altos Ca., 1994).

# Chapter X

# The Sunni-Shiite Schism and Islamic Radicalism

–Liora Lukitz-

# The Sunni-Shiite Schism and Islamic Radicalism

– Liora Lukitz -

## Introduction

An article 'Do not Rouse Shia Tigers'[1] was one of the most indicatives of a well known (and genuine) fear in the Arab world regarding a non- controllable wave of Shiite radicalism that could reverse the US current pro- Shiite policies upside down. Another article published in '*Religious Revival Requires a New Cultural Vision*[2] refers to the changing relations between religion and public life in general. It points to radicalism in Islam, in Judaism and in Christianity and refers to a return to radical religious positions as a social phenomenon. According to it, the concept of reform and development (that started in the19th century) switches from the realm of individuals to become the platform of Islamic groups and movements such as the Muslim Brothers in the Arab countries, the Rafah party in Turkey and the Sufi movement in its different ramifications all over the Islamic world.

Religious awakening is therefore seen as a global phenomenon. National religious conflicts such as those among Croatian, Serbs and Bosnians or Catholics and Protestants in Ireland point to the way in which religious movements rekindle feelings of identity that encompass or surpass modern nationalism. This is also due to the fact that nations, states and other derivative formulations are, comparatively, very modern creations. Religious tension brewing below the surface of modern Arab nation-states, are therefore part of a wider phenomenon.

This paper will focus on the Shiite- Sunni strive in post-war Iraq and its implications in the context of an increasingly radical environment. Around 130 million of Shiites (10 percent of the world's 1.3 billion Muslims) are now facing changes that will certainly influence their political vision and behavior. These changes will be more conspicuously felt in the area extending from Lebanon to Pakistan where half of the Muslim population (120 millions) is Shiites. This includes the majority of the populations in Iran, Iraq,( 15 million) Bahrain ( 400.000)and Azerbaijan and the single largest community in Lebanon( 1 million). The Shiites also form sizeable minorities in the Gulf emirates, Saudi Arabia, Pakistan and Afghanistan, as well as in India, Tajikistan and East Africa. In the arc stretching from Pakistan to Lebanon, the number of Shiites matches that of the Sunnis whereas in the Gulf area, the Shiites predominate. Shiite elites of wealthy, sophisticated and very shrewd merchant communities spread all over the Gulf region, commanding billions of dollars in wealth and a fierce solidarity with the members of other Shiite communities.

---

[1] Yusuf Ibrahim, Gulf News c/o Gulf 2000 25 May 2004.

[2] *Al- Hayat*, 18 August 2003.

The demise of the Saddam Hussein regime in Iraq was a quantum leap for the Shiites. For the first time, Shiites became – by virtue of their majority status in a country – the decisive political element. The debate on Iraq's Shiites has already spilled over into a larger debate about Shiites in other parts of the world (in the Middle East, the Gulf states, and in the US). The question arises, therefore, whether the post-war developments in Iraq are not merely the result of domestic resistance helped by individual insurgents as Abu Musab al-Zarqawi, but of a wider Sunni -Shiite sectarian tensions which has been latent and now may burst out? In other words, are the Shiite revival and the Sunni reaction caused by long lasting developments only energized and emboldened by post-war events? If so, as in a connected vessel system, Shiite revival in Iraq may certainly reinvigorate Sunni militancy and threatens peace and stability. The answer to this question must take into account both the Shiite and the Sunni side of the equation.

In the light of the above, the following questions may be asked:

1) Can the Shiites in Iraq become agents of positive change and modernization? How can the US prevent the spreading of the idea that modernization means loss of cultural identity? Alternatively, what are the prospects that the Shiite revival in Iraq will give birth to a new Shiite radicalism with branches in Iran, Lebanon and Iraq?

2) How will the 'quietist' approach (and the principle of *taqiyya*) determine politics in Iraq? How will hidden and visible changes in personal and collective attitudes influence the Shiite parties' political programs? How to discern the disclosed and the hidden changes in the perception of the West among Iraq's main political players?

3) How will the role of the hawza be reassessed? Will it yet be seen as a moderating factor or as an aging institution unable to cope with the challenges put by new, more radical forces, such as Muqtada al- Sadr.

4)Will past attempts at rapprochement ( *taqrib* - as manifested in al- Azhar's recognition of the Ja'farite school as the fifth Islamic legal madhhab in 1959 and the further adoption of the concept of *taqrib bayna al-madhahib* by Yusuf al- Qardawi) bridge positions or would critiques to the taqrib as expressed in *Bihar al- Anwar* by Shaykh 'Abd al-Zahra' al- 'Alawi[3] prevail?

5)Will the redefinition of an Iraqi national identity and it components add or subtract to the finding of new avenues of thought aiming at a better solution to the Sunni/Shiite contest?

---

[3] Isaac Hason, 'Les Si 'ites vus par les neo-Wahhabites' 2002, pp. 14, 16.

## The Rise of Shiite Self–Assertion

In the 1960s and 1970s the Shiites championed secular and nationalist causes and looked at pan-Arabism or leftist ideologist as vehicles that could help them bridge sectarian divides and include them in the mainstream. The traditional paradigm of Shiite docility and the Sunni façade of the Middle East were at first shaken by the Iranian revolution that subsequently emboldened the Shiites in the Middle East showing them not just the way to power but also providing financial, moral and organizational support for their struggles inside the countries in which they lived. From the 1980s on Iran started supporting the Shiite movements in Lebanon (Hezbollah, Party of God and Al-Amal, Party of Hope) in Iraq (*al-Da'wa al-Islamiya*, the Islamic Call) in Afghanistan (*Hizb al-Wahdat*, Party of Unity) and in Pakistan (*Tahrik-i- Ja'faria* ,the Shiite Movement) urging them to forward the Shiite agenda.

In the context of the Iran-Iraq rivalry for military, political and cultural predominance in the Middle East and the Gulf area, the Teheran-Damascus axis was a first step to secure Iran's agenda – both defensive and "expansionist". It provided Iran with a political framework to counterbalance the regional Sunni Arab alliance that supported Iraq in the Iran-Iraq war. The creation of Hezbollah in Lebanon as a tool to expand Iran's influence among Lebanon's Shiites also underscored Iran's intent to present the Shiites as a revolutionary anti-western force at the center of a resurgent Islam. Iran failed, however, to create other organizations as effective as Lebanon's Hezbollah to help empower the Shiite communities in the Gulf, Afghanistan, and Pakistan. As a result the Sunni domination in these areas remained unaltered. Iran's relationship with Pakistan deteriorated because of the anti-Shiite activities in Pakistan.

The "renaissance" of the Iraqi Shiites in the wake of the fall of Saddam Hussein is not a natural sequel of the above developments as all the previous attempts of Shiites to challenge their political and social status were intimately linked to the status of the sole Shiite controlled Muslim nation – Iran. Paradoxically, Iraqi Shiites are now led to assert themselves by Iran's arch-enemy – the United States – and through the suspect doctrine that the United States is committed to imposing on the Muslim world since 9/11 – democratic pluralism. This unexpected twist of circumstances holds many ramifications for both Shiites and Sunnites.

## The Sunni Backlash

The Sunni response to Khomeini's threat in the greater Middle East and beyond centered since the early 1980's on the attempt to preserve a Sunni identity against the Islamist challenge associated with Iran's Shiites. It stressed the idea that Sunni Islam was the true Islam whereas Shiite Islam was no more than obscurantist extremism. Khomeini's revolution was compared by the Sunnis to the Shiite rebellions against the Umayyad and Abbasid caliphs who ensured Sunni dominance on the Muslim world. It is mainly the Saudis, who presented themselves as the defenders of Sunni Islam and as the symbols of resistance to Shiite usurpers. Sunni countries with large Shiite communities emphasized their Sunni identity in order to neutralize Khomeini's appeal and control local Shiite populations. The clashes between Shiites and Sunnis in Pakistan in the 1980s, in Afghanistan in the late 1990's under the Taleban and Iraq's military purges and the Ba'th party policies of executions, assassinations and mass killings of the Shiites are just a few examples of the dimensions of the Sunni reaction.

At the same time, Sunni and Shiite liberals among intellectual elites in the Middle East called for democratic change within an Islamic framework. Certain aspects of the debate came under attack from prominent *'ulama* from the Hijaz and al- Hasa provinces and from dissident *'ulama* from the Najd region (birthplace of Wahabbism). This posed a threat to Wahabbism from within its own ideological and geographical core, urging it to respond. The involvement of Shiite intellectuals among those calling for democratization exacerbated the sense of a threat to the Sunnite dominance.

In the 1980s the Wahhabis growing opposition to Shiism corresponded to Saudi Arabia regional policy that centered on containing Iran, considered then as the main threat to the West. Saudi Arabia stepped up its attempts to export Wahhabism to Pakistan and Afghanistan. This was done by support of the Afghan resistance to the Soviet occupation (with the blessing of the United States) and led the ideological and institutional infrastructure for the Taliban and al-Qa'ida. Saudi Arabia's influence in Pakistan (through the *sipah i-sahaba* from the Deodandi madrasas) also led to the strengthening of ties between the organizations members with the Taliban and al-Qa'ida. Saudi Arabia also extended her influence to South Asia. In the attempt to contain Iran's growing regional influence, the Saudis helped convince the US not to support the Shiite rebellion in Iraq in 1991. Things radically changed in September 2001 when it became clear that the main threat to the West came from Sunni militantism.

The very notion of a Shiite led regime in Iraq is, therefore, widely perceived as an affront to the traditional dominance of Sunni Islam. Further reactions to what seems to the Sunnis as an affront should be expected., as it still seems unthinkable to them that one of the most important Arab countries (seat of the Abbasids empire which established the Sunni supremacy on the Muslim world from the 8th to the 13th century) would pass from Sunni to Shiite domination with the help of the US.

The anti-Shiite violence that plagues Iraq since the end of the Ba'ath regime has therefore, some of its roots in South Asia and Afghanistan where militant groups had developed ties to the Taliban and al-Qa'ida during the 1990s. One of its most violent manifestations was the attack on the Shiites in March 2004 when 143 Shiite worshipers were killed at the site of the Shiite shrines in Baghdad and Karbala during the 'ashura celebrations. Similar acts had occurred in Mashhad, Karashi, Quetta and Mazari Sharif since the early 1990s.

These attacks may well be an adumbration of a new era of Sunni–Shiite conflicts beyond Iraq. After a period of political freeze Riyadh is again very active in the area. It continues to support anti Shiite movements in Pakistan, Bahrain and Kuwait (naming the Shiites '*rafidayn*', or those who reject the truth of Islam). Saudi Arabia also sees the Shiite led government in Iraq with great suspicion and continues to underscore Bahrain, Kuwait and Pakistan's Sunni identity in spite of their increasingly assertive Shiite communities. Riyadh also restored the Sunni position in Lebanon through Rafiq Hariri's network of seminaries, and cultural and economic activities. The raise of Sunni militancy was also reflected in the activities of the Hamas and Jihad in Israel.

## The Iraqi Watershed

The main thesis in academic circles explains the Sunni-Shiite relations in Iraq up to the war (and after it) through affinities between both groups by pointing to the late and gradual conversion of southern tribesman to Shi'ah during the 19th century while their counterparts in central Iraq , less influenced by the Shiite *mujtahids* in the holy cities, remained Sunnis. Both groups however, so the explanation goes, share Arab cultural attributes and are quite similar in their interpretation of their identities. This is why the divisions between them remain political rather than ethnic or cultural and reflected mainly in the competition of both groups over the right to rule the country. They differ however, in what concerns the meaning of nationalism. While the Sunni ruling elite adopted a wider Arab nationalism *(qawmiya)*as its main ideology the Shiites adopted Iraqi nationalism (*wataniya*) with its focus on the distinct values and heritage of Iraqi society.[4]

This definition is reinforced by another view that see the Sunni domination of the country by the Ottomans from 1533 to WWI as a long period of suppression in which the Shiites were denied political power, religious legitimacy and cultural expression. However, a more modern interpretation of 'culture'[5] views the phenomenon from an anthropological angle inserting religion in the 'cultural package' that defines the characteristics of a group communal life. Viewed from this angle, Iraq's Shiites cultural attributes vary from those of their Sunni counterparts in that they contain also religious traditions that had been suppressed by the Sunni rulers in the name of a common national identity that, in fact, mainly reflected Sunni values and beliefs.[6]

Other factors interfere however, and both groups still imbued with strong nationalist feelings pressure now the US to maintain the country's territorial integrity along the lines of the state created by the British in 1921. For the Sunnis it is a question of survival, explains Nakash, while for the Shiites it is a question of patriotism and political gains. That is because the Shiites could lose Baghdad with its large Shiite population), the shrines of Kazimain and Samarra and substantial oil revenues from the north if the country is divided between the Shiite the Sunni and the Kurds. But it is mainly the desire to control a country where they are majority that explains the Shiites actual role in Iraq's politics.

But what kind of government would the Shiites institute? The fear that Iraq could become an Iranian-like, theocratical state was one of the main arguments in the Sunni thesis. The debate evoked by the concept of '*wilayat al-faqih*' (the guardianship of the jurisprudent) as institutionalized in Iran, underscored the differences between Khomeini's version of it and Iraq's Shiites reluctance to adopt it. The reason for it was various focusing, among others, on the less structured nature of Iraq's **Sh'ism**. The main reason given by the leaders of the Da'wa party (the oldest Shiite Islamic party now in power under the Shiite United Iraq alliance (UIA) is that Iraq should avoid Iran's mistakes and create the conditions for an Islamic based system of governance that would allow greater identification 'from below' with an Islam that the Iranian Islamic state tried to impose from above. For that reason an Iraqi Islamic state should be ruled by elected politicians not by clerics. This is a very important point in the redefinition of the rules of governance in the first Arab country to become openly Shiite.

---

[4] Y.Nakash, 'The Shiites and the Future of Iraq' *Foreign Affairs* July/august 2003.

[5] C.Geertz,*The Interpretation of Cultures*, London 1993,2nd edition.

[6] L.Lukitz, Iraq: The Search for National Identity, London, 1995.

The shift in of power from the Sunnis to the Shiites encompasses however, more immediate political aspects, aside of the question of rendering historical justice to an oppressed community. In the view of some, Iraq's Shiites can serve as a model of democratic transformation, the first domino in the "Wider Middle East" and a tool on the American struggle against Iran. A common argument is that instead of that, Iran has extended its influence in Iraq by its control of Iraq's Shiites. Which view will turn out to be the historic truth remains to be seen. What is already clear, however, is that Iraq is not an 'Iran-lite' state and it is still too early to say that Iran can dominate Iraq in spite of the complex relations developed between Iran and Iraq's Shiites and Kurds.

## The Hawzah, the Centers of Learning and Diffusion of Political Power

The historical and philosophical differences between Shiite Islam and Sunni Islam still affect both currents today. One important difference is that Sunni Islam is organized into legal 'schools' (*madhahib*) whereas the Shi'i system is based on consensus and depends on individual personalities. A prominent *faqih* becomes a *mujtahid* (trusted with the interpretation of Islamic law) and when a great numbers of followers endorse his interpretations he becomes *marja' al- taqlid* (a source of emulation).[7]

All this is to say that the importance of personal relationships between the grand-ayatollahs is predominant. These relationships are institutionalized in some way through the *hawza 'ilmiyah*, the 'circle of learning', formed by the religious seminaries. By the same token the rivalries (personal, dynastic and religious) that define Shiite religious politics and some times even religion itself are, more often than not, underestimated. All that means a more traditional and less penetrable structure and less open to change.

The existence of three very important centers of learning---Mashhad, Qom and Najaf-- and the resetting of their positions in view of the post –war events will certainly influence the charting of Shi 'ism in the years to come.

---

[7] For wider information see Y. Nakash *The Shi'is of Iraq* Princeton,1994. and Juan Cole's *Informed Comment, thoughts on the Middle East, History, and Religion.* On line

1. **Mashad** ( lit: 'the place of martyrdom') is the most important shrine in Iran. The Eight Imam of Twelver Shiites 'Ali ibn Musa al-Rida or 'Ali Reza (d.818 ) is buried in Mashhad with an important seminary and a respected clergy. However its seminary is less influential than the one in Qom. That is because Mashhad was marginalized after the revolution when Khomeini turned down a public invitation to visit the seminary. This event also reflected on the position of Ayatolla Qomi of Mashhad who was virtually silenced after the incident. The part played by Mashhad in the next decades was more related to the shrine's wealth (through endowments) and the prestige of its clergy, not by the attractiveness of its curriculum. Khamenei, the present Iranian leader, was brought up in Mashhad but his influence derived mainly from the fact that he was a member in Khomeini's inner circle. Mashad will certainly turnout to be a factor of importance in the post–Saddam Shi'ah order. However, if a rift occurs between Qom and Najaf it will, probably, be felt within Qom rather than incite more rivalry between Qom and Mashhad.
2. **Qom** took over Najaf's place of leadership from the late 1940s. The higher level of courses in Qom and the diversity of theoretical and didactical approaches for courses in *fiqh* (Islamic jurisprudence) or *'usul* (the logic of jurisprudence) turns Qom into a most attractive place for the students. Qom is also more open to new ideas. It was the first Shiite seminary that taught English, social sciences, humanities and Western philosophy. Clerics in Qom are more politically engaged and culturally active than in Mashad. It also counts a greater number of publications from the members in the different research centers. After the death of Khomeini, Khamenei gave large amounts of money to the seminaries and Qom got the largest part of the governmental budget, sums that will never be passed over to Najaf or Mashad.[8] Qom's future depends partly on what will happen to Najaf.
3. Half of the 3000 Iraqi clerics who took refuge in Iran for fear of Saddam Husayn are back in **Najaf.** The seminary in Najaf is much praised and the city itself is holier than Qom (the tomb of 'Ali ibn Abi Talib, the fourth Caliph If stability is restored to Iraq, Najaf will certainly attract also Iranian clerics.

The *Hawza Ilmiya* acts as one entity – be it in Najaf in Iraq or Qom in Iran However, the Hawza is not an organized theocratic system as the Vatican, but a delicate structure with rather ambiguous rules regarding how much internal debate could be allowed within its parameters. Shiite clerics are not handed titles but rise in status depending on how many followers believe in his interpretations (*ijtihad*- intellectual effort) be they religious, political, personal. Religious titles such as *Hojat al-Islam* or *Ayatollah* are not granted they are proffered by the faithful in recognition of scholarship, leadership, wisdom and courage.

Therefore, it is no surprise that Iraq's Shiites do not speak with one voice. The political power of the Shiite *'ulama,* who operate in an ideologically and tribally fragmented society is therefore more diffused permitting different ideas to emerge also regarding distinct governmental patterns. The following are the main Shiite leaders who personify different approaches and positions.

---

[8] Majid Mohammadi, SUNY- Stony Brook, gulf2000 list, 1 May 2004, majidmohammadi@hotmail.com).

**Grand Ayatollah 'Ali Husayn al- Sistani** leader of 15 millions of Iraq's Shiites in Iraq, was born in 1930 near Mashhad, Iran., learned in Qom and was a follower of Grand Ayatollah Abu al-Qasam al- Kho'i (died in London in 1992),the father of 'Abd al-Majid al-Kho'i who was killed in Najaf in April 2003. One of the two or three great *marja' al- taqlid* (source of emulation) because of his knowledge and his capabilities as a mujtahid who can interpret the Qur'an.

Sistani managed a fierce campaign to have Iraqis directly elected take on the task of drafting a constitution that would express a national identity founded in Islam and noble social values. He made it clear to the US that his interest focus primarily on the welfare and political rights of Iraq's Shiites and those of the Shiite community in general. He will not interfere, however, in the formation of the elected national government. In his view, the religious leadership must raise above factions and parties and promote unity among all Muslims – Sunni and Shiite alike-- because "Iraq is for the Iraqis".[9]

Sistani's theory of politics seems to rooted in the Iranian Constitutional Revolution (1905-11) and the ideas of Sheikh Muhammad Husaym al- Na'ini authorizing the congruence of *mashrutih* (constitutionalism and parliamentarism) with *nashru'ih* (shari'ah or Islamic law)[10]. Sistani rejects the principle of 'vilayat al-faqih' in governmental affairs[11] but approves the right to interfere in social affairs (as in Pakistan under General Zia al-Haq) and in issues referred to his approval by a pluralistic parliament. Quietism in his view, is not a refuse of politics itself but the protection of religion in order not to repeat Iran's mistake regarding the politicization of religion.

In the Iraqi context, Sistani sees the success in the elections in the broader scheme of the Sunni- Shiite struggle over the upper hand in the Islamic world. And yet, he believes that Shiites should refrain from forcing Islamic law on all areas of the country in order not to raise opposition from secular constituencies ( secular Sunnis and Kurds). On the other hand, he maintains that Iraq's constitution should not have any clause that contradicts Islam. In his view the drafting of the constitution should be the work of an appointed committee that would later submit the draft to the scrutiny of a popular referendum.

---

[9] (Muhammad Rida al-Sistani, 18 April 2003 in <**jrcole@umich.edu**> c/o gulf 2000list).

[10] 27 August 2003 by Juan Cole c/o gulf 2000.

[11] The question of Shiite affinity to Iran is paramount in the attitude of both Sunni Iraqis and the neighboring countries towards the Iraqi Shiite regime. According to Khomein's doctrine of *velayat e-faqih* (guardianship of the jurisprudent), the most prominent Grand Ayatollah would rule over the faithful in the absence of the Twelfth Imam (who went into a period of occultation) thus becoming the Supreme Leader. The Supreme Leader is not elected but acknowledged by his followers by virtue of his knowledge, piety and other

**Muqtada al-Sadr** rose to local Iraqi prominence in the wake of the rebellion that he staged in April 2004 His followers seized control of Kufa, Kut, Najaf and portions of Karbala and contested control of Nasiriya, Hilla, Amara, Diwaniya and Basra. His rebellion was political and religious pointing to the fact that Muqtada might also in the future deviate the political process, even if he publicly recognizes the authority of the *marja'iyah*. Muqtada al-Sadr's followers, the younger generations of fallahin that emigrated to Baghdad decades ago and live in the poor neighborhoods of Sadr city (3 million inhabitants approximately) see him as the rightful inheritor of his father's religious and political position, in spite of the fact that Muqtada himself doesn't have the credentials of a mujtahid. Muqtada's father, Grand Ayatolla Muhammad Sadiq al-Sadr, the most revered religious Shiite figure in Iraq in the last decades, was assassinated by Saddam in 1999 along with two sons. Sadr leads a true movement not just an insurgent extremist faction attempting to seize power. That, in spite of the fact that he does not have a well defined program but refers to his father's political writings and inserts them in radical and populist messages. The religious establishment and the Shii merchant classes in the South and in Baghdad (followers of Sistani)feel uncomfortable with Sadr's positions that challenge the main stream Shiite religious hierarchy. They, and many Sunnis, see him as a divisive figure that raised vociferous Sunni protest after having occupied the Sunni *waqf* in Basra (July 2003) and usurped a large number of Sunni mosques in south Iraq ('to reverse Saddam's plot to plant Sunni Islam in Shiite territory').

Muqtada al- Sadr holds a dual attitude towards **Iran**. On one hand, his political appeal is based on ethnic politics and Iraqi nationalism in contrast to the authority of the Iranian born Grand Ayatollah 'Ali al-Sistani. He addresses his followers in Iraqi vernacular, plays on patriotism by exposing pictures of himself and his father on the background of Iraq's flag. On the other hand, his main military adviser, **'Ali al- Baydani** who has spent many years in the Qom seminaries and was the operative of the Quds brigades ( a branch of Iran's Revolutionary Guards in Ahvaz, the center for all covert activities in Iraq since 1991). Baydani is the main liaison between the Iranians and Sadr whose links with Iran tightened after his visit to Iran in 2003 (to attend ceremonies of 14th anniversary of death of Ayatollah Khomeini). Although suspicious of Sadr, the Iranians recognize his potential appeal and the political role he might play in the future.

Other young Shii clerics that will certainly play an important role in the Sunni-Shiite conflict for redefinition of Iraq's identity and nationalism are **Muhammad Mahdi al- Khalisi** (b. 1938) in Karbala, **Sheikh Adnan Shakhmani** (Sadr's deputy), **Ayatolla Ishaq Fayad** ( Najaf) **Sheikh Muhammad al-Fartusi,** [12] **Sheikh Halim al- Fatlawi** [13]

---

[12] William Beeman , 'Shiites and their New Culture in Iraq', 27 April 2004, Gulf 2000.
Sheikh Muhammad al- Fartusi ( 33 years old) was arrested in April 2003 after issuing fatwas against the US. His arrest provoked a demonstration of 5000 Shi'i followers.

[13] Shaikh Halim al-Fatlawi (35) Deputy director of the Eastern Baghdad office of the Sadr movement, and administrator of large neighborhoods in Sadr city.

Other Shiite radicals and less radicals that will influence the process are **Muhammad Mahdi al-Khalisi** (b. 1938) of Karbala, **Sadr al-din al- Kubbanji** (a follower of Sistani) of Najaf, **Sheikh Ali Kammouna** of Karbalah, **Sheikh Jawad al- Khalisi** and **Sheikh Faith Kashif al- Ghita'** all names that remind students of Iraq's history the deeds and radical positions of their fathers and forefathers.

In a totally different category one could find **Ayatolla Kazim al-Hai'ri** (Iraqi exile in Qom), Muqtasa's mentor and a former disciple of his father, Grand Ayatollah Muhammad Sadiq al-Sadr. A prominent figure in Iran's global Shiite missionary activity, Hai'ri is one of the few Iraqi scholars that accepts the Iranian notion of ' 'wilayat al faqih' .

In another faction of the radical Shi'i movement we find the leaders of The supreme Council of Islamic Revolution in Iraq (**Sciri**) who were considered as Iran's traditional proxies among Iraqi Shiites, but today are part of Iraq's new political establishment. **Ayatola 'Abd al-'Aziz al-Hakim,** the present leader of Sciri (after the killing of Ayatollah Muhammad Baqir al-Hakim in September 2003 at the al-Husayn mosque in Najaf) will certainly fulfill a prominent role in the next administration. Sciri's compliance with the requirements of daily administration will certainly lead to a revision of the organization's previous ideological positions and lead to a more compromising attitude regarding Sunni Shiite relations and radical Islam.

Among other Shiite raising leaders holding different viewpoints and platforms the most conspicuous ones are:

1. **'Adel 'Abd al- Mahdi** (Sciri) the former interim minister of finance who seems to be strongly convinced of the advantages of a free market economy, al- Mahdi will fulfill the important role of vice-president in the elected interim government. An Islamist with a colorful past of a leftist in Paris in the 1970s-1980s, al- Mahdi spread hopes about a more pragmatic attitude regarding the country's reconstruction., challenging the old belief that Shiites' economic agenda is the one exposed in Muhammad Baqir al- Sadr's *Iqtisaduna* (Our Economy, 1961).The strict and paralyzing measures regarding banking and trade interests exposed in the book will probably be considered as more theoretical commandments that can not be applied in a modern ,liberal and progressive economy. Another example of pragmatic positions adopted by modern Shi'i leaders whose connections with the Shi'i religious establishment do not prevent them from understanding the importance of opening up to international markets is Ibrahim Bahr al- 'Ulum, a PhD in petroleum engineering who was the first oil minister after the war. The son of the scholar Muhammad Bahr al-'Ulum a leading 'alim exiled in London and associated with the Kho'i foundation, Bahr al-'Ulum will probably contribute to the opening up of Iraq's economy to international markets.
2. **Ibrahim al Ja'fari** of the Da'wa, the oldest organized Shiite islamist organization (founded in the late 1950s) shares much of the ideology of Sciri and Sistani but is

more suspicious of Iran's intentions. Ibrahim al-Ja 'fari, probably Iraq's next Prime Minister, will also have to find a way to accommodate his Islamist ideas to a changing and dynamic reality.

3. **Muwaffaq al-Ruba'i** a former Da'wa member and now a prominent spokesman of the UIA, seems yet to believe in the idea that a parliament ( with a majority of lay Shiite members) should run a republic ruled by the shari'a , not by a Western civil law.
4. **'Abd- al Karim al- Enzi**, leader of a militant faction of the Da'wa. seems to be the one of the most radical leaders enjoying the support of a wider popular base.
5. **Abu Hasan al- Ameri**, the chief of the Badr brigades, the Shiite militia recently turned into a political and social organization is, by force of circumstances, readapting the organization's mission.

Both organizations, **Sciri** and **Da'wa**, seem to agree, either by conviction or by necessity, with Sistani regarding the amendments in the personal status law that will replace the civil code of the former regime and draw on Islamic rules in all what concerns marriage, divorce, inheritance, etc., worsening women's previous status. Da 'wa also sees the need to preserve a centralized rule in Baghdad and rejects the idea of lose federalism (in its two versions based on the Canadian or Switzerland models).

These amendments will certainly exacerbate the conflict between secularists and radicals in both groups, Shiis and Sunnis, and reflect on the growing tension between activists and quietists among Shiite religious leaders. Tha in spite of the fact that quietism has already undergone visible changes that were caused by Sistani's need to take more active positions to face the US and influence the political process in course. The main opponents to quietism, Muqtada al-Sadr and Muhammad al Fartusi in Baghdad, will certainly take advantage of the situation and push forward political activism as a necessity in the present circumstances. How will this more radical approach influence the new government's policies, still remains to be seen.

## Shiite Radicalism and the Future of Iraq:

The empowerment of the Shiites in Iraq has already affected the Sunni camp and given birth to a number of ostensibly contradictory phenomena. Preliminary conclusions of the first stages of a controversial process help us discern two main opposed trends:

- On one hand, it has encouraged local resistance to the US presence, now augmented by foreign based Sunni Jihadists (Wahhabists, Salafis, etc) in a joint effort to derail the political process, which leads to Shiite dominance. Clashes between Sunni and Shiites (attacks on mosques, religious processions and others) are mainly caused by the Sunnis refusal to face the prospect of becoming a minority status in a future Shiite dominated state.[14] The spread of Sunni anger, as demonstrated during the celebration of the *'ashura* in March 2004 is still vividly remembered. It was not juts the shaking of the status quo that reinvigorated a Sunni militancy but the sectarian tension and the belief on the existence of an 'axis of evil linking Washington, Tel Aviv and Najaf' that rekindled the conflict. Similar themes were used by other radical Sunni organizations such as Jund al–Islam operating in the Kurdish areas. In their call for a permanent jihad (until the final liberation of Iraq from the US and from the Shiites) they reiterated their will to see Iraq becoming a Sunni dominated Islamic state (Saudi style).To achieve their goals the organization attacked buildings belonging to the Kurdistan regional administration and military bases of the Kurdish Peshmerga forces[15] hoping to shake the basis of the Kurdish administration. In other words, there is a radicalization of stands and ideologies in the Sunni camp caused by emboldened Shiite positions leading to a confrontation pushed forward by radical elements in both camps. This trend draws strength from the very precepts of religion and radical traditions.

---

[14] "Iraq's Politics Pose a Danger', by Hamza Hendawi, *Associated Press* January 2004

- On the other hand , initial signs of shifting positions seem to emerge. These signs point to a maturing of views and more pragmatic attitudes from elements in both sides. The Sunni radical camp seem to be opening up to the need to confront a new reality. In effect, the needs to deal with the daily problems in the Sunni areas together with the fear of being left aside are pushing Sunni radical groups such as the Muslim Cleric Association (led by Muthana Harith al-Dhari) and the Iraqi Islamic Party (led by Iyad Samarra'i) to adopt more realistic positions. They agreed to participate in a firs meeting with Adnan Pachachi in the frame of a National Reconciliation campaign launched lately for the very purpose of including Sunni radical leader in the political process. These initial steps are attempts to introduce changes 'from below' at a time when communal tensions are still on the rise, casting doubts on the prospects for installing a peaceful elected government.
- Conversely, contacts between Muqtada al-Sadr's and Sunni Arab extreme nationalists in Kazimiya point to the possibility of having a pool of radicals that would come up with a radical agenda and try to derail process that seems to them to entail a dangerous deviation from a previously engineered more radical process. Whether these contacts are local in scope and temporary or whether they do point to the emerging of a more radical agenda is still difficult to tell.

Both probabilities : a)a rapprochement of Sunni and Shiite participants in the process having in view a more pragmatist approach or b) a tactical alliance of the most radical elements having in view a rupture of the process – will certainly have an immense impact on the region. That not just because of the confrontations still ahead but also because these personal and ideological changes are indicative of broader trends that will certainly shape the Middle East in the years to come.

On a more immediate level, these differences have direct political implications. They are also reflected in the process of forming a government and the scrutiny that parties and programs undergo. Candidates to the different posts are examined also according to their inclination to accept the principle of 'vilayat al- faqih' which indicates the party's greater or lesser affinity with Iran and its policies, a very controversial point in the debates among the main groups and among the Shi'is themselves.

---

[15] KurdishMedia.com September 21, 2001.

The Sunni–Shiite divide in Iraq reflects now in all spheres of life. Iraqi TV broadcasts include both the Sunni and the Shiite versions of the daily prayers, the Muslim 'Id al-Fitr holiday in November 2003 was observed on three different days to accommodate all faiths, and the interim government runs three religious affairs departments: one for Shiites, one for Sunnis and one for non-Muslims. These amendments, seen as a necessity to reverse the injustice of Sunni predominance, are seen by the Sunnis as dangerous sectarian policies.[16] They claim that these new policies affect the unity of the nation disregarding the fact that unity, in the Iraqi context, is a very complex term.

That is why unity, patriotism, nationalism and all other variants are now taking on new and variable forms and meanings and even the call for a unifying Islamic rule has a different connotation for Shiis and for Sunnis, as both calls for the implementation of *their* version of Islamic rule.

One banner for re-unification of Iraqi Sunnis and Shiites is the struggle to liberate Iraq from the United States. This banner is mainly raised by the Sunnis, who see the common goal as a vehicle to re-establish their status or at least to reduce their marginalization. This has given birth to a newly formulated militant nationalism based on Muslim religious identity and feelings of Arab nationalism.[17] Among the callers for unification of the two groups is Prof. Wamidh Nadhmi, a leading professor of political science at Baghdad University, who tried to underscore the still existing feelings of unity between Shiites and Sunnis based on Arab ethnicity and Islam.[18]. Other calls for an ideological rapprochement between Iraq's Sunnis and Shiites based on new notions of nationalism came from Adnan al-Janabi (Sheikh of the powerful Janabi tribe which contains both Shiite and Sunni members). It bases itself on a renewed vision of Iraqi tribalism seeing it as a uniting factor interspersed with Arab elements and specific Iraqi values and heritage as developed in 'Ali al- Sharqi's epic poetry.

For as tempting as these new/old theses are, the question still remains whether tribalism and Arab values could be strong enough to help mend fissures that seem, at first sight, to be growing deeper. The realization that Shiism (and now Sunnism) transcend national boundaries points to the need to find better formulas to define the emerging and more complex situations. The problems stem, as some see it, from the deflation of previous ideas that couldn't yet be proven right. The more conspicuous ones focus on the attempt to build just on the supra-national aspect of Shi'ism as opposed to the more current thesis of an Iraqi nationalism that works as a glue and mends all the religious differences between Iraq's Sunnis and Shiites. What emerges, at this point, is a more complex situation, one that requires more nuanced and inclusive definitions. That not just because of the differences that emerge in the Iraqi arena itself but also in the broader regional one. More specifically on the unwillingness of the Iraqi and Iranian Shiites to accept the other group as role models but also to their attempt to define new cultural and religious frames and maintain a separate political course.

---

[16] Associated Press, 10 January 2004.

[17] "We Are One Hand- Sunnis, Shiites Uniting against US" Annie Ciezaldo Pacific News Service, April 20,2004.

[18] "There is no religion called Shiism and no religion called Sunnism. They are both Muslims" ibid.

## Regional and Islamic Spill-Over of the Sunni Shiite Confrontation.

The after effects of Shiite predominance , including the implementation of Shiite law and theology in Iraq are very difficult to predict. Arguably, the underscoring of Shiite culture and religion has the potential of further exacerbating sectarian divisions in Iraq and in the neighboring countries.

The celebration of the *arba'yn* ( the ceremony pointing to the end of the mourning period following the death of the Imam 'Ali) in Karbala in May 2003 still remains a symbol of the first manifestations of Iraq's Shiite 's cultural revival in Iraq. This revival will certainly reinforce the cultural and religious ties that bind Shiites from Lebanon to Pakistan and also reflect in the renewal of Shiite political activism all over the world. This change in the balance of power in the region in favor of the Shiites will fuel demands for similar rights also in other neighboring countries containing important Shiite communities. In Saudi Arabia Shiite organizations such as he Hezbollah (the party of God), al-Tajammu' al-'Ulama al- Hijaz( the Assembly of the Scholars in Hijaz) and Haraka al- Islahiya ( the Reform Movement) that became already more active in their fight for greater cultural and political rights.

The local nature of Islam in various countries makes it difficult to predict how these different movements would react in face of more complex regional developments. expressions of popular religiosity, cultural backgrounds, nationalisms, linguistic factors (*wahdat al- lugha)* , cultural unification( *wahda al thaqafa al- 'arabiya*), etc. These regional implications will also be affected by the progressive changes in the Shiite-Sunni paradigm in Iraq. The changes of position and political weight might directly influence other Shiite communities in the Middle East and in other parts of the world. If an when the security problem will be solved letting more personal and direct encounters tale place , new streams of thought s about religious freedom and the place of Shiites in Iraq and in the region will develop.

The political significance of a balance of power in favor of the Iraq's Shiites will entail a strengthening of cultural and religious ties with other Shiite communities and energize the political activism of the Shiites, as individuals in these countries. In some cases even propel changes in Shiite communities in the Middle East and reinforce the connections between Shiite communities and institutions throughout the area. The conditions for it reside, however, in the solving of the political impasse in Iraq.

To what extend will Islamic radicalism turn Shiites in the Middle East into agents of change (or, in the view of some, of regression) still remains an open question. Laith Kubba, the Shiite intellectual associate with the London based Kho'i foundation explains the effects of the openings toward democracy in the Middle East. In his view, if the process of democratization widens, the US will have to deepen its contacts with the Shiite communities in the region as they have challenged autocracy and criticized unjust social and political policies undertaken by Sunni governments for more than a hundred years. If he is right, Iraq's Shiites may play an important role in leading a movement of reform that might push the region more than one step forward.

A first sign of growing prominence of Shiites through the Middle East after regime change in Iraq was a convention of **Saudi Arabian** *'ulama* (called by Crown Prince Abdullah in summer 2003) to search for a common ground between Wahhabi and Shiite religious leaders in the kingdom. If the process continues, the organizations aiming at the redressing of the political rights for the Shiites in Saudi Arabia will seemingly increase their activities while having in mind more specific aims. Among them political and diplomatic appointments, educational and professional opportunities extended to Saudi Shiites and others. Saudi Arabia's attempts to bolster Iraq's Sunnis against the Shiites might decrease.[19]

On a broader scale, the Saudi leaders might gradually change their view of the Shiites as a fifth column and engage in a more outreaching policy that also in an attempt to stop the erosion of her own religious legitimacy. On the domestic level, the effects of Shiite empowerment on the Shiite population in the strategic province of al- Hasa (hundreds thousands of Shiites) and elsewhere (e,g, near Medina) could generate radical changes. Saudi Shi'is will build their case on the successes of Iraq's Shi'is and perhaps get moral and political support from Iraq's new government.

**Iran** is probably the most susceptible to winds of change blowing from Iraq. The opening of Iraq to gradual changes will strengthen the links between Qom and Najaf ( is spite of the rivalry between both centers) and provide Iran with further opportunities to widen its influence in Iraq. In this case Ayatollah Kazem Husayn al- Hai'ri, (Muqtada al-Sadr's spiritual mentor),a heavy weight in the missionary activities of the Islamic republic, will probably act as 'ago between' and try to influence more directly other clerics in Najaf and Karbala. The changes in Iraq might also have an effect on Iran's religious structure.

In **Lebanon**, Sheikh Hassan Nasrallah, present leader of Hezbollah (with thousand Shiite militia fighters taking orders from Iran and Syria) might embolden his positions and send more agents to Basra. As a first sign of Hezballah influence in Southern Iraq ( apparently in cooperation with the Iranian intelligence with headquarters in Amara)are two Iraqi groups calling themselves Hezbollah.

An emboldened and radical Hezbollah might also redouble its political and parliamentary activities in South Lebanon strengthening even more his position at the expenses of the more secular Amal Party, the other contender for Lebanon's Shiite vote.[20] On the other hand, Hezbollah might rethink its long term strategy and recognize

---

19 (Post Wahhabism in Saudi Arabia , Stephane Lacroix, Science Po, Paris, colloquium CERI, 10-11 January 2005 )

[20] 'Hizballa Rising : The Political Battle for Loyalty of the Shia of Lebanon', Rodger Shanahan ,MERIA vol. 9, n 1 article 1 March 2005).

the realities of Lebanon as a multi-confessional state and forfeit (temporarily?) the idea of an Islamic state in Lebanon. A third possibility could be Hizballah's more focused activities in Lebanon itself in the frame of a new National Reconciliation Pact that might allow Hezbollah a greater political role in the country.

## Summary

The US interests and objectives in Middle East are tied to the fluctuations of Shiite-Sunni struggles for power. Policy-making must reflect this reality both by responding to the threats posed by the broader Sunni reaction to Shiite revival in Iraq and by exploiting the opportunities that the growing Shiite power in the region presents.

If Iraq's post election period concludes in a kind of parliamentary compromise, Iraqis will have an opportunity to create a multicultural Iraq that recognizes importance of Islam without forcing it on unwilling sectors of its population and that accepts the rights of minorities without dividing the country. If the process finishes in a deadlock there will be severe dangers for Iraq, the Middle East and the US.[21]

Shiites has now an historical opportunity to become a regional force. But the US has to accommodate fears of surrounding countries and figure out how to change these perceptions(of having taken Iraq from the Sunnis) not just by explaining the historic and strategic causes for this move but also by addressing the Sunnis in their own terminology. Policy decisions that may derive from this situation may be based on:

- Taking into account that the effects of the changing of the balance of power in Iraq on the domestic and external policies in Lebanon, Afghanistan, Pakistan, Azerbaijan and Saudi- Arabia. Delineate a coherence and inclusive policy toward Iraq and ensure regional stability.
- Examining the thesis that Shiites may be more open at the moment to absorb economic changes.
- Willingness to understand the phenomenon called Muqtada al-Sadr and willingness to develop a better relation with him and with other emerging young Shiite leaders.
- Understanding of the complexity of the mechanisms underlying interconnected terms such as nationalism, ethnicity, etc.
- Cultivating successors to Grand Ayatolla 'Ali Sistani.

To sum up: A solution to the dilemmas above may be found in a redefinition of interconnected analytical terms (nationalism, ethnicity, secularism, sectarianism, religion, national identity and others) while trying to understand the way in which their recurrent features and frequencies manifest themselves. A more thoroughly conducted analysis of the conditions in which they develop could provide a key to the unlocking of apparently mechanisms and point to more viable solutions.

---

[21] 'What will the Shia Parties Want Once They Have Power in Iraq? The American Prospect, on line, based on Juan Cole's 'Theocracy Now" Feb. 21, 2005, reproduced in Gulf 2000 on 5 March 2005.

# Chapter XI

# *Fiqh al-Aqalliyyat* (Muslim Minority Jurisprudence) – A Religious Solution for Muslims Residing in the West

–Shammai Fishman–

# *Fiqh al-Aqalliyyat* (Muslim Minority Jurisprudence) – A Religious Solution for Muslims Residing in the West

**–Shammai Fishman–**

## *Introduction*

Islam originated in Mecca as a religion of a minority. However, within the life time of the Prophet–founder, it became both a majority religion and the "State religion" of a virtually totally Islamic Arabian Peninsula. Even in countries which came under the Islamic sway and remained with substantial non-Muslim minorities, the law of Islam provided Muslims with clear caste superiority and evolved over the years as the law of the ruling religious majority.

Over the ages, the great majority of Muslims continued to live in Muslim lands governed, one way or another, by Islamic customs and laws. This has changed dramatically over the last century and increasingly during the second half of the 20th century; the mass migration of Muslims from North African countries to Western Europe and of Indian and Pakistani Muslims to the UK and lesser migration patterns of other Muslim countries along with increased mobility of students and workers, globalization – all of these changed the paradigm by which Islamic law evolved as the law of the ruling majority. For several decades, an increasing number of Muslims have chosen to live in Western countries. According to one estimate made by Muslims,[1] approximately 15,840,000 Muslims live in Western Europe, comprising 4.43% of its total population. In France alone, there are 5,500,000 Muslims in a total population of 56,576,000; in Germany, 3,200,000 out of 79,113,000. The number of Muslims in the United States is estimated at 6–7 million.[2]

The residence of a Muslim in a non-Islamic land has ramifications which do not exist for followers of other religions; Islam is a communal religion and many of its precepts are contingent on the existence not only of a Muslim community but of a Muslim government. Many of the legal duties and stipulations of Islamic law are unable to be implemented under a non-Muslim regime. As the number of Muslims encountering these dilemmas grew, a need began to be felt for a legal system which would answer the needs of this constituency.

*Fiqh al-Aqalliyyat* (Muslim Minority Jurisprudence) is a contemporary Islamic legal theory designed to create a methodological framework for solving the unique problems of Muslim minorities, regarding religious law. Behind this theory lies the basic assumption that Muslims living in non-Muslim societies face challenges in observing religious law which do not exist for Muslims who live in homogenous Islamic societies. Observant Muslims live according to *Shari'a* (Islamic law) as embodied in *Fiqh* (Jurisprudence). [3] *Fiqh al-Aqalliyyat* deals with the daily conflict of millions of Muslim individuals living in the West with the culture and values of the society in which they live. It tries to offer a solution from with in the framework of Islamic jurisprudence and orthodoxy; its goal is to reshape and reinterpret Islamic concepts such as *Dar al-Islam* (land of Islam) while not appearing to be a religious reform movement. The importance of *Fiqh al-Aqalliyyat* in this context is that jurisprudence is used as tool to bridge this conflict, and that is because the central role of jurisprudence in the lives of Muslims.

---

[1] *Islam, Muslims and Islamic Activity in Europe: Reality, Obstacles and Hopes* by Dr. Ahmad al-Rawi, Chairman of the Union of Islamic Organizations in Europe
http://www.islamonline.net/arabic/daawa/2003/12/ARTICLE05A.SHTML

[2] http://www.cair.com/asp/populationstats.asp

[3] Sheikh Muhammad al-Mukhtar al-Shinqiti Director of the Islamic Center of South Plains, Lubbock, Texas, explains the relationship between Shari'a and Fiqh:

The ramifications of fiqh al-aqalliyyat go further than the practical needs of Muslims in the west. By way of re-interpretation of the basic concepts which identify the Muslim community, this theory of jurisprudence also holds potential implications for a theological basis for co-existence between Islam and the West.

Fiqh *al-Aqalliyyat* was developed as a means to assist Muslim minorities in the West. It may, however, also be applied in other parts of the world with large Muslim minorities, such as India, though India has its own traditions of accommodation of Islamic law with the reality of living under a Hindi majority rule.[4] It is worth noting that al-Qaradawi and his *Fiqh* council are mostly popular among the immigrants from Arab backgrounds. The Pakistani and other non Arab Muslim groups have their own religious leadership.

This paper will describe the theory of *Fiqh al-Aqalliyyat* through a discussion of its founders, their views of the need for a special jurisprudence system for Muslim minorities, the religious view regarding non-Muslim territory and the methodological tools used by the *Muftis* who follow *Fiqh al-Aqalliyyat.*

## *The Founders of Fiqh al-Aqalliyyat*

The first books about *Fiqh al-Aqalliyyat* were published in 2001. Since then powerful institutions and popular websites have developed, advocated and promoted *Fiqh al-Aqalliyyat*. . The founder of *Fiqh al-Aqalliyyat*, Sheikh Dr. Taha Jabir al-Alwani, serves as president of The Graduate School of Islamic and Social Sciences in Ashburn, Virginia, and as president of the *Fiqh* Council of North America. In 2001, he published a booklet in Arabic, *Nazarat Ta'asisiyya fi Fiqh al-Aqalliyyat* (Foundational Views in *Fiqh al-Aqalliyyat*) on IslamOnLine.net, which describes the basic outlines of his theory.[5]

---

"Jurisprudence is different from Shari`ah in that sense: Shari`ah refers to the revealed religion as a whole, while jurisprudence refers to how the rules of Shari`ah are to be applied from the points of view of the jurists."
http://www.islamonline.net/fatwa/english/FatwaDisplay.asp?hFatwaID=107972

[4] Sheikh Dr. Taha Jabir al-Alwani, founder of Fiqh al-Aqalliyyat, gave a video lecture at a "Jurisprudence Workshop" held in New Delhi (www.asharqalawsat.com Feb 14, 2004). Dr. Yoginder Sikand, an Indian Muslim intellectual, regularly includes articles about Fiqh al-Aqalliyyat, in his e-journal Qalandar (see: http://www.islaminterfaith.org/dec2004/article4.htm). On the classic and modern Islamic concepts of co-existence in India with the "pagan" Indian religion, see Yohanann Friedmann, Yohanan. Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition. Cambridge: Cambridge University Press, 2003.
Friedmann, Yohanann. "The Attitude of Jam'iyyat-i 'ulam□'-I Hind to the Indian National Movement and the Establishment of Pakistan." Asian and African Studies 7 (1971): 157-180.
Friedmann, Yohanann, "The Jam'iyyat-I 'ulam□'-i Hind in the Wake of Partition." Asian and African Studies 11 (1976): 181-211.

[5] http://www.islamonline.net/arabic/contemporary/politic/2001/article1.shtml, This manuscript was also published as a chapter of his book Maqasid al-Shari'a (Intentions of Shari'a) . An English Translation was published under the title Towards a Fiqh for Minorities : Some Basic Reflections (Occasional Paper Series 10), The International Institute for Islamic Thought, London-Washington.

Born in 1935 to a Sunni family in Iraq, al-Alwani studied at Al-Azhar University in Cairo for nearly twenty years and in 1973 he submitted his doctorate on the legal methodology or the roots of Muslim jurisprudence (*Usul al-Fiqh*)[6], which qualified him as a *Mufti*. Al-Alwani served as a chaplain and lecturer in the field of Islamic Studies. He taught at the Iraqi Military Academy from 1963 to 1969.[7] From 1975 – 1985, al-Alwani lived in Saudi Arabia where he taught Islamic law at Al-Imam Muhammad Ben Sa'ud University in Riyadh. He subsequently moved to the United States where he embarked upon a spree of intellectual activity. His transfer from the *Wahabi* stronghold of Ibn Sa'ud University to moving to the United States should be noted as a remarkable transition. He became an active member of the International *Fiqh* Council in Jeddah, which acts as a central authority for *Fiqh* councils around the world (including, the North American *Fiqh* Council), and is subordinate to the Organization of the Islamic Conference (OIC). For many years, al-Alwani has served as president of the International Institute of Islamic Thought, which has branches all over the Muslim world.

The co-founder of *Fiqh al-Aqalliyyat* is Sheikh Dr. Yusuf al-Qaradawi. A remarkable personality in the Islamic world, al-Qaradawi has written more than one hundred books on a variety of Islamic subjects and is considered the leading figure of the international Muslim Brotherhood movement. In his fatwas he expresses support for violent acts against Israel and against Americans in Iraq.[8] Al-Qaradawi reached world news headlines with his controversial visit to London where he announced the establishment of the "International Council of Muslim Clerics (*'Ulama*)."[9] Born in 1926 in a village in Egypt, al-Qaradawi studied at al-Azhar University where he received his doctorate in 1973. He worked as a preacher and as a teacher in mosques and as an Egyptian government official in the Bureau of Religious Endowments (*Awqaf*). In 1961, he moved to Qatar where he developed various Islamic educational instit0utions and served as their president.[10] In 1997, al-Qaradawi founded the European Council for Fatwa and Research for the purpose of giving Islamic legal guidance to Muslim minorities in Europe. Despite his radical views in the area of jihad, Qaradawi advocates leniency in his religious rulings regarding the Muslim minorities in Europe. In *Fi Fiqh al-Aqalliyyat al-Muslima – Hayat al-Muslimin Wasat al-Mujtama'at al-Ukhra* (*Fiqh* of Muslim Minorities – Life of Muslims in the Midst of Other Societies), al-Qaradawi gives general legal rules for *Fiqh al-Aqalliyyat*, along with examples of its application. As a media personality, he hosts a television show on al-Jazeera called *Al-Shari'a wal-Hayat* (Islamic Law and Life) twice a week. In addition to his own website, qaradawi.net, he also takes part in running the important and popular website, IslamOnLine.net.

---

[6] About Muslim jurisprudence and its "roots" see EI2-Fiqh (J. Schacht).

[7] Biographical information taken from: www.usc.edu/dept/MSA/law/alalwani_usulalFiqh/taha.html ; http://www.siss.edu/faculty/frameset_faculty.htm , www.weforum.org/site/knowledgenavigator.nsf/Content/Alalwani%20Taha%20Jabir . Regarding the name al-Alwani see www.asharqalawsat.com (May 1, 2003 and May 25, 2003).

[8] MEMRI - *Special Dispatch Series - No. 794* (October 6, 2004) http://memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP79404

[9] MEMRI - *Special Report - No. 30* (July 8, 2004) http://memri.org/bin/articles.cgi?Page=archives&Area=sr&ID=SR3004
At a conference on "*Jihad* and Denying its Connection to Terror" in Stockholm held by the European Council for Fatwa and Research in July 2003, Al-Qaradhawi stated, "The martyrdom operations carried out by the Palestinian factions to resist the Zionist occupation are not in any way included in the framework of prohibited terrorism, even if the victims include some civilians."

[10] http://www.qaradawi.net/site/topics/article.asp?cu_no=2&item_no=1221&version=1&template_id=190&pare

## *The Rationale of Fiqh al-Aqalliyyat and its Critics*

Al-Alwani describes the new situation and special circumstances of the large Muslim immigrant communities in many countries which justifies the creation of a special system of jurisprudence. The areas which demonstrate the need for such a special system of jurisprudence derive from various dilemmas that Muslims abroad face in contrast to their co-religionists who live in Muslim countries . These include problems of personal and communal jurisprudence:

- On the personal level, some of the main dilemmas include the issue of permitted food (*halal*) and eating with non-Muslims, the dates of holidays (the position of the moon), and marriage to non-Muslim women. [11]
- On the communal level, Muslims must deal with deeper questions such as Islamic identity, the message of the Muslim in his new place of residence, his link to the Muslim *Umma* (nation)[12] and the future of Islam beyond its current borders.[13] In these areas the dilemmas are even starker. They include the need to override the Islamic obligation to emigrate (perform *hijrah*) from any place ruled by infidels to a country ruled by Islam, the issue of community organization and enforcement of *shari'ah* and the Islamic punishments (*hudud*), allegiance to the country of adoption (or birth if the Muslim was born there), requesting citizenship, exercising the right to vote and the considerations that should guide a Muslim in voting, the conflict of interests when the adopted country is involved in a war with a Muslim country or when a Muslim is called upon to inform on Muslims accused of crimes.

Therefore, this special branch of *Fiqh* is necessary in order to facilitate the relationship between the Muslim minority and the non-Muslim majority. Also, one of its main purposes is to unify the Muslim communities and enhance their particular identities *vis-à-vis* the majority. In *Nazarat Ta'asisiyya* al-Alwani devotes a chapter to what he calls "the great questions in this Fiqh." Among these questions are:

- "How should the *Mufti* of a minority answer exactly… these two questions: Who are we? What do we want?
- What is the political regime under which the minority is living: Is it democratic, monarchic or military?
- What is the size of the minority for whom a jurisprudential study is desired, on several levels: Number of people, culturally, economically and politically?
- What role do institutes, organizations or leaders play in the life of the minority? Do they shed more light on and emphasize their cultural identity?
- How will it be possible to develop joint activities between the majority and the minority? What levels should be taken into account in these aspects?"[14]

From these questions, it emerges that al-Alwani views *Fiqh al-Aqalliyyat* not only as a simple system for answering personal questions in jurisprudence, but also as a framework for political and social interaction between the majority and the minority populations in non-Muslim lands and within the Muslim minority itself. Sheikh al-'Alwani explained[15] that he ('Alwani) viewed himself as the modern Rabban Johanan ben Zakkai. His choice of a model is noteworthy. During the Roman siege of Jerusalem and prior to the destruction of the Temple in 70 C. E., ben Zakkai and a number of outstanding scholars of his generation escaped from the Romans and took up residence in Yavne where they set up a rabbinical academy. There, he conceived legislative enactments, (taqqanot), which made Jewish observance possible throughout the world, despite the destruction of the Temple. His approach has been described as, "... he adopted a non-belligerent stance *vis-à-vis* the Gentiles and an accommodating one within the Jewish community itself. His position was based on a realistic assessment of the political and social factors of the time."[16] Through his legal innovations, ben Zakkai nearly two thousand years ago set the firm foundations in place for the continuation of Jewish life throughout the world. Thus, al-'Alwani, through his choice, demonstrated an expert knowledge of Jewish history and provided a valuable indication with regard to his own program.

---

[11] *Nazarat Ta'asisiyya*, Chapter 2.

[12] EI2-Umma (F.M. Denny)

[13] *Nazarat Ta'asisiyya*, Chapter 2.

[14] *Nazarat Ta'asisiyya*, Chapter 4.

[15] In a recent conversation with the author (October 2004).

Al-Qaradawi adds an ideological dimension to al-Alwani's practical justification. He emphasizes the fact that Muslims bear a message to the nations and are obliged by their faith to spread Islam through da'wa. He links the growth of Muslim communities around the world with the general process of Islamic awakening, which follows, according to his analysis seven stages, as follows:

1. The stage of feeling identity
2. The stage of arousal
3. The stage of movement
4. The stage of gathering
5. The stage of building
6. The stage of settlement
7. The stage of interaction

Al-Qaradawi claims that the seventh stage of this process has been reached, namely, interaction with non-Muslim society. He contends that Muslim minorities are standing on a solid ground, proud of themselves, able to express their identity, protect their existence, and present their cultural message to humanity.[17] A special *Fiqh* for minorities may be viewed as part of the identity of the Muslim minority communities.

The very rationale described above – the need to adapt Islam to the needs of Muslims who live in the west – is also the "Achilles' Heel" of the concept of fiqh al-aqalliyyat. The debate between proponent of the concept and its critics is summarized neatly in the following question which was asked on IslamOnLine.net and answered by a group of *Muftis*:

> "There is a scholarly difference these days with regard to *Fiqh al-Aqalliyyat* or the *Fiqh* of Muslim minorities. Some scholars regard it as an innovation that manipulates Allah's religion, and others consider it a lawful necessity. What is your point of view on that issue with special reference to the concept of *Fiqh al-Aqalliyyat* itself? What is the nature of the scholarly difference in that regard?" [18]

The response is cautious and emphasizes the orthodox character of the concept and compatibility with classic fiqh. It opens by stating that in countries where

---

[16] Lee Levine described his approach, "... he adopted a non-belligerent stance vis-à-vis the Gentiles and an accommodating one within the Jewish community itself. His position was based on a realistic assessment of the political and social factors of the time." Lee. I. A. Levine, "Judaism from the Destruction of Jerusalem to the End of the Second Jewish Revolt, 70-135 C. E.," in Hershel Shanks, ed., *Christianity and Rabbinic Judaism* (Washington, D. C.: Biblical Archeological Society, 1992), p. 134.

[17] Yoseph al-Qaradawi, *Fi Fiqh al-Aqalliyyat*, Cairo, Dar al-Suruq, 2001, p.23 .

[18] http://www.islamonline.net/fatwa/english/FatwaDisplay.asp?hFatwaID=107972

Muslims represent the minority and are not under the authority of Islamic governments, they may face many problems which require solutions in order for their lives to run smoothly. These challenges differ radically from issues which are common in Muslim countries. Hence, the role of *Shari'a* in providing solutions for these problems and in meeting new needs. *Fiqh al-Aqalliyyat* involves neither transforming the basic principles of the religion nor changing the pillars of Islam. For example, those who live as members of a minority must continue to pray (i.e. there is no abrogation of the fundamentals of Islam). Taha Jabir al-Alwani was among the *Muftis* who answered this question. He states that it is important to consider *Fiqh al-Aqalliyyat* as a major branch of jurisprudence in order to place it within a suitable framework and deal with issues particular to Muslims who live in non-Muslim countries that have not been given certain rulings in *Shari'a.* Al-Alwani adds that whoever deals with *Fiqh al-Aqalliyyat* must be knowledgeable in the fields of sociology, economics, politics and international relations.

The most dangerous criticism however is that of *Fiqh al-Aqalliyyat* being "an innovation that manipulates Allah's religion". The word innovation refers to the Islamic term *Bida'a*. A *Bida'a* is a belief or a practice for which there is no precedent in the time of the Prophet. Usually a *Bida'a* is considered "bad" or "blameworthy".[19] One of the respondents, Sheikh Muhammad al-Mukhtar al-Shinqiti, Director of the Islamic Center of South Plains, in Lubbock, Texas answered this claim by downplaying the "innovative" nature of *Fiqh al-Aqalliyyat*, as he states:

> "Thus, the *Fiqh* of Muslim minorities is not an innovation. The earlier books of jurisprudence have deal with many rulings specific to the Muslims who live in countries that do not adopt Islam. It is only the term given to such rulings, i.e., "*Fiqh* of Muslim minorities" that is innovated, and there is nothing wrong in changing terms."[20]

Another major critique, which was not raised in the question of the *fatwa* , but is implicit in the response is that *Fiqh al-Aqalliyyat* undermines the allegiance of the Muslim in the west to the ummah by making it a duty for him to obey the laws of the non-Muslims, thus potentially bringing him into a conflict of dual allegiance. Sheikh Muhammad Nur Abdullah, President of ISNA and Member of the *Fiqh* Council of North America, hints to this claim by giving the example of voting for a political party as a case of implementation of *Fiqh al-Aqalliyyat*:

"Voting for political parties in Muslim countries is completely different from non-Muslim countries, because in the former case, Muslims have Islamic parties as an option, whereas in the latter, they do not exist. Therefore, some Muslims may become confused [and think] that this may come under the category of taking non-Muslims as patrons in a way that is not sanctioned by Islam. Under *Fiqh al-Aqalliyyat*, however, this matter may be interpreted in a different sense, namely, that Muslims should vote for the party which best serves their issues."[21]

## *Is the West "Dar al-Harb"?*

From the discussion above, it is clear that the rationale for *Fiqh al-Aqalliyyat* is not "modernization" of Islamic law as such, but its "localization". The drive of the proponents of this theory is not to "update" Islamic law to the mores and conventions of the 21st Century, but to adapt it to the different places where it is exercised by Muslims. The rulings which facilitate Islam for a Muslim in the west, therefore, may not be considered universal but also to apply to a Muslim in a Muslim country. Hence, an important point in *Fiqh al-Aqalliyyat*, is the "territorial question", namely, the manner in which Muslims should regard the territories of non-Muslim countries of residence.

---

[19] EI2-Bid'a (J. Robson)

[20] http://www.islamonline.net/fatwa/english/FatwaDisplay.asp?hFatwaID=107972

[21] http://www.islamonline.net/fatwa/english/FatwaDisplay.asp?hFatwaID=107972

Traditionally, Islam divides the world in to two territories: *Dar al-Islam* (The Land of Islam) and *Dar al-Harb* (The Land of war). *Dar al-Islam* is the territory in which the law of Islam prevails, characterized by the unity of a community of the faithful, the unity of the law and the guarantees assured to the members of the *Umma*. The *Umma* also guarantees the faith, persons, possessions and religious organization of the *Dhimmi* [the "protected minorities, who may be the followers of Judaism, Christianity and Zoroastrianism].[22]

The Quran, however, does not divide the world into the territories of *Dar al-Islam* and *Dar al-Harb*. Classically, *Dar al-Harb* includes those countries which are not ruled by Islamic law with regard to matters of worship, the protection of the faithful and the *Dhimmi*.[23] In classical Islamic teaching, everything that is outside *Dar al-Islam* belongs to *Dar al-Harb*. Nevertheless, there are historical examples which indicate the permissibility of truces (*Hudna, Sulh*) concluded with the sovereigns of neighboring territories. These areas preserve their internal autonomy in exchange for tribute. Such lands are designated as *Dar al-Ahd* [Land of the Covenant] or *Dar al-Sulh* [Land of the Truce].[24] Other classic designations are "Dar al-Khiyyad" (Land of neutrality – usually applied to Ethiopia and Cyprus) and Dar al–Kufr Ghayr Harb" (Land of infidels which is not at war).[25]

Consequently, the question confronting the founders of *Fiqh al-Aqalliyyat* is as follows: "Is the West *Dar al-Harb*?" The answer to this question and its implications extend to two significant areas:

1. The legality of residence in a non-Muslim country – The traditional dichotomy of the Islamic Worldview sets restrictions on Muslims who wish to reside in non-Muslim countries; the question whether it is permissible at all for a Muslim to live in – let alone to emigrate to – "Dar al–Harb" was widely discussed in Islamic jurisprudence. If a Muslim lives in such a country, the question of *Hijra* (Migration) must be addressed. Traditionally, according to Islamic law, a Muslim is not allowed to live in a country not ruled by Islamic law, i.e., in *Dar al-Harb*. When a Muslim country has been conquered by non-Muslims, the Muslim inhabitants must relocate or emigrate (*Hijra*) to a Muslim land.[26] The challenge facing the founders of *Fiqh al-Aqalliyyat* is finding a legal Islamic formula which will allow Muslims to live in Western countries.
2. The duty of jihad towards the country of residence – *Dar al-Harb*, "the Land of War" is a concept which developed from the idea of *Jihad*. The Quran (9:5)

---

[22] EI2-Dar al-Islam (A. Abel)

[23] EI2-Dar al-Harb (A. Abel)

[24] EI2-Dar al-Islam (A. Abel)

[25] See Khadurri, Law of War in Islam, Ibn Taymiyya.

[26] Khalid Abou El Fadl in his article "Islamic Law and Muslim Minorities: the Juristic Discourse on Muslim Minorities from the Second/Eighth to the Eleventh/Seventeenth Centuries", Islamic Law and Society 1,2 (1994), gives examples of different legal decisions from the period when Muslim Spain was being taken over Christian forces.

states that jihad is an obligation and a test of sincerity on the part of believers. It must be waged against unbelievers wherever they may be found.

The answer to the first questions derives from the principle in *Fiqh al-Aqalliyyat* of the "globality of Islam" (*'Alamiyyat al-Islam*) – that Islam is a global religion which endeavors to encompass the entire world, and therefore Muslims who live in non-Muslim countries should not be obligated to migrate back to a Muslim country. The world is divided into two parts, separated only by time: the lands under Muslim rule and those which eventually will receive the Islamic *Da'wah.* Thus, Muslims are allowed to live in non-Muslim countries, albeit, for the purpose of bearing the religious call.

The term for emigration is *Hijra*, a term which designates the migration of the Prophet from Mecca to Medina in the year 622 AD. The Prophet migrated to Medina with his followers because it was difficult to fulfill the commandment of the new religion in hostile surroundings. Al-Alwani when referring to this issue decides to compare the situation of the Muslim minorities in the West today to the situation of the Prophet's companions who emigrated to Abyssinia a few years before the *Hijra* of 622. Al-Alwani reaches the conclusion that just as the Muslims in the time of the Prophet were allowed to stay in Abyssinia because they were treated well by the king al-Najashi, the Muslims who live in the West are allowed to remain there because they are treated well.[27]

This analogy may potentially be interpreted as *de jure* legitimization of the existence of Muslim communities in non-Muslim societies, which in the foreseeable future are not expected to become Muslim. A more far-reaching conclusion would be that this school of thought closes the postpones indefinitely the eschatological goal of Islam – the final Islamization of the entire world. This sense of "globality" of Islam was expressed by al-'Alwani, following a meeting in Chicago with a group of Spanish-speaking converts to Islam. Were it not for the fall of al-Andalus, now modern Spain, al-'Alwani speculated that the Muslims may have launched the voyages of discovery, and the New World would have belonged to Islam:

> "But the divisiveness and the contention, the love of this earth and the abhorrence of death [and the afterlife], the distraction from the mission and the fact that we did not remember the mission brought our Islamic presence in al-Andalus to an end in 1492 --- the very year America was discovered by the messengers of the Christian Spaniards. One can deduce, therefore, that if our predecessors had bared their souls, had realized their essence and had fulfilled their duties as Muslims, what had happened in Spain would not have happened. Would America look as it does today? Would Europe look like it does today? Absolutely not. But this is what Allah wanted and he acted in the way he did."

In his book *Maqasid al-Shari'a* (Intentions of Islamic Law), Taha Jabir al-Alwani presents a new, well-constructed theory of division of territory:

> "*The former of our men of knowledge proposed sources and attempted to justify this division through the Quran. Of the most notable and in agreement with the internationality of Islam the statements of Imam Fakhr al-Din al-Razi (d. 606 AH/ 1210 AD)*[28] *quoted in his great exegeses in the name*

---

[27] Nazarat Ta'asisiyya, Sixth Chapter.

[28] Theologian and Philosopher, author of "the great commentary". Al-Alwani edited the printing of his manuscript on "Usul al-Fiqh".
EI2-Fakhr al-din al-Razi (G. C. Anawati)

> *of al-Qaffal al-Shashi (d. 365 Ah/ 976 AD)*[29]*: It is possible to go beyond the territorial division of Dar al-Islam, Dar al-Harb and Dar al-Ahd familiar to the jurisprudents, to another division which complies with the effectiveness of Islam its internationality and the details of its law and methodology. The division that he proposed was to split the land into two territories: Dar al-Islam and Dar al-Da'wah. Dar al-Islam is where the majority of its inhabitants belong to the Muslim religion, and the word of Allah is exalted. Dar al-Da'wah is the land to which the Muslims send their message, and bring their Da'awa. The nations of the world and peoples are divided into two nations: those who respond to the call of Islam, namely the Muslim nation, and the nation of Da'awa, which includes the rest of the nations.*"

The term *Da'wah*, which is an important Islamic concept must be explored further. Its original meaning is "call" or invitation. In the Quran, it is applied to the call to the dead to rise from their tombs on the Day of Judgment. *Da'awa* also means an invitation to a meal with guests. In the religious sense, *Da'awa* is the invitation addressed to the people by God and the prophets to believe in Islam, the true religion. Islam is the religion of all of the prophets and each prophet has his *Da'awa*. The mission of Muhammad was to repeat the call and invitation to the people of Mecca. According to the laws of *Jihad* those who had not received the *Da'awa* had to be invited to embrace Islam before the Muslims began the war.[30]

It is noteworthy that al-Alwani uses an authentic classical source as the basis for his theory. He refers to the words of al-Qaffal al-Shashi, quoted in the exegeses of Fakr al-Din al-Razi, where al-Qaffal uses the phrase *"Ummat al-Da'awa"* to refer to the "people of the religious call," as follows:

> "Al-Qaffal may Allah have mercy on him said: The original meaning of the word *Umma* [nation] is a group which agrees upon one thing. The nation of our prophet, may Allah have peace and prayer upon him, are the group described as believers in him and confirm his being a prophet. All of those gathered by his religious call [*Da'awa*] are called his nation. If the word nation is mentioned on its own it means the first meaning [the nation of the prophet], don't you see that whenever it is mentioned that the nation agreed about something the first meaning is to be understood. And he [The Prophet] said, may peace and prayer be on him, "My nation can not agree on an error". It has been transmitted that he, may peace and prayer be on him, will say on the day of resurrection, "My Nation! My Nation!" and the word nation in these and similar places is understood as those who confirm His religious call. As for the people of his religious call [the non-Muslims addressed by the call] they are called the nation of the religious call [*Ummat al-Da'awa*] and the word "nation" is used for them only in that condition."

In an interview which appeared in the newspaper, *al-Sharq al-Awsat*, al-Alwani offered another explanation for permitting Muslim residence in Western countries. He argued that *Dar al-Islam* is wherever Muslims can worship freely:

> "The council [North America Fiqh Council] will work to direct the Muslims to the approach, wherein the identity of the American Muslim is to be loyal to his place of residence [*Watan*], America, due to his obligations towards it as a citizen, because the place of residence for the Muslim is

---

[29] Al-Qaffal means the locksmith.

[30] EI2-Da'wa (M. Canard)

> considered *Dar al-Islam* [Land of Islam] for him, as long as he is able to observe his religious rituals there in."[31]

This position echoes the opinion of the eleventh century jurist al-Mawardi (d. 450 AH\1058 AD):

> "If [a Muslim] is able to manifest [his] religion in one of the unbelievers' countries, this country becomes a part of *Dar al-Islam*. Hence, residing in it is better that migrating because it is hoped that others will convert to Islam [through him]."[32]

Muhammad Bushari, President of the National Federation of Muslims in France, gives the same explanation, expressing the view that for Muslims, France is *Dar al-Ahd* (Land of the Covenant):

> "And throughout long discussions we reached [the conclusion] that we are not in *Dar al-Harb* because we enjoy freedom in carrying out our religious matters, therefore we are in *Dar al-Ahd*, and *Dar al-Ahd* means that we have rights and duties.[33]

## *Fiqh al-Aqalliyyat and Jihad*

The other question which derives from the definition of the West as "not Dar al–Harb" relates to the concept of jihad. Even in classic Islamic *Fiqh*, a Muslim living (for a justified reason) in "*Dar al-Harb*" may be exempt from joining the jihad against his country of residence. Are Muslims in the West obliged to wage war against their countries of residence?

According to al-Alwani, Muslims do not have to wage jihad against Western countries. On the contrary, they are commanded to introduce Islam in a peaceful way like the religious call which appears in the Qur'an (16:125):

> "*Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for thy Lord knoweth best, who have strayed from His Path, and who receive guidance.*"

The underlying justification for living in the non-Muslim countries is, as noted above, that these countries are not "*Dar al–Harb*" but "*Dar al–Da'wah*". But if this is so, does the school of thought of *Fiqh al-Aqalliyyat* strike the category of "*Dar al-Harb*" from the Islamic lexicon? One of the main of such a position is that without a "*Dar al-Harb*", there can be no "initiated jihad" (at such time that a Caliphate is restored – one of the duties of the Caliph is to wage jihad against "Dar al-Harb"). Such a conclusion also mitigates the type of conflict inherent in the "defensive jihad" which is now seen by many Muslims as in effect for expelling infidels from "*Dar al-Islam*". If, on the one hand, the non-Muslim world is the world of *Da'awa* and not the world of *Harb* (war), and the only way to spread Islam is through proselytization, does this imply the removal of the principle of *jihad* by the sword from the Islamic codex? On the other hand, how can the ostensible moderation and pragmatism of the scholars of *Fiqh al–Aqalliyyat* on practical matters of co-existence be reconciled with the positions of many of them in favor of suicide attacks and *jihad* against the United States in Iraq?

We mentioned before that al-Alwani views the parts of the world not ruled by Muslims as *Dar al-Da'awa*. Al-Alwani asks in *Maqasid al-Shari'a* "How could the 'verse of the sword [Quran 9:5]' cancel nearly two hundred holy verses encouraging and inciting for *Da'awa* with wisdom, good exhortation, being pious and just towards others and dealing with them in good manner".[34] Here it is clear that al-Alwani rejects the idea of *Jihad* against the Western countries where Muslims are getting settled. When asked in an interview about the suicide bombings of the Palestinian people al-Alwani replied: "We think that the Palestinian people have the right to defend themselves in the way they view as suitable and we will back it and support it".[35] We need to be able to explain this duality in al-Alwani's view – against *Jihad* in the West but permitting *Jihad* in the Middle East. Al-Qaradawi also holds a similar point of view and he gives an Islamic explanation, when asked if the Western countries are *Dar al-'Ahd wal-Da'awa* or *Dar al-Harb*:

---

[31] Al-Sharq al-Awsat, 21 July 2002.

[32] Khalid Abou El Fadl, p. 151.

[33] www.muslimworldleague.org/paper/1767/articles/page3.htm

> "There are those who divided the territory [of the world] in to three: *Dar al-Islam, Dar al-Harb* and *Dar al-Da'awa wal-'Ahd* or *Dar al-'Ahd.* If we divided the world now we shall find either *Dar al-Islam*, which includes the Islamic countries, or *Dar al-'Ahd.* Most of the world is *Dar al-'Ahd* for the Muslims except those [countries] which war was declared upon such as Israel, the Serbs and the Yugoslavs. As for the rest each has between itself and the Muslims diplomatic links and ties. This diplomatic representation is a type of a covenant between them and the Muslims."

Both al-Alwani and al-Qaradawi view the western countries as areas outside the reach of *Jihad*, but view the Palestinian territories as areas where *Jihad* should take place. We might wish to examine the opinion of al-Qaradawi regarding *Jihad* towards the American forces in Iraq. On his T.V. show *al-Shari'a wal-Hayat* al-Qaradawi was asked if it is permitted to kidnap people (including of course Americans) in Iraq. Al-Qaradawi's opinion is that it is permitted to kidnap an enemy soldier or any one who assists the enemy in fighting. The reason why the armies fighting in Iraq should be viewed as enemies is because they represent a non-Muslim force attempting to occupy a Muslim territory, just like the Israelis in Palestine. Here we can notice the difference between al-Qaradawi's approach to Americans in America as appose to Americans in Iraq. Americans in America are considered people of the *Da'awa* and should not be harmed. On the on hand, Al-Qaradawi condemned the September 11th attacks as wrong because "killing innocent people" is forbidden. Muslims in America are given leniencies so they can stay there and preach Islam in peaceful ways and enhance its place in society. On the other hand Americans in Iraq are viewed as enemy troops because they are on Muslim soil. This explains the double approach of al-Qaradawi, who supports terror in the Middle East but promotes *Fiqh al-Aqalliyyat* in the West.

## The Juristic "tool box" of Fiqh al-Aqalliyyat

The legal methodology (*Usul al-Fiqh*) of *Shari'a* consists of four main sources of Islamic law: The Quran and the prophetic tradition (*Hadith* or *Sunna*) which make up the material sources, and then tools of logic such as analogical deduction (*Qiyas*), and tools for social cohesion such as consensus (*Ijma'a*) of the jurists of each of the four schools of law (*Madhahib*) which substantiates the new rulings.[36] *In extremis* Ijtihad – the "common sense" of the scholar in reading the original texts and deducing the law – is allowed. While Qiyas has been frequently exercised in order to add prohibitions by analogy,[37] and Ijma' tends to be conservative, Ijtihad is a powerful tool for independent and sometime maverick rulings.

---

[34] Al-Alwani, *Maqasid al-Shari'a*, Beirut, Dar al-Hadi, 2001, p. 57.

[35] Al-Sharq al-Awsat 6.6.2003

[36] Aharon Layish, "The Transformation of the Shari'a from Jurists Law to Statutory Law in the Contemporary Muslim World", Die Welt des Islams, 44/1 (2004), p.86.

*Fiqh al-Aqalliyyat* is based on two strong premises: the *'Alamiyyat al-Islam* and *Maqasid al-Shari'a* (Intentions of Islamic Law). The former, as seen above is the rationale for permitting the very existence of permanent Muslim communities in "kafir" lands and developing a system of jurisprudence tailored for those communities. The latter is a potent principle which has been used in medieval Islamic jurisprudence in order to solve problems created by strict adhesion to the letter of the Qur'an. The juridical tools ("roots of jurisprudence" "usul al–fiqh) which are used by the *Fiqh al-Aqalliyyat* school to complement and implement the principle of "intentions of the law", include: Ijtihad, *Maslaha* (public interest) *Darura* (necessity), *Taysir al-Fiqh* (making fiqh easy) and *'Urf* (Custom).

## Ijtihad

Ijtihad is an Islamic legal concept which signifies the independence of thought vis-à-vis religious rulings, and the right of a learned scholar to lay down rulings, not only on the basis of precedents, but according to his general understanding of the texts. The literal translation of the term ijtihad is "effort" or "diligence". In orthodox Sunni jurisprudence, the "gates of ijtihad" have been closed since the 10th century and scholars are expected to rule according to the other tools.

For many years Taha Jabir al-Alwani has been advocating the use of *Ijtihad*, especially in cases where modern Western knowledge must be taken into consideration. Al-Alwani calls for the "Islamisation of knowledge", to take scientific fields such as economics, medicine etc. For example, in a reply by a group of *Muftis* on IslamOnLine.net to a question about artificial insemination, Dr. Muzammil Siddiqi, former president of the Islamic Society of North America, states:

> "Indeed, artificial insemination is one of the new issues on which Muslim scholars have recently done some *Ijtihad* in the light of some basic principles and values of the Qur'an and Sunnah. Artificial insemination for conceptual purpose is generally needed in the situation when the husband is not able to deposit his semen inside his wife's genital tract. This procedure is allowed in Islam as long as it is between legally married couples during the life of the husband. The jurists have emphasized that under the *Shari*`a, a wife is not allowed to receive the semen of her ex-husband after divorce or after his death."[38]

---

[37] Defined as "an analogy, or in other words the drawing of a logical conclusion on the basis of specific scriptures in the Quran or in the *Sunna*, or on the basis of an analysis of the reasoning behind such scripture". For example, the Quran expressly forbids the drinking of wine - other inebriating beverages are not mentioned. The prohibitions against drinking these other alcoholic beverages is learned by syllogism, or in other words by comparing these drinks to wine I. Goldziher, Lectures about Islam, Mosad Bialik, 1978, p. 45; Hava Lazarus-Yaffe "Development of oral law and jurisprudence" in Hava Lazarus Yaffe (ed.), Chapters in the history of the Arabs and Islam, Tel Aviv, Reshafim 1967, p. 166-167.
An interesting Fatwa about the concept of Ijtihad:
http://www.islamonline.net/fatwa/english/FatwaDisplay.asp?hFatwaID=47323
A full description of the theory of al-Alwani regarding *Ijtihad* exists in the article:
Shammai Fishman," Ideological Islam in the United States: "Ijtihad" in the Thought of Dr. Taha Jabir al-Alwani." http://www.e-prism.org/images/IdeologicalIslam.pdf

[38] http://www.islamonline.net/fatwa/english/FatwaDisplay.asp?hFatwaID=76500

The case above can be perceived even by other orthodox Muslims as a legitimate use of ijtihad, since the subject in question – artificial insemination – was not in existence at the time of the Prophet. However, even when allowed, ijtihad is perceived as a last resort. In *Fiqh al–Aqalliyyat*, though, the use of ijtihad is quite common, even when it is not dubbed as such.

## Public Interest [*Maslaha*] and Necessity [*Darura*]

An important concept used in justifying legal leniency in matters concerning Muslim minorities is *Maslaha* or public interest. When a jurist applies this concept despite the lack of a textual basis for his decision, it is called *Maslaha Mursala*. In this case, the concept of public interest prevails over the four sources of Muslim legal methodology (*Usul al-Fiqh*). According to the medieval scholar, Abu Hamid al-Ghazali (450-1058 AH/505-1111 AD), in a wider context, *Maslaha* represents the ultimate purpose of the *Shari'a* as it involves maintaining religion, life, offspring, reason and property. He stated that whatever furthers these aims should be defined as *Maslaha*. Al-Ghazali divided *Maslaha* into three categories: *al-Darurat* ("necessities"), *al-Hajiyyat* ("needs") and *al-Tahsinat* ("improvements"). The first category, *Darurat* independently constitutes a basis for legal decision without the use of textual reference, by means of *Qiyas*.[39]

The first important case which invoked the idea of public interest as a basis for a legal decision took place at the time of the Caliph 'Umar (d. 12 AH /644 AD). He decreed that southern Iraq should become state land and a land tax should be imposed, as opposed to leaving it as the private property for the warriors. It was argued that keeping the land under state control would bring welfare and benefits for the believers.

Al-Alwani openly calls for the predominance of Maslahah in fiqh. In the introduction to al-Alwani's *Maqasid al-Shari'a*, the Shiite Sheikh 'Abd al-Jabbar al-Rifa'i, refers to Maslahah as an essential component – even the foundation – in any legal deliberation and not only as an additional tool to be used when all else fails:.

> "It has become common among the jurists that legal judgments are subject to interests of injuries [*Mafsada*, the opposite of *Maslaha*]. There cannot be legislation without a foundation which represents its spirit and essence, until they said: the legal judgment revolves around the foundation for approval or disapproval, and where there is a foundation there is a legal judgment, and where the foundation disappears the legal judgment disappears."

Further on in the same introduction, al-Rifa'i brings more evidence of the important role of *Maslaha* the history of Islamic jurisprudence. The use by al-Alwani of a Shiite scholar is telling: Maslahah has always enjoyed much more legitimacy in Shiite jurisprudence than in its Sunni counterparts. The very act of co-opting a Shiite scholar and building on his understanding of *Fiqh* probably would not endear al-Alwani on the anti-Shiite Salafi and Wahhabi trends.

A practical example of a Fatwa in *Fiqh al-Aqalliyyat*, based on *Darura* may be found in a question by a Muslim couple about to adopt a child. In their country of residence, one must register the child officially with the name of the adopting parents. The following is the Sheikh's answer:

> "As for giving the adopted child your last name, it is not allowed in principle, for the Qur'an says: (Call them after their fathers.) (Al-Ahzab 33: 5).

---

[39] EI2-Maslaha (Madjid Khadduri)

> However, it is considered sometimes a case of *darurah* (necessity), especially in non-Muslim countries, to give the adopted child your last name in order to avoid many legal complications. Therefore, some contemporary Muslim scholars have permitted giving the adopted child your last name in case of necessity."[40]

Another case of where the term "necessity" appears occurs applies to the burial of Muslims in a non-Muslim cemetery. The following question was asked of al-Qaradawi:

> "What is the rule regarding the burial of a dead Muslim in a Christian cemetery, when there is no Muslim cemetery or there is a cemetery for Muslims, but it is far away from the family of the deceased and it is not easy for them to visit their dead as easily as they wish ?"
>
> "There have been decisions based on *Shar'ia* rules regarding the case of the death of a Muslim, such as washing, wrapping and praying for him, and then burying him in a Muslim cemetery. Thus, Muslims have their own way of burying and preparing graves, by the manner oflying down the [the deceased] and facing the *Qiblah* [towards Mecca], and avoiding behaving like the polytheists, like those who live in luxury and the like.
>
> It is known that members of every religion have their cemeteries. Jews have their cemetery, Christians have their cemetery and pagans have their cemeteries. Therefore, it should not be a surprise that the Muslims also have their cemeteries. Every group of Muslims in non-Islamic countries should strive, with inner solidarity, to prepare separate cemeteries for Muslims, and to make an effort to convince those in charge to do so, if they can.
>
> If Muslims cannot maintain their own cemetery, at least they should have a special lot on one side of a Christian cemetery, where they may bury their dead.
>
> If neither [solution] works for the Muslims, and a Muslim dies, they should transfer him to another city which has a Muslim cemetery, if possible, and if not, they should bury him in a Christian cemetery, if they can, as is necessary (literally, in accordance with the rules of necessity)."[41] ]

## *Taysir al-Fiqh* (Making Fiqh Easy)

The idea of "taysir al-fiqh" is a pivotal element in fiqh alAqalliyyat. It is expounded in Al-Qaradawi's work "*Taysir al-Fiqh lilMuslim al-Mu'asir*" (Making Fiqh Easy for Contemporary Muslims), which is divided into three main parts: "towards easy contemporary *Fiqh*," "the methodology of easy *Fiqh*," and "*Fiqh* of knowledge," namely, the information one must have in order to make rulings. Here, we shall focus on the first section which consists of a description and analysis of easy *Fiqh*, which is subdivided into two main chapters. The first, "Making *Fiqh* More Easily Understood," explains how to make *Fiqh* easier to comprehend on the part of Muslims burdened with daily tasks and flooded with information owing to the age of computers. The second is entitled "Making *Fiqh* Easy in Practice and

---

[40] *Live Fatwa* Hour on IslamOnLine.net on *Fiqh* of Muslim minorities on January 26, 2005, answered by Sheikh al-Shinqiti
http://www.islamonline.net/livefatwa/english/browse.asp?hGuestID=QIu5P2

[41] *Fi Fiqh al-Aqalliyyat*, p. 83.

Implementation."[42] First, al-Qaradawi stresses his commitment to "Greater *Fiqh*", namely, the view that *Fiqh* encompasses all fields of life, and that the spirit of *Fiqh* should be taken into account, not only precedents from previous generations.[43] Al-Qaradawi states that it is necessary to omit from *Fiqh* books issues which are not relevant today, such as laws on slaves and slavery. He advocates introducing, new branches of law which are suitable for our times. For example, "laws of companies" may be updated by paying the Zakat (Charity) from company profits as opposed to Zakat from sheep and camels of the previous generations.[44] In this al-Qaradawi adopts a de facto position in favor of ijtihad.

The second chapter of *Taysir al-Fiqh* treats the rules of jurisprudence in different fields in order to enable Muslims to observe their religion more easily. According to al-Qaradawi, easy *Fiqh* neither aspires to create a new *Shari'a* nor to permit that which is forbidden. He quotes two traditions from the Prophet which support giving *"Rukhsa"* (permission) for leniency based on the fact that not all Muslims are on the same religious level: "Allah would rather that permission be given on His behalf and hates to be disobeyed," and "Allah would rather that permission be given on his behalf and that His decisions shall be given."[45] In any case, when confronted with a choice between strictness and leniency, he calls for the latter and quotes a tradition given in the name of 'Aisha, the wife of the Prophet, as follows: "Allah's messenger never had to choose between two things without choosing the more lenient way if no transgression would take place."[46] Furthermore, the jurisprudence of the generation of the Prophet's companions tended towards leniency, but succeeding generations, towards strictness.[47]

Al-Qaradawi's support of leniency regarding members of Muslim minorities in non-Muslim lands derives from the fact that such groups may find themselves in a condition of weakness, in contrast to that of Muslims living in Muslim countries. He compares this situation to that of a sick person as opposed to a healthy one, or a traveler to permanent resident. For example, the poor should be viewed more leniently than the rich, the needy get leniencies that the non-needy do not receive and the handicapped more leniently than the able-bodied.

A good example of a lenient ruling given in order to help Muslims fit into the general, non-Muslim society in which they live and work can be found in the following *fatwa*. The question of the *fatwa* was:.

> As we are living in North America and sometimes we have to attend the business meetings/trainings and over there are different kinds of edibles that are available such as the bake like cake, bread, pastries etc. My question is can we eat these bakery products because we don't know the exact ingredients of these products? I have also heard that in some kinds of cakes/pastries they use wine too.

Sheikh Muhammad al-Mukhtar al-Shinqiti, gave the following answer:

> We don't have to dig deep in searching the exact ingredients of these products that are commonly known to be wine-free. Even if wine is used in production, and it has been chemically transformed, then it should no longer

---

[42] Al-Qaradawi, Taysir al-Fiqh, Beirut, Muasasat al-Risala, 2000, p. 17-18.

[43] Ibid, p. 8

[44] Ibid, p. 20-21

[45] Ibid, p. 28-29

[46] Ibid, p. 32

[47] Ibid.

carry the same ruling of the prohibition as it cannot be called wine in that case. But if the wine is added to the flavor without being transformed, then it cannot be eaten.[48]

## *'Urf* (Custom) and Changes in Rulings according to Time and Place

Another concept which plays an important role in fiqh al–Aqalliyyat is "customary law" or 'urf. The traditional Islamic attitude towards 'urf is quite mixed: on one hand, shari'ah is supposed to be uniform, regardless of the place in which it is implemented and allowing for differences according to the various scholarly schools. From this point of view, 'urf is frowned upon, as it frequently represents a non-Islamic (or even pre-Islamic) law. Nevertheless, Islamic scholars throughout the ages could not ignore local custom. The 11th century scholar, Ibn Qayyim al-Jawziyya devotes a lengthy chapter to "the changing of the ruling with the changing of custom." He gives examples which show what is custom. For instance, the meaning of the word *"dabba"* (riding animal) may change from place to place according to custom. Therefore, one may swear that he did ride an animal if, in his place of residence, the word *"dabba"* is used for donkeys. In that case, if he rode a horse or a camel, he is not swearing falsely. Ibn Qayyim al-Jawziyya presents the rule that "legal rules in any country are made according to custom of its inhabitants." In his study entitled, *Jewish and Islamic Law – a Comparative Study of Custom During Geonic Period*, Gideon Libson presents the historical development of the status of custom in Islamic law. He concludes:

> "The formal status of custom, rejected in classical literature, re-emerged in post-classical and modern periods. This development reached its peak in the introductory articles of the *Mejelle* [Ottoman legal codex], several which are devoted to custom, were culled from early and late *Fiqh* literature; the consolidation of these articles in a single act of legislation reflects the evolution of custom in Islamic law from a material source toward recognition as a formal source."

One of the principles of renewed Fiqh, especially in countries with Muslim minorities, consists of the adaptation of Fiqh to changing times, places and customs. Hence, certain negative decisions may be changed, depending on the time, place and circumstances. This principle allows for leniency in making legal decisions, especially while building a legal system for Muslim communities in the West which differ both from one another, and from Muslim majorities in Islamic countries.

Al-Qaradawi devotes a chapter of *Taysir al-Fiqh* to changing *Fiqh* in accordance with time and place, taking the idea from Ibn Qayyim al-Jawziyya (d. 751 AH /1350 AD) a student of Ibn Taymiyya. Ibn Qayyim al-Jawziyya gives an example of a law that was changed as a result of a change of place: "The prophet had forbidden amputation of arms [as a punishment for theft] during an attack". The reason this divine law was cancelled was in order to prevent "the failure or lateness of the Muslims while pursuing the infidels." Thus, a new and different legal ruling was created because of a change of place and it was agreed upon that punishments could not to be carried out on enemy soil.

Al-Qaradawi thinks that "the greatest difference possible as a result of change of location is the difference between *Dar al-Islam* and that which is not Dar al-Islam. This is a deeper and wider difference than the difference between a city and a village, the settled and the nomads and the people of north and the people of the south. That is so because Dar al-Islam, with is limitations and deviations, helps the Muslim fulfill the commandments of Islam and to abstain from the prohibitions in Islam, as opposed to being outside of *Dar al-Islam* where this advantage does not exist."

---

[48] http://www.islamonline.net/livefatwa/english/Browse.asp?hGuestID=d3FM3e

Alexandre Caeiro gives an example which he called as "European 'Urf", a ruling given by the European Council of Fatwa and Research at a meeting which took place in Valencia, Spain in July 2001. The question was if a married woman who converts to Islam may remain with her to husband if he maintains his original faith. According to classical Muslim jurisprudence, once a wife becomes a Muslim, a separation between her and her infidel husband comes into effect.[49] It is not permissible for an infidel to own a Muslim slave and it is not permissible for him to have a Muslim wife either.[50] The ECFR ruling allows women who become Muslims to remain married to their non-Muslim husbands in order "not to frighten women who wish to embrace Islam." Firstly, this ruling should be noted as a case of *Maslaha*, in which public interest, namely, increasing the number of female converts, prevails over traditional law. Secondly, Ahmad al-Rawi, Chairman of the Union of Islamic Organizations in Europe, considers this ruling as a case of "*European 'Urf" because* "the *Fatwa* is possible only in the West where the woman is respected, and this is crucial". Caeiro also views this ruling as faithful to the principle of *Taysir,* making law easy for Muslims in the West.[51]

## *Fiqh al–Aqalliyyat as "Neo-M'utazila"*

Scholars of Islamic philosophy may find similarities between the new school of ***Fiqh al–Aqalliyyat*** and the thought of the 9th century *M'utazila* (literally-"those who retire from society"). The main dispute between the M'utazila and their opponents concerned the questions of free will vs. predestination and the nature of the Qur'an as created or as co-existing with God. This theological dispute was finally settled by theologian Abu al-Hasan al-Ash'ari (d. 324 AH/ 935 AD) who proposed a solution somewhat closer to the orthodox positions. In the area of *Fiqh,* the *M'utazila* tended to empower reason in order to uncover the *ratio legis* behind the divine injunctions, where the traditional *Ash'ari* theology calls to stick with the principals of consensus (*Ijma'*) and analogical reasoning (*Qiyas*). One observation is that the inclination among twentieth century Islamic jurists such as Muhammad 'Abduh (d. 1905 AD) and his disciple Rashid Rida (d. 1935 AD) toward ruling according to *Maqasid al-Shari'a* is basically a return to *M'uatizili* theology, or neo-*M'utazila, though none of these modern thinkers accepted the label of Mu'taziliya.*[52] According to this viewpoint, Muhammad 'Abduh is a "utilitarianist" for whom the principle of public interest or utility (*Maslah*a) is most important as opposed to a "reformist" who wish to totally reconstruct Islamic law. It seems as if al-Alwani and al-Qaradawi are attempting to follow the footsteps of 'Abduh and Rida, by striving to introduce changes while staying with in the religious legal framework.

---

[49] Yohanan Friedman, Tolerance and Coercion in Islam, Cambridge University Press, 2003, p. 163-164.

[50] Ibid, p. 162.

[51] Alexandre Caeiro,"The European Council for Fatwa and Research " Paper presented at the Fourth Mediterranean Social and Political Research Meeting. Florence & Montecatini Terme 19 – 23 March 2003, organized by the Mediterranean Programme of the Robert Schuman Centre for advanced Studies at the European University institute, p. 28.

[52] David Johnston, "A Turn in the Epistemology and Hermeneutics of Twentieth Century *Usul al-Fiqh* Islamic Law and society 11,2, pp. 257–258.

## Conclusions

Muslim Minority Jurisprudence represents an accommodation with a new reality resulting from the recent establishment of an Islamic Diaspora in countries where Muslims have not lived traditionally and where, if they are to fit into society, they must harmonize traditionally held religious custom with the prevailing conditions. The basic premises of this school are that Islam is an international religion which is not confined to a certain territory and that legal rulings should be made according to the "spirit of the law."

The term *'Alamiyyat al-Islam*, internationality of Islam, includes the entire world as a potential area for the spread of Islam. The fact that Muslims are permitted to live throughout the whole world is an important condition for establishing *Fiqh al-Aqalliyyat*. The innovators of *Fiqh al-Aqalliyat*, Sheikh Dr. Taha Jabir al-'Alwani and Dr. Yusuf al-Qaradawi by means of their legal opinions have endeavored to create the religious and ideological foundations which will enable Muslims, as individuals, and as communities to continue to be active believers and participants, not only on the personal level within their adopted societies but within the larger Islamic religious and national community, the Umma, as well. Instead of dividing the world into the "land of Islam" and the "land of war," the world is divided into the "land of Islam" and the "land of the call to Islam". Non-Muslims are viewed as the nation of da'awah – or potential converts to Islam. Since the goal of the founders of *Fiqh al-Aqalliyyat* is to increase the number of Islamic communities all over the world, it is necessary to have an easy *Fiqh*, which suits their particular circumstances. The tendency toward leniency and adaptation has found expression in legal opinions regarding dietary practices, burial customs, and corporate law such as in the case of giving an adopted child the last name of his adoptive parents and the ruling which allows a Canadian Muslim to eat pastries given out at business meetings. Finally, accepting the fact that social norms of Muslims in the West, such as respect to women, differ from those of Muslims in Muslim countries, is embodied both in the concept of "internationality of Islam" and in the principal of *'Urf which allows for changes in Fiqh* according to time and place.

Ruling according to *Maqasid al-Sharia* is the second foundation of *Fiqh al-Aqalliyyat*. According to this principle, rulings should be given on the basis of the spirit of the law as opposed to deduction from traditional precedents. The Muslim nation in the West must broaden its base and allow for the growth of Muslim communities in order to spread Islam among the nations. In order to achieve this goal the founders of *Fiqh al-Aqalliyyat* decided to create a special *Fiqh* which takes into account the unique circumstances in which the Muslim minorities live in Western countries. The mechanisms for determining the spirit of the law are *Maslaha* (public interest and necessity), *Taysir* (easy *Fiqh*) and *'Urf* (Custom). There is no doubt that this theory is based on revolutionary changes in the perception of Islamic fundamental terms. *Fiqh al-Aqalliyyat* is a rather recent theory, but it is promoted by strong bodies. It will take some time to assess the effectiveness and penetration of *Fiqh al-Aqalliyyat* among Muslim minority communities in the West. Perhaps *Fiqh al-Aqalliyyat* can be viewed as a type of solution to the conflict between Islamic and Western values as experienced by the Muslim immigrants in Europe and America.

Since the thinking behind minority jurisprudence reflects realism and accommodation, it two main innovators were obliged to modify their ideology in a manner similar to that of Rabban Johanan ben Zakkai who, in his time, rejected messianism and zealotry. But what is the significance of the change of terminology from "Dar al–Harb" to Dar al-Da'wa or Dar al-'Ahd? How are we to understand this change in view of the fact that al-Qaradawi is the leading figure of the international Muslim Brotherhood movement, which, for example, has placed corrupt Muslim regimes in the category of Dar-al-Harb?

The question is whether a change of terminology reflects a change of world-view, and would this be an indication that peaceful relations between Islam and the world at large were in prospect? One may suggest a tentative answer. Firstly, one should not forget that, despite a change of terminology elsewhere, both thinkers still consider Israel, which they emulate and envy, to be unequivocally part of Dar al-Harb. So this good will has its bounds. One likely interpretation is that these thinkers while maintaining the traditional view with regard to Israel have developed an "indirect" long-term strategy with regard to the rest of the world.

If certain institutions are the embodiment of a political idea, one may ask: what is the guiding idea behind *Fiqh al-Aqalliyat*. In response, one may propose two possibilities. Firstly, the two religious jurists wish to make Islam a global faith, and that is why they chose to make Da'wa – the invitation addressed to the people by God and the prophets to believe in Islam, the true religion – its operative principle. Secondly, the establishment of Diaspora communities can bring considerable political benefits. One may ask whether this represents a peaceful development, and again one may propose several possibilities. Over a brief period of time, one may expect relative tranquility, but a century would be sufficient to alter the landscape of American domestic politics completely. Eventually, the United States could have large, active, and politically aggressive Muslim minority, as is the case with India, Russia, China, the Philippines, Thailand, Burma, and Sri Lanka, where some of these populations live in a condition alternating between unrest and revolt. Whether this would represent a peaceful development is an open question.

Further, if one wished to regain the "missed opportunity," of al-Andalus, which Sheikh al-'Alwani nostalgically evoked his reoriented world view, described above, would begin to make sense. At the same time, it should be remembered that for the Christian West, the immediate historical cause of the Voyages of Discovery, was the need to break out from the siege which the Arabs and the Turks placed on Europe by finding sea routes to the East. Thus, if one looks back five centuries and forward a few more, it stands to reason that minority jurisprudence could indeed serve an important purpose in a prolonged war of position against the West, one which promises its inventors considerable benefits over the near and long-term.

## Bibliography
## Primary sources

l-Alwani, Taha Jabir. *Nazarat Ta'asisiyya fi Fiqh al-Aqalliyyat.* IslamOnLine 2001 http://www.islamonline.net/arabic/contemporary/politic/2001/article1.shtml.

---------, *Maqasid al-Shari'a.* Beirut, Dar al-Hadi, 2001.

Al-Qaradawi Yoseph. *Fi Fiqh al-Aqalliyyat.* Cairo, Dar al-Suruq, 2001

---------, *Taysir al-Fiqh.* Beirut, Muasasat al-Risala, 2000.

## Secondary sources

Abou El Fadl, Khalid. "Islamic Law and Muslim Minorities: the Juristic Discourse on Muslim Minorities from the Second/Eighth to the Eleventh/Seventeenth Centuries", *Islamic Law and Society.* 1,2 (1994),

Caeiro, Alexandre. "The European Council for Fatwa and Research " Paper presented at the Fourth Mediterranean Social and Political Research Meeting. Florence & Montecatini Terme 19 – 23 March 2003, organized by the Mediterranean Programme of the Robert Schuman Centre for advanced Studies at the European University institute.

Fishman, Shammai. " Ideological Islam in the United States: "Ijtihad" in the Thought of Dr. Taha Jabir al-Alwani.", *PRISM.* http://www.e-prism.org/images/IdeologicalIslam.pdf

Friedman, Yohanan. *Tolerance and Coercion in Islam.* Cambridge University Press, 2003.

Johnston, David. "A Turn in the Epistemology and Hermeneutics of Twentieth Century *Usul al-Fiqh, Islamic Law and society* 11,2,

Layish, Aharon, "The Transformation of the Shari'a from Jurists Law to Statutory Law in the Contemporary Muslim World", *Die Welt des Islams.* 44/1 (2004),

MEMRI - *Special Dispatch Series - No. 794* (October 6, 2004)

MEMRI - *Special Report - No. 30* (July 8, 2004)

Al-Rawi, Ahmad.*Islam, Muslims and Islamic Activity in Europe: Reality, Obstacles and Hopes* http://www.islamonline.net/arabic/daawa/2003/12/ARTICLE05A.SHTML