

Denouncing Terrorism in the West:

English Publications of Anti-terrorism Fatwas as Western Islamic Discourse

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Introduction

With the rise of Islamism in the 20th century and the later emergence of Jihadi-Salafi¹ groups performing attacks inside and outside Muslim lands, the majority of institutional and famous Muslim scholars have rejected their methods and claims of it being a legitimate Jihad as proscribed by the Sharia.² When Western forces colonized the majority of Muslim lands in the 19th and early 20th century, many resistance movements (e.g. Mahdi movement in Sudan) were deemed legitimate in their claim of Jihad.³ Later conflicts, as the establishment of Israel, the Russian invasion of Afghanistan, and the American invasion of Iraq, were all seen as attacks on Muslim lands and so fighting in defense of those lands was considered by resistance fighters to be a legitimate cause for Jihad.⁴ But many Jihadist groups applied tactics and targets that scholars have deemed as unlawful according to Sharia law. The increased use of bombs and Muslim victims and noncombatant non-Muslim victims, many notable Muslim scholars declared public statements and fatwas against the Jihadi groups' methods and claims. In our analysis we will discuss the counter responses given by Islamic scholars through fatwas and letter-declarations. Our specific focus will be on the fatwas against the claims and acts of Abu Bakr al-Baghdadi, the current leader of the self-declared caliphate of the Islamic State in

¹ For a discussion on these terms, see: Ahmad Moussalli, "Wahhabism, Salafism and Islamism: Who is the enemy?" *Conflicts forum*, may 4, 2016, accessed juli 6, 2016, <http://www.conflictsforum.org/2009/wahhabism-salafism-and-islamism/>.

² For an overview, see: Charles Kurzman, *Islamic Statements Against Terrorism*, accessed on 20-05-2016, <http://kurzman.unc.edu/islamic-statements-against-terrorism/>.

³ Malise Ruthven, *Islam in the World* (New York: Oxford University Press, 2006), 290-296. Amira K. Bennison, *Jihad and Its Interpretations in Pre-Colonial Morocco: State-society relations during the French conquest of Algeria* (London: Routledge Curzon, 2002), 42-157. John Obert Voll, 'Foundations for Renewal and Reform: Islamic Movements in the Eighteenth and Nineteenth Centuries', in *The Oxford History of Islam*, ed. John L. Esposito (New York: Oxford University Press, 1999), 516-545.

⁴ Malise Ruthven, *ibid*, 390-398, 401-405.

Iraq and Syria (ISIS)⁵, and his adherents. One of these fatwas is an open letter, which is one of the latest responses to Jihadi-Salafism, and is published simultaneously in Arabic and English.⁶ The synchronized release of the text in these two languages shows the two audiences in mind: a specific Arabic-Islamic one, and a global (multi-faith) one. This deliberate release in English shows the awareness this Letter needed to be available in this main globalistic language of the 21st century. An important motive for this would be because the majority of Muslims worldwide do not understand Arabic⁷, but also to provide an answer for rising Islamophobia in the West due to global terrorism.⁸ The Letter has therefore become

⁵ There are multiple titles and abbreviations used for ISIS, which is the abbreviation used in this paper. After its caliphate-declaration, ISIS dropped the reference to Iraq and Syria and simply called themselves ‘Islamic State (*al-Dawla al-Islamiyya*)’. Other abbreviations such as ISIL (Islamic State in Iraq and Levant) was mostly used by American policy officials, the Arabic DAISH (*al-Dawla al-Islamiyya fi al-‘Iraq wa al-Sham*) is generally mockingly pronounced as *Da’ish*, Arabic for ‘crusher’, and is being used more and more by non-Arabic speaking officials in the west as a way to show they don’t acknowledge ISIS as representing Islam. Faisal Irshaid, “Isis, Isil, IS or Daesh? One group, many names”, *BBC* (BBC News), december 2, 2015, <http://www.bbc.com/news/world-middle-east-27994277>.

⁶ *Open Letter To Dr. Ibrahim Awwad Al-Badri, alias ‘Abu Bakr Al-Baghdadi’, and to the fighters and followers of the self-declared ‘Islamic State’*, 2014, accessed may 22, 2016, <http://www.lettertobaghdadi.com/>. The first language of the website is also English, to have the website in Arabic is an option one can activate separately. Released in September 2014, it has been translated into several other languages as well by (mostly unaffiliated) volunteers, which are made available on the same website. Interestingly enough, it was translated into German, Spanish, and Dutch in the first months after its release, languages which are spoken in non-Muslim majority countries, before it was translated into Muslim-majority languages as Turkish and Persian. This shows the Letter was seemingly welcomed by Muslim minorities both as a reply against Islamophobia in these non-Muslim majority societies, and as a source text for Western-Islamic anti-extremism discourse among Muslim minorities in these countries, which provided a need to translate it in a short timespan. As there is already many mainstream-orthodox Islamic literature against terrorism available in Turkish and Persian, and, as languages of Muslim-majority countries, are not confronted with Islamophobia in a daily manner, the translations are more due to general interest instead of need as with Muslim minorities.

⁷ Saleh Bader Almansour, ‘On “Non-Arabic Speaking” Muslims’, *Griffith Working Papers in Pragmatics and Intercultural Communication* 3, no. 1 (2010), 39-49. English is probably also the source-language for the other translations of the Letter as the German, Dutch and Spanish translations were uploaded within four to ten weeks after the publication of the original Letter, which is a short time span to translate a thirty plus page technical Arabic text. After reviewing the Dutch, German and Spanish translations, it is clear they used the English as its main source as they placed the exact same Arabic transliterated terms with the translation of these terms, as is done in the official English translation. See for example their translations at: 1. Legal theory (*usul al-fiqh*), 5. Practical jurisprudence (*fiqh al-waq’i*), 10. *Jizya* (poll tax), and 16. *Hudud* (punishments).

⁸ On the relation between Islamophobia and global terrorism, see: Muhammad Safeer Awan, ‘Global Terror and the Rise of Xenophobia/Islamophobia: An Analysis of American Cultural Production since September 11’, *Islamic Studies* Vol. 49, no. No. 4 (2010). Gallup, ‘Islamophobia: Understanding Anti-Muslim Sentiment in the West’, April 29, 2016, accessed 23-5-2016, <http://www.gallup.com/poll/157082/islamophobia-understanding->

as much, or even more so, part of Western Islamic discourse compared to its importance in Arabic Islamic discourse.

Overview of anti-terrorism Fatwas

From the beginning of jihadist attacks inside and outside Muslim lands, the majority of Muslim scholars have rejected their methods and claims of it being a legitimate Jihad as proscribed by the Sharia.⁹ Technically Jihad, as in warfare, becomes an obligation for individual Muslims when Muslim lands are attacked, thus scholars argue it is primarily to be employed only for defensive purposes.¹⁰ As stated in the introduction, when Western forces colonized the majority of Muslim lands in the 19th and early 20th century, many resistance movements were deemed legitimate in their claim of Jihad. Several late 20th and early 21st century conflicts were seen as attacks on Muslim lands and so fighting in defense of those lands was considered by resistance fighters to be a legitimate cause for Jihad. But many Jihadist groups applied tactics and targets that scholars have deemed as unlawful according to Sharia law, which, in contrast to claims of the leaders of groups such as al-Qaeda and ISIS, stipulates that women, children, elderly, sick, clergy, ambassadors, and non-combatants may never be killed.¹¹ With the increased use of bombs and Muslim victims (the majority of al-

anti-muslim-sentiment-west.aspx. Krista McQueeney, 'Disrupting Islamophobia: Teaching the Social Construction of Terrorism in the Mass Media', *International Journal of Teaching and Learning in Higher Education* 26, no. 2 (2015): 297–309.

⁹ Kurzman, *Ibid. Condemnations of suicide bombing by Muslims*, (ABC news: Ihsanic-intelligence.com), <https://www.abc.se/home/m9783/ir/ez/isl/0-sbm/Condemnations%20of%20Suicide%20Bombing%20by%20Muslims.pdf>.

¹⁰ For a general overview on classical rulings on Jihad, see: Ahmed Al-Dawoody, *The Islamic Law of War: Justifications and Regulations* (New York: Palgrave Macmillan, 2011). Reuven Firestone, *Jihād: The Origin of Holy War in Islam* (New York: Oxford University Press, 1999).

¹¹ Al-Dawoody, *Ibid*, 111-116.

Qaeda victims are Muslim¹²) and noncombatant non-Muslim victims, many notable Muslim scholars declared fatwas against the Jihadi groups' methods and claims. After 9/11, the majority of Muslim institutions, scholars, and political leaders, denounced the attack. Also with the increase of Islamophobia against Muslims globally, but especially against Muslim minorities in the West, public condemnations of Muslim terrorism increased.

In 2004 the first global consensus (the Amman Message) among Muslim scholars in the history of Islam declared that it was forbidden to excommunicate other Muslims, Sunni or Shia.¹³ This consensus was sought as a response to the excommunication of Shia and Sufi Muslims by Sunni extremists, especially by groups active in Iraq. Although Sunni extremists keep excommunicating and attacking Shia Muslims, the consensus was mostly meant to influence general Muslim discourse, especially the preaching of Wahhabi and Salafi scholars.¹⁴

In 2010, a famous Pakistani scholar, Muhammad Tahir-ul-Qadri, who is deemed a 'shaykh al-Islam' which is considered to belong to one of the highest ranks of Islamic scholarship, issued a 400 page fatwa against terrorism and suicide bombings, which was

¹² Yassin Musharbash, "Surprising study on terrorism: Al-Qaida kills Eight times more Muslims than Non-Muslims", Spiegel Online, december 3, 2009, <http://www.spiegel.de/international/world/surprising-study-on-terrorism-al-qaida-kills-eight-times-more-muslims-than-non-muslims-a-660619.html>. Institute for Economics and Peace, *Global Terrorism Index*, (n.p., 2015), <http://economicsandpeace.org/wp-content/uploads/2015/11/Global-Terrorism-Index-2015.pdf>.

¹³ The Amman Message (2004), accessed december 7, 2015, www.ammannmessage.com.

¹⁴ "The Amman message and intra-muslim peace | middle east", 2016, accessed july 7, 2016, <http://www.crpme.gr/analysis/middle-east/the-ammann-message-and-intra-muslim-peace>. Jamal Al Shalabi en Menawer Bayan Alrajehi, "The Amman message: Arab diplomacy in the dialogue of civilizations", *Journal of US-China Public Administration* 8, no. 12 (2012), accessed july 7, 2016, <http://www.davidpublishing.com/davidpublishing/Upfile/2/18/2012/2012021808754238.pdf>.

translated into several languages.¹⁵ It is the largest fatwa text denouncing terrorism¹⁶, but also the first to be simultaneously available in English and Arabic. In the fatwa he discusses the unlawfulness of indiscriminately killing Muslims and non-Muslims, the obligation of protection and rights of noncombatant non-Muslims, the unlawfulness of rebelling against the state, and deeming violent rebels to belong to the Kharijites.¹⁷ This last part is a theme which has become vital in modern Islamic denouncements of terrorism. The Kharijites (lit. the leavers, as in leaving the Muslim community) were a rebel group in early Islam who had killed the 3rd and 4th successor (*khalif*) of the Prophet Muhammad. For two centuries they plagued the main Muslim community with violent attacks whereby they deemed the majority of Muslims to be unbelievers.¹⁸ To label contemporary Jihadist groups as Kharijite provides Muslim scholars a label that is recognizable for fellow Muslims in how to view these

¹⁵ Muhammad Tahir-ul-Qadri, *Fatwa on terrorism and suicide bombings* (United Kingdom: Minhaj-ul-Quran International (MQI) UK, 2010). Available at: <http://www.quranandwar.com/FATWA%20on%20Terrorism%20and%20Suicide%20Bombings.pdf>.

¹⁶ I hope to provide a more extensive analysis of this fatwa in the future, which can be considered the most thorough and extensive referenced Fiqh critique of terrorism currently written. Some of its claims, such on the meaning of Islam as meaning ‘safety for all of humanity’, can be considered as modern concepts, but the majority of its statements on war ethics and politics are representative of classical Sunnism (although these are mainly referenced from the Hanafi school) and deserve a larger review. He also launched an “Islamic Curriculum on Peace and Counter-Terrorism” in 2015 to counter ISIS ideology, wherein he provides reading manuals for Islamic schools and mosques. Minhaj-ul-Quran International, *Dr Tahir-ul-Qadri launches Islamic curriculum on peace and counter-terrorism in UK*, (Minhaj-ul-Quran International), juni 23, 2015, <http://www.minhaj.org/english/tid/33354/Dr-Tahir-ul-Qadri-launches-anti-ISIS-Islamic-curriculum-peace-counter-terrorism-de-radicalisation-ideology-Jihad-elimination-extremism-UK.html>.

¹⁷ Tahir-ul-Qadri, *Ibid*, 385-396.

¹⁸ “[T]he members of the earliest of the religious sects of Islam, whose importance lies particularly, from the point of view of the development of dogma, in the formulation of questions relative to the theory of the caliphate and to justification by faith or by works, while from the point of view of political history the principal part they played was disturbing by means of continual insurrections, which often ended in the temporary conquest of entire provinces, the peace of the eastern part of the Muslim empire during the two last years of the caliphate of ‘Alī and during the Umayyad period, and involuntarily facilitating first Mu‘āwiya’s victory over ‘Alī, then that of the ‘Abbāsids over the Umayyads.” G. Levi Della Vida, “*Khāridjites*”, in: *Encyclopaedia of Islam, Second Edition*, edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs, accessed on 08 July 2016, http://dx.doi.org.ezproxy.leidenuniv.nl:2048/10.1163/1573-3912_islam_COM_0497.

groups.¹⁹ But there is disagreement on if this label can be used to excommunicate terrorists or not (*takfir*, i.e. their actions nullify their faith adherence)²⁰, or that they are major sinners (*fasiq*) but still recognized as being Muslim.²¹

¹⁹ Shmuel Bar, *The religious sources of Islamic terrorism*, (Hoover Institution), June 1, 2004, <http://www.hoover.org/research/religious-sources-islamic-terrorism>. Nelly Lahoud, “The early Kharijites and their understanding of Jihād”, *Mélanges de l’Université Saint-Joseph* LXII (2009), accessed July 6, 2016, <https://www.ctc.usma.edu/posts/the-early-kharijites-and-their-understanding-of-jihad>. Islam against Extremism, *The Khārijites: Historical Roots Of Modern-Day extremism And Terrorism*, (n.p., 2015), <http://www.islamagainstextremism.com/dld.cfm?a=qxufgu>.

²⁰ Tahir-ul-Qadri dedicated a whole chapter on citations from classical scholars on declaring Kharijites as unbelievers. Tahir-ul-Qadri, *Ibid*, 351-384. Tahir-ul-Qadri has repeated this excommunication (*takfir*) also concerning ISIS. The same is done by Shaykh Muhammad al-Yaqoubi in his fatwa against ISIS, see below.

²¹ This issue has confused many lay Muslims and non-Muslims alike, due to their misunderstanding of classical Sunnism’s approach to faith-adherence, which in many ways resembles Catholic concepts of baptism. Every time a prominent Catholic Nazi had passed away, a controversy arises when certain Catholic groups (to the embarrassment of the Vatican) still provided him his funeral rites, which includes prayers of forgiveness and acceptance by God into heaven. In post-WWII thought this act is misunderstood as a form of Catholic acceptance or whitewashing of the person’s crimes (although there are certainly Catholic groups with Nazi/anti-Semitic sympathies), while from a Catholic theological perspective this service is connected to the sacramental status of the person’s baptism. Daniel Burke, “Catholic sect holds funeral rites for Nazi war criminal”, *CNN*, October 15, 2013, <http://religion.blogs.cnn.com/2013/10/15/nazi-war-criminal-to-get-church-burial/>. Classical Sunnism, although it does not accept the idea of sacramental theology, has a similar approach to faith-adherence. The testimony of faith (*Shahada*) is what one brings into Islam, and only clear and self-expressed declarations that reject that earlier testimony is what brings one out of Islam. Ethical and ritual misconduct are sinful (from small to larger sins) and makes one a sinner (*Fasiq*), but do not necessarily nullify one’s faith-adherence due to the separation of faith (*iman*) and acts (*amal*) as separate ontological categories. Anyone who declared the *Shahada* but upholds beliefs deviating from the orthodox mainstream is an heretical innovator (*Mubtadi*) and not an unbeliever (*Kafir*). Acts are based on perception (*Mudarak*) and piety (*Taqwa*) and it is these two that can fluctuate in a believer and can make one commit evil or good deeds. Only large, clear, non-compulsory and continued acts of idolatry (*Shirk*) in worship (*ibadat*), which belong to other religions, can make one an unbeliever as this would be a continued rejection of Islamic monotheism (*Tawhid*) and/or the prophethood of Muhammad. Personal sins as drinking or lapses in obligatory prayers are personal sins, not rejections of monotheism or Muhammad’s prophethood. This separation of belief and acts was a reaction towards the Kharijites themselves who judged Muslims only on their acts and not on their words of faith. For them, belief is shown by deeds, thus when deeds are lacking (like praying), one can be declared an unbeliever. On the classical separation of faith and acts, see: Imam Al-Haramayn Al-Juywani, *A guide to conclusive Proofs for the principles of belief: Kitab Al-Irshad Ila Qawati Al-Adilla Fi Usul Ati Tiqad*, translated by Paul E. Walker (United Kingdom: Garnet Publishing, 2001), 209–15. Ahmad Farid al-Mazidi, Ed., *Shuruh wa Hawashi al-’Aqa’id al-Nasafiyya li-Ahl al-Sunna wa-Ijama’a al-Asha’ira wa-Imaturidiyya* (Beirut: Dar al-Kutub al-’Ilmiyya, 2013), 5:3–89. Ibn Abi al-’Izz, *Commentary on the Creed of at-Tahawi (Sharh al-’Aqidah at-Tahawiyah)*, translated by Muhammad ’Abdul-Haqq Ansari (Riyadh: al-Imam Muhammad Ibn Sa’ud Islamic University, 2000), 283–311. On modern rejections of excommunicating terrorists, see for example: Hamza Yusuf, “Suicide bombers are still Muslim”, *YouTube*, April 22, 2013, posted July 13, 2016, <https://www.youtube.com/watch?v=2Zhi8bED9o0>. With the anti-ISIS fatwa’s a similar discussion (and controversy) arises when certain Islamic scholars or institutions condemn their acts, but reject to excommunicate them.

Letter to Baghdadi: A new Sunni consensus against Islamist-Jihadism?

Background of the Letter

With the rise of ISIS, new fatwas were produced that not only condemned their attacks, but also their claim of being a Caliphate.²² One 40 page fatwa-letter²³, addressed to al-Baghdadi and his followers, and was signed by more than 120 prominent Muslim scholars (including Tahir-ul-Qadri).²⁴ The majority of signatory scholars have an Egyptian background, and many are part of or have directly studied at al-Azhar or have been influenced by major Azhari reformist scholars such Mahmud al-Shaltut (d. 1963).²⁵

²² Mandhai, “Muslim leaders reject Baghdadi’s caliphate”, *Al Jazeera Media Network*, July 7, 2014, <http://www.aljazeera.com/news/middleeast/2014/07/muslim-leaders-reject-baghdadi-caliphate-20147744058773906.html>.

²³ It calls itself a letter (*risala*) and not a fatwa, as normally a fatwa responds to a question on a legal issue or situation requiring a legal opinion. As this letter is addressed to ISIS based on the initiative of the signatory scholars, it is technically not a fatwa, even though it contains legal opinions and verdicts. The interesting aspect is that it calls itself an ‘open letter (*risala maftuha*)’, whereby the Arabic is more a translation of the English term than the other way around. Letters between scholars or from scholars to rulers or groups have a long history in Islam. For example: 1) From scholar to ruler: Michael Schwarz, “The Letter of al-Hasan al-Basri”, *Oriens* 20 (1967), doi:10.2307/1580396; 2) Between Muslim scholars: “A Letter to Imām al-rāzī”, accessed July 11, 2016, <http://www.ibnarabisociety.org/articles/Letter-to-imam-al-razi.html>. But the Letter does end with a fatwa which discusses the authenticity and interpretation of an eschatological tradition attributed to Ali, and which the Letter directly links to ISIS. Letter, *Ibid*, 26-27.

²⁴ *Open Letter To Dr. Ibrahim Awwad Al-Badri, alias ‘Abu Bakr Al-Baghdadi’, and to the fighters and followers of the self-declared ‘Islamic State’* (2014), accessed July 6, 2016, www.lettertobaghdadi.com.

²⁵ For a discussion on Azhar modernism, see: Kate Zebiri, *Mahmud Shaltut and Islamic modernism* (United Kingdom: Oxford University Press, 1993). 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* 31, no. 03 (August 1999), doi:10.1017/s0020743800055483. Samira Haj, *Reconfiguring Islamic tradition: Reform, rationality, and modernity* (United States: Stanford University Press, 2008). Jonathan A. C. Brown, *Misquoting Muhammad: The challenge and choices of interpreting the prophet’s legacy* (United Kingdom: Oneworld Publications, 2014), 133–39. Thomas Raineau, “Islamic reform and conservatism. Al-Azhar and the evolution of modern Sunni Islam”, *Arabica* 58, no. 5 (January 1, 2011), doi:10.1163/157005811x575889.

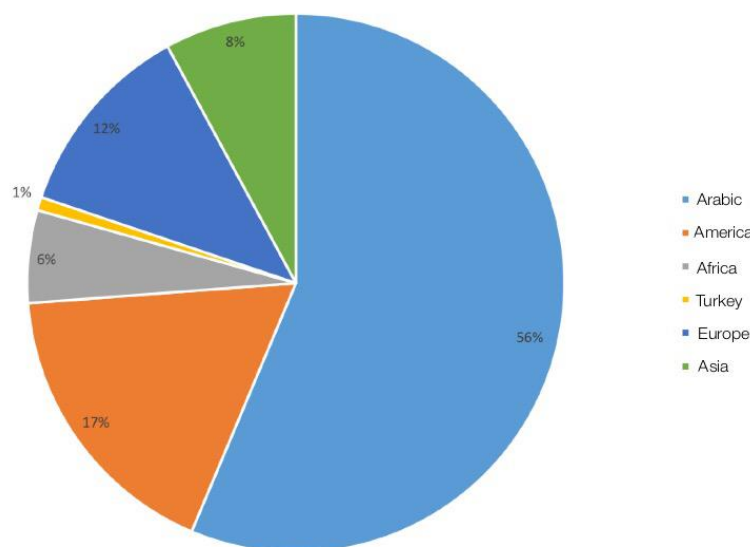


Figure 1. Continent of residence ‘Letter to Baghdadi’ signatories

The original website and the Arabic and English PDF’s of the Letter used simple designs, but after around 6 months both the website and the PDF’s were redesigned. The PDF’s redesign directly showed a link with the Jordanian neo-traditionalist²⁶, ecumenical (the Amman Message) and interfaith projects by the Royal Islamic Strategic Studies Centre (RISSC), which is sponsored and headed by the Jordanian monarchy.²⁷ After its redesign, several signatories were placed prominently on the website, which shows a focus on scholars from Egypt, America, Nigeria, and Indonesia.²⁸ Its press release was done through multiple

²⁶ Its neo-traditionalism mixes Sunni traditional *Sufi-Madhabism* with Sunni modernism, for a discussion on these spectrums of Islamic modernism, traditionalism to radicalism, see: William E. Shepard, “Islam and ideology: Towards a typology”, *International Journal of Middle East Studies* 19, no. 03 (augustus 1987), doi:10.1017/s0020743800056750.

²⁷ “Royal Islamic Strategic Studies Centre”, may 15, 2016, accessed july 7, 2016, <http://rissc.jo/>. The organization is responsible for the 2004 Sunni-Shi’a ecumenical ‘Amman Message’, the 2006 Muslim-Christian interfaith ‘A Common Word’ (www.acommonword.com), the ‘Muslim 500’, multiple publications in Arabic and English on normative Sunni Islamic positions on war and politics, and an Arabic-English online resource website for Qur’anic exegesis (www.altafsir.com). It’s director is Prince Ghazi bin Muhammad Talal, the brother of the Jordanian king Abdullah II. See Appendix I for a comparison between the original and redesigned PDF of the Letter and the RISSC publications. Nowhere does the Letter refer to RISSC, or the RISSC websites to the Letter.

²⁸ These are: Prof. Sheikh Shawqi Allam: The Grand Mufti of Egypt; Sheikh Dr. Ali Gomaa: Former Grand Mufti of Egypt; Sheikh Hamza Yusuf Hanson: Founder and Director of Zaytuna College, USA; Dr. Muhammad Tahir Al-Qadri: Founder of Minhaj-ul-Qur’an International, Pakistan; Dr. Yasir Qadhi: Professor of Islamic

organizations and persons²⁹, but without specific persons being appointed as the main writers. But both the style and content of the Letter clearly show a similarity with al-Azhar on creedal position towards the relation of faith and acts, inner-*Madhab* pluralism, penal punishments (*Hudud*) and civil law³⁰, and Jihad.³¹ The Letter's position on slavery being abolished has also been professed by al-Azhar.³², but by saying its abolishment is through 'worldly consensus' is clearly a contribution by Shaykh Muhammad al-Yaqoubi who has expounded on this issue in his own fatwa (discussed below) and in interviews.³³ The Letter is therefore probably written by scholar(s) trained at (and some still affiliated with) al-Azhar, and scholars surrounding Shaykh Muhammad al-Yaqoubi and Shaykh Bin Bayyah such as Hamza Yusuf.

Studies, Rhodes College, USA; Sheikh Faraz Rabani: Islamic Scholar and Founder of Seekers Guidance, Canada; Sultan Muhammad Sa'ad Abubakar: The Sultan of Sokoto, Head of the Nigerian National Supreme Council for Islamic Affairs; Prince Judge Bola AbdulJabbar Ajibola: Islamic Mission for Africa (IMA) and Founder of Crescent University, Nigeria; Sheikh Ibrahim Saleh Al-Husseini: Head of the Supreme Council for Fatwa and Islamic Affairs, Nigeria; Prof. M. Din Syamsuddin: President of Muhammadiyah, and Chairman of the Indonesian Council of Ulama.

²⁹ Lauren Markoe, "Muslim scholars to Islamic state: You don't understand Islam", *Huffington Post* (The Huffington Post), september 24, 2014, http://www.huffingtonpost.com/2014/09/24/muslim-scholars-islamic-state_n_5878038.html. "Risala miftuha ila 'al-Baghdadi'", accessed juli 8, 2016, <http://www.ammonnews.net/mobile/index.php?page=article&id=207096>.

³⁰ "Applying Shari'ah in today's world", accessed juli 8, 2016, <http://eng.dar-alifta.org/foreign/ViewArticle.aspx?ID=109&text=hudud>. "Shariah law", accessed juli 8, 2016, <http://eng.dar-alifta.org/foreign/ViewArticle.aspx?ID=111&text=civil%20law>. "Juristic differences in Sharia", 2016, accessed juli 8, 2016, <http://eng.dar-alifta.org/foreign/ViewArticle.aspx?ID=76&text=increase>. "Hudud in the Islamic Sharia", accessed juli 8, 2016, <http://eng.dar-alifta.org/foreign/ViewArticle.aspx?ID=358&text=jihad>.

³¹ "Jihad: Concept, history and contemporary application", accessed juli 8, 2016, <http://eng.dar-alifta.org/foreign/ViewArticle.aspx?ID=78&text=jihad>.

³² "Fatawa - why didn't Islam abolish slavery immediately?", 2016, accessed juli 8, 2016, <http://eng.dar-alifta.org/foreign/ViewFatwa.aspx?ID=6830>.

³³ "Sheikh Muhammad al-yaqoubi responds to al-julani's al-jazeera interview", mei 31, 2015, accessed juli 8, 2016, <http://www.joshualandis.com/blog/sheikh-muhammad-al-yaqoubi-responds-to-al-julanis-al-jazeera-interview/>.

Short overview of the Letter to Baghdadi³⁴

All the signatories are Sunni³⁵ and the Letter doesn't discuss the signatories' position towards the Muslim status of the Shi'a, nor does it refer to the Amman Message. Seemingly it avoids taking in an ecumenical position, as ISIS' Jihadi-Salafism sees accepting Shi'a as Muslims as something which makes one an unbeliever. This position, and others such as the rejection of civil laws and *irja* creedal positions³⁶, belong to the Wahhabi-Salafi creedal concept of 'Nullifiers of Islam (*Nawaqid al-Islam*)'.³⁷ Although the Letter avoids the discussion on Shi'ism, it does address the questions pertaining to excommunication (*takfir*), pluralism, Shari'a and civil law, democracy, Jihad, and how these pertain to modern Muslim-majority countries and Muslims living in the west. The Letter also states that their statements on these matters represent "the opinions of the overwhelming majority of Sunni scholars over

³⁴ A point by point analysis and commentary on the Letter will be made available on the website www.fahminstituut.nl.

³⁵ None of the signatories belong to Wahhabi or radical Salafi ideologies, all adhere to a spectrum between Sunni neo-traditionalism and modernism. There are also no signatories from Saudi-Arabia. Also it is interesting that famous scholars as the Muslim Brotherhood ideologue Yusuf al-Qaradawi are not among the signatories. This is maybe due to the conflict between al-Azhar and the Muslim Brotherhood after the military coup against president Morsi.

³⁶ The Murji'a (lit. postponers or deferrers) were an early Sunni theological movement who radically separated faith (*iman*) from acts (*'amal*), whereby no act could make one be declared an unbeliever, as only God could truly judge (whereby they thus postpone the judgement to God alone). Some Murji'a also believed to there was no sin heavy enough performed by a believer to be placed in hell. The Athari-traditionalists and Ash'ari theologians took an opposite position whereby one's faith is expressed and affected by one acts, and therefore faith could increase or decrease. The Hanafi-Maturidi theologians did uphold elements of the Murji'a due to the creedal statements of the Hanafi school founder Abu Hanifa (d. 772) that faith cannot increase or decrease. Abu Hanifa was also accused of being a Murji'a by several Athari scholars such as the Hadith collector al-Bukhari (d. 870). Wilfred Madelung, "Murđji'a", in: *Encyclopaedia of Islam*, Second Edition, edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs, accessed 08 July 2016, http://dx.doi.org/ezproxy.leidenuniv.nl:2048/10.1163/1573-3912_islam_COM_0801.

³⁷ ISIS follows the Wahabi-Salafi creedal position of 'Nullifiers of Islam (*Nawaqid al-Islam*)' as stated in the official ISIS creedal text "*Aqidah Wa Manhaj Al-Dawlah Al-Islamiyah Fi Al-Takfir*". Muhammad Haniff Hassan, *A wolf in sheep's clothing: An analysis of ISIS Takfir doctrine*, (counterideology 2), augustus 11, 2015, <https://counterideology2.wordpress.com/2015/08/11/a-wolf-in-sheeps-clothing-an-analysis-of-isis-takfir-doctrine/>. Ella Landau-Tasseron, *A self-profile of the Islamic state: The creedal document*, (Middle East Media Research Institute (MEMRI), 2016), http://www.memri.org/pdf/MEMRI_IA_A_Self-Profile_of_the_Islamic_State-The_Creedal_Document2.pdf.

the course of Islamic history.”³⁸ The Letter considers 24 points which can be classified into seven categories:

- 1) Characteristics (*sifat*) and requirements (*shurut*) of a mufti or *qadi* (judge): points 1-5
- 2) Rulings on warfare (*Ahkam al-Harb*): points 6-8
- 3) Intra-Muslim pluralism (*ikhtilaf*) and apostasy (*takfir* and *ridda*): point 9
- 4) Human rights (*Huquq al-'ibad*) and rulings pertaining to protected minorities (*Ahkam al-Dhimma*): points 10-15
- 5) Requirements of penal law (*Hudud*) and treatment of captives: points 16-18
- 6) Creed (*'aqida*): points 19-20
- 7) Leadership (*imama* and *khilafa*) and loyalty to the umma and rejection of non-believing communities (*al-Wala wa al-Bara*): points 21-24

These points address that it is forbidden to declare fatwas or legal rulings without the proper credentials or without following the classical principles and objectives of the Sharia (many of the ISIS judges are deemed unqualified); ISIS' methods and objectives do not conform to the classical rules of Jihad which is defensive warfare; it is forbidden to kill any noncombatants; it is forbidden to reinstate slavery after its global abolishment; it is forbidden to excommunicate Muslims or declare minority groups as apostates (i.e. the Yazidi); the religious tax (*Jizyah*) was meant for a society divided in religious communities so these could retain their own laws and rites whereby the tax was only a compensation for military exemption and provided security, it is not a general tax nor can it be asked when societies apply citizenship; it is forbidden to destroy graves, monuments or buildings of worship

³⁸ Letter, *Ibid*, 3.

of any kind; it is forbidden to establish a caliphate without general consensus from the global Muslim community; and that loyalty to one's country, Muslim or non-Muslim, is permissible and there is no obligation to emigrate to the Islamic state.

Individual anti-ISIS Fatwas

Three of the signatory scholars have also written individual fatwas against ISIS. Shaykh Muhammad al-Yaqoubi, a Syrian mufti who fled to America after denouncing both the Syrian regime and the Jihadist groups (although he does support the Free Syrian Army)³⁹, addresses the general Muslim community and non-Muslim allies against ISIS, whereby he focuses on how the acts of ISIS (i.e. their atrocities and their general excommunication of other Muslims) prove they are Kharijite. By making ISIS fall within the Kharijite category, al-Yaqoubi can apply classical rulings which made fighting Kharijite groups an obligation, thereby turning the obligation of Jihad on ISIS itself.⁴⁰ He also sees the western and Arab alliance against ISIS as permissible as ISIS is the greatest threat to Muslims, Islam, Middle Eastern societies, and the world. On this last issue he responds to a general tactic used by extremists to gain sympathy from the general Muslim masses whereby they present the western-Arab alliance and Muslims living in the West, or even those that have joined western armies, as traitors who cooperate with non-Muslims in fighting other Muslims.⁴¹

³⁹ Tam Hussein, *The revolt of the Sheikh*.

⁴⁰ As Tahir-ul-Qadri has also done in his 2010 fatwa. Tahir-ul-Qadri, *Ibid*, 331-334.

⁴¹ Shaykh Muhammad al-Yaqoubi, *Refuting ISIS: A Rebuttal of its Religious and Ideological Foundations*, 1st ed. (United Kingdom: Sacred Knowledge, 2015). A second edition has come out which has been expanded with 140 more pages, but I haven't been able to review it for this paper.

Shaykh Abdallah Bin Bayyah, a Mauritian scholar famous for his fatwas on issues pertaining to Muslim minorities⁴², addresses in his fatwa “the young men who bear arms against their own nations and destroy both country and countrymen.” In it he discusses nine points that summarize his views of Sharia principles, righteous Jihad, and the requirements of legitimacy for a Caliphate. He argues that the Sharia serves one general principle: the preserving of life. So resistance against oppressive government (i.e. Syrian regime) is justified, but the methods used by ISIS and other Jihadist groups are wrong as they clearly violate this principle. He also argues that their implementation of Sharia penal laws violate classical stipulations which strictly restricted the application of penal punishments to occasions when they can serve as a means of deterrence and not as the general ruling for all such crimes. He further argues that Jihad is only legitimate in a defensive struggle between states, and only to pursue justice and peace. It is not meant for rebellion, conquest, causing chaos and fear or continued hostility. There is no obligation to establish a Caliphate through warfare, it can only be established through general Muslim consensus. Non-Muslim minorities living in Muslim lands are to be protected and never persecuted or coerced into Islam. The majority of the classical schools accepted all non-Muslim groups as deserving protection, to claim only some minorities deserve protection is to deliberately seek out opinions that do not generate the largest welfare and justice for mankind. He warns that Sharia is based on wisdom, justice, mercy and the common good and that actions that ignore these or create an image of Islam that is the opposite of these can not be claimed to be in the

⁴² Souheila Al-Jadda and Amina Chaudary, *Why America needs to know this man*, (The Islamic Monthly), march 4, 2014, <http://theislamicmonthly.com/why-america-needs-to-know-this-man/>.

defense of Islam as they drive people away from Islam and turn people against the Muslim community.⁴³

Dr. Shawki Allam, the Grand Mufti of Egypt and head of al-Azhar university⁴⁴, has collected several articles and fatwas into a book to address the problems around ISIS. Al-Azhar had started a campaign wherein it asked global media and leaders to not use the term “Islamic State” but rather QGIS, short for al-Qaeda separatists in Iraq and Syria, as using Islamic state would affect Muslims living in the West and increase global Islamophobia. The book contains several fatwas on Jihad; how to interpret the Qur’an verses on fighting; the application of the penal laws; war ethics in Islam; ISIS and other terrorists being the contemporary Kharijite; how extremists misunderstand Islam; that Islam pursues a religious pluralistic society; how to deal with sons who want to go on Jihad; slavery; and the unlawfulness of raping captives.⁴⁵

Conclusion

One of the interesting aspects of these counter responses against extremism is that they show how mainstream Sunni Islam, partially as a response to extremism, has incorporated modernist and reformist thought on reinterpretation of the Qur’an and the Islamic tradition, and on human rights, liberal governance, and religious pluralism.⁴⁶ They

⁴³ Shaykh Abdallah Bin Bayyah, “Fatwa Response to ISIS: This is Not the Path to Paradise” (2014), accessed 7-12-2015, www.binbayyah.net/english/2014/09/24/fatwa-response-to-isis/.

⁴⁴ On the history and significance of al-Azhar, see: Bayard Dodge, *Al-Azhar: A Millenium of Muslim Learning* (United States of America : The American International Printing Company , 1961).

⁴⁵ Grand Mufti Shawki Allam and Al-Azhar university's Dar al-ifta (House of Fatwa's), *The Ideological Battlefield: Egypt's Dar al-iftaa Combats Radicalization* (2014), accessed 7-12-2015, www.eng.dar-alifta.org/OnlineBooks/The%20Ideological%20Battle.pdf.

⁴⁶ Ruthven, *Ibid*, 323-324.

discuss the same subjects and provide similar interpretations and sources, thereby generating a general consensus among the contemporary Sunni orthodoxy on Jihad and the modern state (i.e. democracy, secular law and equal citizenship). These counter responses not only involve the discussion on ‘what is classical Islam’ and Islam and modern democracy, but also on Muslim minorities in non-Muslim countries. The fact that these counter responses are released simultaneously in Arabic and English show both the effect of globalism on normative Islamic discourse (to be internationally known, one has to publish in English), and that English is the second most important language to educate non-Arabic speaking Muslims and counter Islamophobia among non-Arabic speaking non-Muslims. This can also be seen with other Islamic declarations, such as the Marrakesh declaration (January 2016) which was formulated in Arabic but also directly came with an English summary.⁴⁷ Islamic terrorism and radicalism has forced scholars representing mainstream Islam to openly and clearly declare their positions on pluralism, democracy and human rights. The demand for clarity has helped (or forced?) mainstream Sunni scholars to formulate positions beyond mere apologetics. The subject of slavery was normally addressed by declaring it apologetically and falsely as ‘unIslamic’⁴⁸, or by declaring it as obsolete or impossible to practice today. With the Letter’s clear declaration that slavery was abolished both by Muslim community consensus (*ijma’ al-Umma*) and by worldly consensus (*ijma’ al-‘alam*), it has made multifaith/secular globalistic consensus a source for the Shari’a.⁴⁹ The difference in density of Islamic totalism, using

⁴⁷ “Marrakesh declaration”, 2016, accessed juli 7, 2016, <http://marrakeshdeclaration.org/>. The Marrakesh Declaration is also an important development as it calls for a harmonization between the Shari’a and the UNDHR, whereby it ignores the OIC adhered to Islamist human rights construction of the Cairo Declaration of Human Rights.

⁴⁸ The vast majority of Muslims reject the concept of slavery, showing the success of post-Enlightenment humanism in the Muslim world.

⁴⁹ As can also be seen with the Marrakesh Declaration promotion of the United Nations Declaration of Human Rights (UNDHR) as criteria for Shari’a interpretations.

Shepard's typology⁵⁰, between radical Islamists as ISIS and the mainstream Sunni Islam constructed by the Letter differs immensely due to the latter's acceptance of equalizing (and even superseding of) the Shari'a with international and civil law in matters of religious pluralism (by historicizing the Jizya), warfare, and nationalism. The globalization of Islamic radicalism has forced mainstream Sunni Islam to globalize not only its discourse, but also its content.

⁵⁰ William E. Shepard, "Islam and ideology: Towards a typology", 317-326.

Appendix I: Comparison between ‘Letter to Baghdadi’ and RISSC designs



Executive Summary

- 1- It is forbidden in Islam to issue *fatwas* without all the necessary learning requirements. Even then *fatwas* must follow Islamic legal theory as defined in the Classical texts. It is also forbidden to cite a portion of a verse from the Qur'an—or part of a verse—to derive a ruling without looking at everything that the Qur'an and *Hadith* teach related to that matter. In other words, there are strict subjective and objective prerequisites for *fatwas*, and one cannot 'cherry-pick' Qur'anic verses for legal arguments without considering the entire Qur'an and *Hadith*.
- 2- It is forbidden in Islam to issue legal rulings about anything without mastery of the Arabic language.

Figure 2. Original website

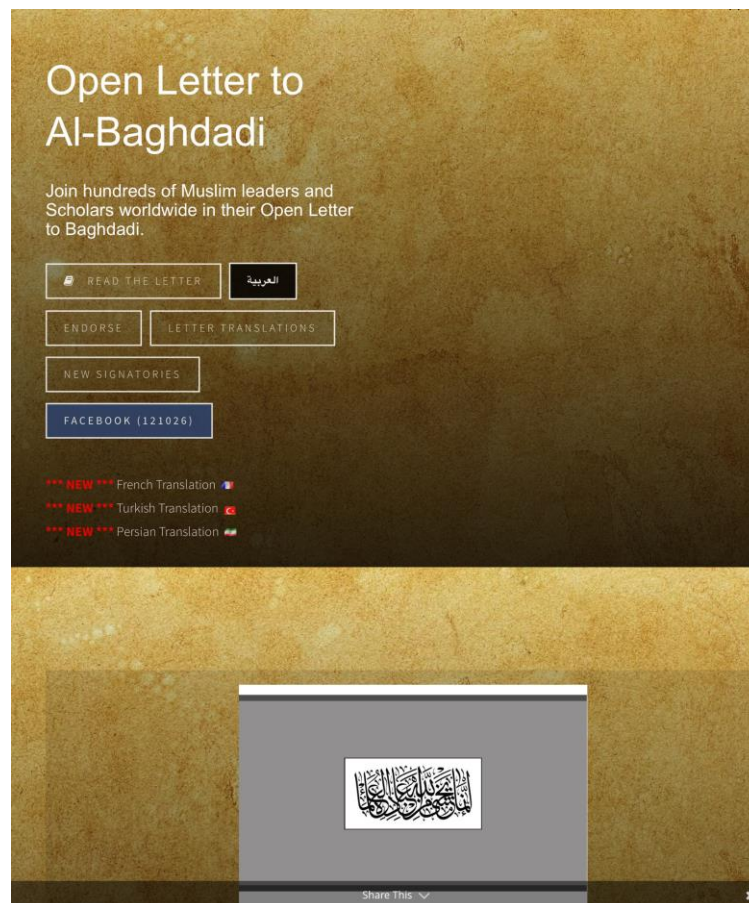


Figure 3. Redesigned website

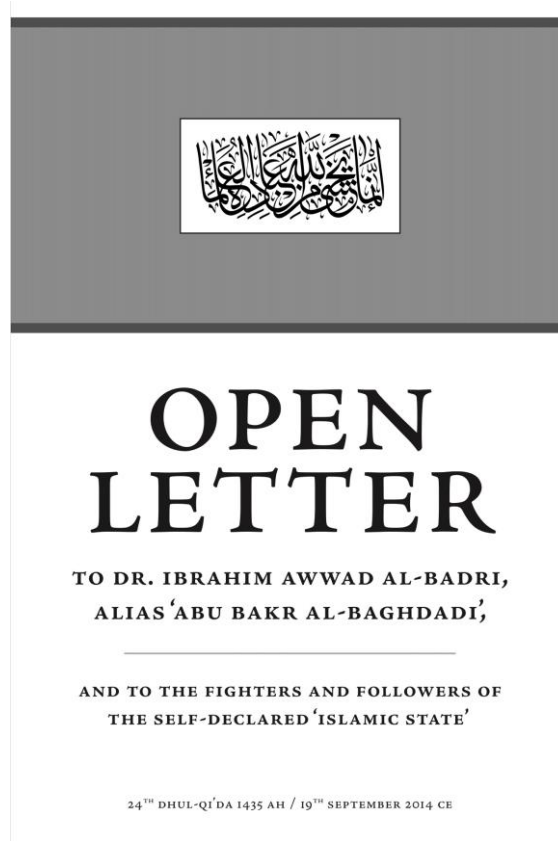


Figure 4. Redesigned PDF 'Letter to Baghdadi'

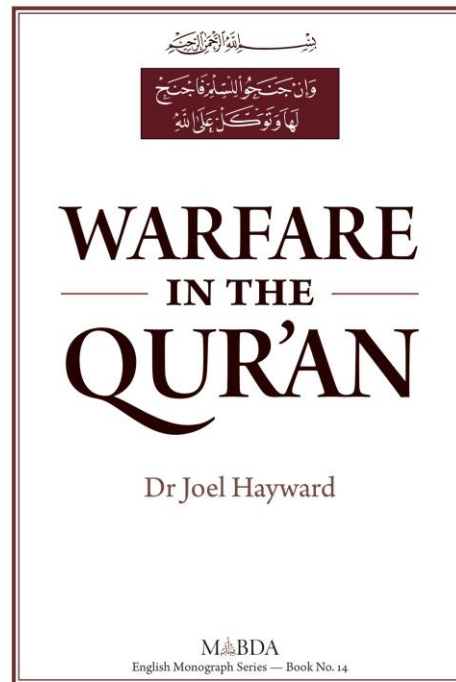
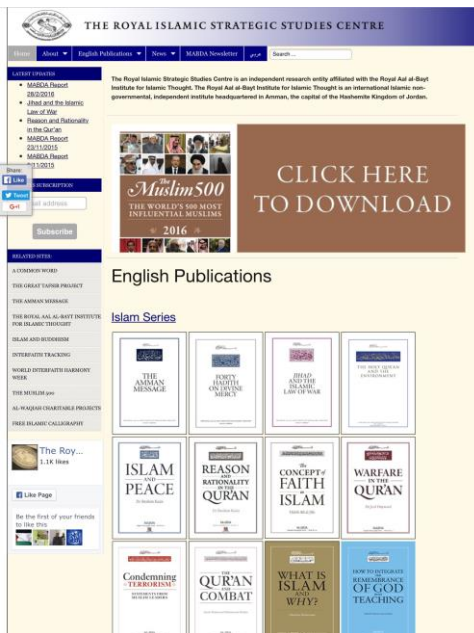


Figure 5. RISSC publication designs