

## Contemporary Salafī Radicalism: Fatwās Endorsing Violence

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### Abstract

The religious discourse of the Contemporary radical Salafism relies on certain fatwas that justify and legitimize their violent actions. Although Jihadi Salafists share the same intellectual bases with other Salafists, violence is the distinctive feature of their political agenda. The paper reviews the role of fatwa in Islam in order to understand its authoritative function, and the specific Salafī fatwa standards. It also investigates the term of Salafiya and the characteristic of different sects of Salafists.

By understanding Salafī Jihadi Ideology and discussing how do they produce and use fatwas of violence, the paper seeks to identify the fault interpretations and miss use of fatwas by Salafī Jihadists.

**Key words:** Salafī Jihādīs, Fatwās, Islam, Violence, al-Murtadd, Jihād.

### 1. Introduction:

Many innocent souls fall victims to the violent actions implemented by radical Salafī Jihādīs nowadays. In spite of the bitterness and ugliness of these actions, this group is still able to attract many supporters especially from the young Muslim community who are very eager for change and who are in a constant quest for their credible identity. These young men and women find what they are seeking in the radical Salafī discourse of the Salafī Jihādī groups. If it was not for this discourse which provides the coverage for the various types of violent actions and the motivation behind them, those groups would not have been able to reach to these thousands of people and recruit them, and to an even larger number of supporters. There is a real need to analyse the ideological structure and the authorities “*marjīʿiyat*” used to support the violence related

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*fatwās* of these groups is essential in understanding the selective procedure of the *fiqh* opinions that serves their own strategic objectives.

This research begins with presenting the concept of *fatwā*, definition, sources and elements, followed by the idea of *fatwā* standards which prevent non-qualified individuals of *iftā'*, or misusing *iftā'* by one person or a group of people for their own personal benefits. It is followed by a brief section on Salafīya term and background. The next chapter analyzes the ideological structure of which the Salafī Jihādī discourse is based on. Finally, the last chapter discusses a group of *fatwās* endorsing violence which present the legitimate coverage for these actions.

The research is based mainly on important sources written by main Salafī Jihādī theoreticians, such as: *al-Umda fi i'dād al-'uddaI*, *Da'wat al-muqāwama al-islāmīya al-'ālamīya*, *Masā'il fi fiqh al-jihād*, *Idārat al-tawaḥush* and a collection of books published by ISIS. That is besides many other sources (including online sources) on subjects such as *ḥadīth* references, traditional *fiqh*, and contemporary *fiqh* that mainly contradict with the ideology and practice of the Salafī Jihādī groups. The related works of Muḥammad Ramaḍān Al-Būṭī (d.2013) who represents the traditional line in Islamic *fiqh*, and Yūsuf Al-Qaraḍāwī who represents the contemporary political Islam, are used intensively in the discussion.

Indeed, *m'ālim fi al-Taṭīq* which is a book written by Sayyid Qutb (d.1966), is considered a constitution the Salafī Jihādīs rely on in the majority of their thought related to sovereignty concept. This concept was borrowed from abū al-A'īn al-Mawḍūdī (d.1979) by Qutb<sup>2</sup>. The theoreticians of this group have benefited from the heritage of *al-da'wa al-wahhābīya* scholars and the dissertations of ibn Taymīya until they have collected a comprehensive

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<sup>2</sup> Abū Hanīya & Abū Rummān, *tanzīm al-dāwla al-islāmīya*, p. 167.

ideology<sup>3</sup>. One of the main scholars of the Salafī Jihādīs is ‘Abd al-Qādir ‘Abd al-‘azīz who has written one of the most important books for this group titled *al-Umda fi i‘dād al-‘udda*<sup>4</sup>. Abū ‘Abd Allāh al-Muhājir, the teacher of al-Zarqāwī, (d.2006)<sup>5</sup> who is the writer of *masā’il fi fiqh al-jihād*. This book is considered the reference for *fiqh* and is taken a guideline for ISIS. It also has another common name between the members of ISIS which is *fiqh al-dimā’* “*fiqh of blood*”<sup>6</sup>. This book is one the major books that had a strong impact on al-Zarqāwī who ordered this book to be taught<sup>7</sup>. Abū Bakr Nājī who put the basis for the fighting creed and practical strategy based on power of vexation and exhaustion in his book *Idārat al-tawaḥush*. Abū Muṣ‘ab al-Sūrī “a.k.a ‘Omar ‘Abd al-Ḥakīm”, the writer of *da‘wat al-muqāwama al-islāmīya al-‘ālamīya*. This book is the sum up of the ideology and experience of the Salafī Jihādīs groups. Ayman al-Zawāhirī, the *amīr* “commander” of the Egyptian Jihād movement and the leader of al-Qā‘ida currently. Abū Qatāda al-Falaṣṭīnī, who mainly writes responses on opposing thoughts and opinions, in addition to *fatwās*<sup>8</sup>. The mentioned works represent the extremely radical pattern of thought of the Salafī Jihādī groups, and provide the religious, logical, and ideological coverage for the motivation and inspiration for all their actions.

In addition, other non-Arabic sources investigating related issues to Salafī Jihādī *fatwās* assist in analyzing different topics of the theses. For an example: *Warrant for Terror* written by Shmuel Bar which deals with *fatwās* of radical Islam, *Salafi-Jihadism* by Shiraz Maher which covers the principles of Salafī Jihādī intellectual discourse in details, *Jihad and Death* by Olivier Roy where he

<sup>3</sup> *ibid*, p. 172.

<sup>4</sup> Tawfīq, *al-jamā‘āt al-qitā‘īya al-mu‘āṣira*, p. 56.

<sup>5</sup> Al-Muhājir, *Masā’il fi fiqh al-jihād*, p. 7.

<sup>6</sup> Abū Hanīya & Abū Rummān, *tanẓīm al-dāwla al-islāmīya*, p. 181.

<sup>7</sup> *ibid*, p. 178.

<sup>8</sup> Nusayra, *matāhat al-ḥākīmīya*, p. 222.

studies the contemporary Islamic violence alongside other forms of similar violence, and *Jihadist Ideology* by Farhad Khosrokhavar which is an anthropological perspective that discusses issues such as the polemical inclination of the Jihadists.

## 2. Definitions and Historical background:

### a. What is the *fatwā*?

*Fatwā* occupies a high-ranking position in Islam. It was the duty of the Prophet to give the answers to Muslims on all different matters. He answers their questions on what is allowed, prohibited, and God's rule on a specific issue. Some of the competent companions inherited this position. Then they prepared qualified students for the same position. Slowly and with the expansion of Islam the need for who can give these answers to inquirers increased, and the regimes started to appoint specialized persons in each area. However, Muslims refer to whom they believe has the knowledge to give them religious answers even if they are not formally appointed. For this reason, *fatwā* represents high authority for Muslims and thus, regulating *fatwā* and its institutes will prevent or limit irregular religious discourse such as these provoking violence against innocent Muslims and non-Muslims.

### i. Definition of *fatwā*:

The primary sources of God's rules in Islam are the Qur'ān and Sunna of the Prophet. In case an answer is not available in these primary sources or is not of a definitive nature, then a qualified scholar "*mujtahid*" will put forth effort to reach a considered legal opinion "*fatwā*" On the other hand, the legal opinion about a certain matter that an ordinary Muslim requests from an expert scholar, who is competent to give an answer "*mufī*", is called a *fatwā* too. Even if this expert scholar is following the opinion of a former *mujtahid* because he is not

qualified to perform *ijtihād*<sup>9</sup>, the inquirer “*mustafī*” will have to accept the opinion of the *mufī* without needing to know the proofs of his *fatwā*. This relation between *mustafī* and *mufī* establishes the religious authority of the *mufī* over ordinary Muslims because they need the *mufīs* on a daily basis, and on daily matters that touch all aspects of their lives. Also, popular *mufīs* become an authority “*marjī‘iyā*” that has a huge influence on shaping public opinions and attitudes on certain issues. For example, the famous *fatwā* issued on Aljazeera by al-Qaraḏāwī (Chairman of the International Union of Muslim Scholars) legalizing and promoting killing the former president of Libya al-Qaḏāfī<sup>10</sup>.

## ii. Elements of *fatwā*:

There are three elements of a *fatwā* which are the *mufī*, the *mustafī*, and the question. Mozaffari believes that “The non-institutionalized character of Islam’s religious personnel and authorities has resulted in the diffusion of religious authorities”<sup>11</sup>, he also explains that diffusion means the absence of a centralized institution that takes care of religious matters. In fact, in early Islam the head of the nation was also the one who dealt with the religious matters.<sup>12</sup> However, after the expansion of Islamic rule, the caliph became busy dealing with governmental matters and stopped giving *fatwās*. Thus, he needed expert consultants who have outstanding knowledge related to Islamic law in order to give *fatwās*. Gradually, these expert scholars became *mufīs*.

Although a *fatwā*’s main element is a question raised by *mustafī*, a scholar issuing his opinion on a certain religious matter can be generally considered a *fatwā* too. That is because the *fatwā* can be a religious answer or a clarification for a contemporary disputed matter or a topic of interest for the public. On the

<sup>9</sup> Al-Makkī, *ḏawabit al-fatwā, man yajūz lahu an yufī wa man lā an yajūz lahu an yufī*, p. 16.

<sup>10</sup> <http://www.israelnationalnews.com/News/News.aspx/142456>

<sup>11</sup> Mozaffari, *Fatwa, Violence and Discourtesy*, p21.

<sup>12</sup> *ibid.*

other hand, it is important to realize the authoritative role of the *fatwā* for the *mustafī* and generally for the Muslims. It represents a guidance for Muslims in a certain matter that forms their perception and awareness of this particular matter, and also influences the way he interacts with it.

### iii. Origin of *fatwā*:

The Origin of *fatwā* can be found in the Qurʾān chapter 4 verse 127 “And they request from you, [O Muḥammad], a [legal] ruling concerning women. Say, Allāh gives you a ruling about them”<sup>13</sup> and chapter 4 verse 176 “They request from you a [legal] ruling. Say, “Allāh gives you a ruling”<sup>14</sup>. In the two verses the Qurʾān used the verb “*yastaftūnak*” which means they request from you an answer or inquire about a certain matter. The common feature of the use of the word *fatwā* is that it always indicates a question and an answer. Therefore, Mozaffari defines *fatwā* as “the answer which a competent and qualified religious authority gives to a question concerning a point of Islamic law”<sup>15</sup>.

In the time of the Prophet, he used to perform *iftāʾ* to his followers through revelation and that is how Sunnah was formed. Some reports suggest that the Prophet allowed certain companions to perform *iftāʾ* when sending them to far countries:

“When the Messenger of Allah intended to send Muʿadh ibn Jabal to the Yemen, he asked: How will you judge when the occasion of deciding a case arises? He replied: I shall judge in accordance with Allāh's Book. He asked: (What will you do) if you do not find any guidance in Allāh's Book? He replied: (I shall act) in accordance with the Sunnah of the Messenger of Allāh. He asked: (What will you do) if you do not find any guidance in the Sunnah of the Messenger of

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<sup>13</sup> <http://www.islambasics.com/view.php?bkID=120>

<sup>14</sup> *ibid.*

<sup>15</sup> Mozaffari, *Fatwa, Violence and Discourtesy*, p16.

Allāh and in Allāh's Book? He replied: I shall do my best to form an opinion and I shall spare no effort. The Messenger of Allāh then patted him on the breast and said: Praise be to Allāh Who has helped the messenger of the Messenger of Allāh to find something which pleases the Messenger of Allāh."<sup>16</sup>

After the Prophet's death, his Companions continued to follow the same rules as in the previous report. However, there were only over a one hundred among them who had performed *iftā'* at least once in their lives, other than seven of them who performed *iftā'* frequently.<sup>17</sup> After the companions, their Followers learned from those whom they had met, and in each region some of them became famous for *iftā'*, particularly among people in their region. Then, slowly scholars started to move from only transmitting reports to establishing rules of *ijtihād*. That is because of the many questions about new incidents which were not covered in reports. And then *fiqh* schools "*madhhabs*" started to form with their unique ways of deducing God's rules covering different topics of sections of *fiqh*. Later on, it was necessary to record *fiqh* references to help scholars and students to know God's rules through the opinions of different *madhhabs*. Furthermore, these *madhhabs* have slowly become extinct except the known four sunnī *madhhabs* which managed to survive<sup>18</sup>. Each one of these four has a long record revising and editing efforts made by scholars who belong to their schools. In addition, many compilations have been written to explain their legal theory in order to help understand the proofs of their opinions. Also manuals of *fiqh* and previous *fatwās* of the *madhhab* were carefully recorded, all of these efforts functioned to transfer the knowledge from one generation to another or to distant

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<sup>16</sup> *Sunan Abī Dāwūd*. Source: number 3592. <https://sunnah.com/abudawud/25>

<sup>17</sup> 'Uthmānī, *'Usūl al-'iftā'*, p. 33.

<sup>18</sup> Not to forget that there are different *madhhabs* out of sunnī schools are still exist alive until today.

areas, and serves as references to control the process of *iftā'* through a strict methodology.

#### iv. Controlling *fatwā*:

Giving *fatwā* is a collective duty (*farḍ kifāya*) which means if it is done by enough competent scholars, that suffices. Otherwise, if this duty can be done by only one, then it would become an individual duty. The *mufī* does not set forth rules and laws; he only explains and clarifies the religious rule related to the subject matter. It is a great responsibility that is only performed by a scholar who has enough knowledge in religion, and is fully aware of contemporary issues. He also needs the approval of his master teachers that he is capable and is qualified to carry out such a responsibility. *Iftā'* is never to be done by any incompetent or ordinary person without enough knowledge.

In this regard, the Qur'ān has forbidden people from speaking without knowledge: “and do not pursue that of which you have no knowledge” 17:36. Sunna also emphasized the point in this report: “Those of you the most daring in passing *fatwās* are the most deserving Hell”<sup>19</sup>. Al-Nawawī points out that the Imam should investigate the qualifications of *mufīs* and examine them, then he keeps only who fulfill these qualification and prevent the others from *Iftā'*<sup>20</sup>. Therefore, official parties have become responsible for assigning *mufīs* to answer the public's questions. In addition, they study *mufīs'* statuses and their qualifications; whoever is competent is allowed to pass *iftā'*, and whoever is found not qualified is forbidden. And that was mentioned in the time of the Umayyads<sup>21</sup> and Abbasids. Many scholars believe that there are specific qualifications decided by *madhabs*. These are to be followed to avoid any confusion or chaos that are related to eccentric *fatwās* which could be a result of

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<sup>19</sup> *Sunan al-dārimī*, no 157. V1, p69.

<sup>20</sup> Al-Nawawī, *ā dāb al-fatwā wal-mufī wal-mustafī*, p. 17-18.

<sup>21</sup> Al-Ḥarrānī, *al-fatwā wal-mufī wal-mustafī*, p. 24.



the absence of a clear distinct method of *iffā*'. That is to say, even if a person has good knowledge in ḥadīth, tafsīr or language, it does not mean that he is qualified to pass *fatwās* regardless of his confidence in his knowledge.

For that reason, many scholars emphasize the importance of following strict standards of *fatwā* which is mentioned in scholars' books and disapprove recklessness in issuing *fatwās* by non-competent persons. Besides, one has to consider that any individual cannot be given a license to practice his/her specialization without providing enough evidence that they are qualified and certified to do so. The same applies to practicing *iffā*'.

Based on some scholar's opinion, the standards of *fatwā* which are normally mentioned in manuals of *fatwās*, require sufficient knowledge of the *mufī* in the issue he is speaking about, showing accuracy and justification for the opinion he has chosen. He also has to be committed to one of the *madhhabs*, deep apprehension of its rules, and knows all what is related to it in and out, knows the reliable opinions in his *madhhab*. He also should not choose *fatwās* outside of the common *fiqh* schools and not adopt deficient or irregular scholar's *fatwas* except in necessities.<sup>22</sup> The *fatwās* manuals prescribed the forms of *istiftā'*, and *istiftā'* made the *mustafī* accept the authority of the *mufī*.<sup>23</sup>

#### v. Salafī Jihādī *fatwā* standards:

Violence *fatwās* have been employed by Jihādīs all over the world, the sources for ruling in these *fatwās* are the Qur'ān and Sunna<sup>24</sup>. However, because *ijtihād* has also been revived, Salafī Jihādī scholars have great latitude in their rulings.<sup>25</sup> They divided people into six categories regarding their ability to reach an opinion based on proves from the Qur'ān and Sunna. Five of these categories

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<sup>22</sup> Abū al-Ḥāj, *Is'ād al-mufī*, p. 88-100.

<sup>23</sup> Masud, *The Significance of Istiftā' in the Fatwā Discourse*, p. 357.

<sup>24</sup> Maysara al-Gharīb, *Shif' al-'īy al-so'āl*, p. 7.

<sup>25</sup> Bar, *Warrant for Terror*, p. 13.

will have to follow the proofs of the Qur'ān and Sunna when deciding among different scholar's opinions. The only real difference between these five categories is the level of qualification that allows deeper investigation and understanding of the Qur'ān and Sunna. The last category is the person who is incapable of forming an opinion or favoring between different opinions because he lacks the essential knowledge, thus, he is allowed to adopt any opinion of trusted scholars. Saying that, unlike Sunni mainstream position, they widely open the door of *iftā'* to large sectors of their followers. They also believe that they can choose and favor opinions that are considered irregular according to mainstream scholars, unless this opinion is considered irregular according consensus of Islamic scholars<sup>26</sup>. Ibn al-Ṣalāḥ favored the opinion that only a qualified *mujtahid* can directly deduce *sharī'a* law directly from the Qur'ān and Sunna, while a qualified *mufī* imitates a *mujtahid* by narrating his *fatwā*, or yield a conclusion on the basis of a *mujtahid's* foundations.<sup>27</sup>

In addition, one of the principles that Salafī Jihādīs are attached to is that *khābar al-āhād* "solitary report" is considered a proof that establishes certain knowledge and they attribute this opinion to *jumhūr* "most of scholars", but the reality is the opposite.<sup>28</sup> Al-Nawawī (d.1277) for an example believes that *khābar al-āhād* can only establish probable not certain knowledge, he also mentions that this is the opinion of *jumhūr* from the Prophet's companions, their followers and who came after<sup>29</sup>. The Salafī Jihādīs opinion raises the epistemological value from probability to certainty, side by side with the Qur'ān and *khābar mutawātir* "recurrent report". As a result, it leads to confusion in the mechanism of *ijtihād*,

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<sup>26</sup> *ibid.* p. 8-11.

<sup>27</sup> Ibn al-Ṣalāḥ, *adab al-mufī wal-mustaffī*, p. 102-103.

<sup>28</sup> 'Abd al-Azīz, *al-'Umda fī 'Iḍāḍ al-'Udda*, p. 275.

<sup>29</sup> Al-Nawawī, *sharḥ ṣaḥīḥ muslim*, v. 1 p. 131.

subsequently, odd opinions can be supported by some irregular reports against the certainties established by the Qurʾān and *mutawātir* reports.

**vi. The idea of giving the leader the choice to choose the suitable *fatwā*:**

*Shariʿa* is built on gaining benefits and completing them, in addition to forbidding corruption and minimizing it. There should be a balance between doing and leaving from the religious benefits and corruption.<sup>30</sup> Scholars have distinguished between what is considered a purpose “*maqṣad*” of the *shariʿa* on one hand, and the methods/means “*wasāʾil*” of achieving these *maqāṣid*. They also agree that the *wasāʾil* also have their own standards and rules just as the *maqāṣid*. This is to say that the *wasīla* to the prohibited act is also prohibited, the *wasīla* to an obligatory act is also obligatory.<sup>31</sup> Hence, whoever wants to reach to the *maqṣad*, he should be doing it through choosing the best and most suitable available *wasāʾil*. In addition, considering the *maqṣad* should come first over *wasāʾil*, as *wasāʾil* are not intended by *shariʿa* for itself.<sup>32</sup> Therefore, the ruler has to follow practical policies and means to pave the way of people for good and stir them away from corruption and bad even if it was regarding an issue which is not mentioned in *shariʿa*.<sup>33</sup>

The ruler’s behavior has to be connected to the public benefit. For him to act and oblige the public on a specific behavior, there should be a benefit and a positive outcome whether it is religious or earthly. This is to be evaluated by the public too; if the obligation of the leader included a common benefit, they must follow, otherwise, they can disobey because his act is considered not completely justifiable.<sup>34</sup> His orders are not to be followed unless his action aimed to achieve

<sup>30</sup> Ibn Taymīya, *majmūʿ al-fatāwā*, v. 10, p. 512.

<sup>31</sup> Al-Qarāfī, *al-furūq*, v. 2, p. 33.

<sup>32</sup> Al-Maqqarī, *al-qawāʿid*, v. 1, p. 330.

<sup>33</sup> Ibn Qāyīm al-Jawzīya, *iʿlām al-muwaqīʿin*, v. 4, p. 283.

<sup>34</sup> Al-Zarqā, *sharḥ al-qawāʿid al-fiqhīya*, p. 309.

public benefit in regards of the public matters.<sup>35</sup> Ibn Taymīya explains in Islam, fight was allowed to stop the attackers and preserve the blood and properties of the citizens of the Islamic country. That is in addition to preserving the religion, its legislations and keeping an open invitation to it with kindness and advice. The *wasā'il* which has to be chosen is the one that achieves the best benefit. If all the *wasā'il* had both benefit and corruption, the leader has to choose what has more benefit than bad.<sup>36</sup> If the better is not revealed, the leader is to choose deterring the corruption than bringing benefit, and that is a basic general *fiqh* rule.<sup>37</sup>

In conclusion, choosing the strictest and most violent opinions claiming that it is all for the public benefit to justify all acts of violence is incorrect. Selecting opinions that serve public benefit has clear and strict standards. In addition, the characteristic of the *mufī* could have an impact on his *fatwā*, al-Ghazālī explain this idea by pointing out that quick-tempered person will incline to revengefulness and knighthood. On the other hand, the person who has a soft-temper and a tender heart will incline to kindness and simplicity.<sup>38</sup> Furthermore, Qur'ān and Sunna have pointed out general basic rule which emphasize the importance of mercy. This rule should never be absent from the mind of *mufti* when selecting one of the available alternatives, one clear verse from Qur'ān is: “And We have not sent you, [O Muḥammad], except as a mercy to the worlds” 107:21<sup>39</sup>, while these reports from Sunna also support this rule: “Verily Allāh has enjoined goodness to everything”<sup>40</sup>, “The Compassionate One has mercy on those who are merciful. If you show mercy to those who are on the earth, He

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<sup>35</sup> Ibn Nujaym, *al-ashbāh wal-nazā'ir 'Alā madhhab abī Ḥanīfa al-Nu'mān*, p. 106.

<sup>36</sup> Ibn Taymīya, *majmū' al-fatāwā*, v. 11, p. 623.

<sup>37</sup> Al-Zarqā, *sharḥ al-qawā'id al-fiqhīya*, p. 205.

<sup>38</sup> Al-Ghazālī, *al-mustaṣṭā*, p. 354.

<sup>39</sup> <http://www.islambasics.com/view.php?bkID=120&chapter=21>

<sup>40</sup> *Ṣaḥīḥ Muslim* 1955 a. Source: <https://sunnah.com/muslim/34/84>

Who is in the heaven will show mercy to you<sup>41</sup> And in the Prophet's commandment "you must be gentle. Beware of harshness and coarseness."<sup>42</sup> One last report that shows the general way of Prophet in choosing between alternatives : "Never did Allāh's Messenger make a choice between two things but adopting the easier one as compared to the difficult one, but his choice for the easier one was only in case it did not involve any sin, but if it involved sin he was the one who was the farthest from it amongst the people."<sup>43</sup>

Finally, Salafī Jihādīs usually use the following report mostly at the beginning of their speeches in order to implant the idea of the strategic importance of violence to achieve their goals, therefore *fatwās* should be compatible with this idea: "I was sent with a sword before the [Final] Hour, so that God alone would be worshipped. My provision was set under the shadow of my spear, and disgrace and belittlement was set out for whoever goes against my command"<sup>44</sup>. However, the editor of the source book: *musnad al-imām Aḥmad ibn Ḥanbal* has weakened the chain of the narration of this report.<sup>45</sup> Moreover, Al-Qaraḍāwī agrees on that, and he also supports the weakness of this reports by saying that it contradicts with the many verses came in the Qur'ān which is clear that the Prophet was sent with guidance, rightness, announcement of good news, and warning. He has not been sent with sword nor spear as they understand literary from this weak report.<sup>46</sup>

#### **b. About the term of Salafiya:**

It is more important to focus on the definition of the term and not the linguistic meaning of the concept. Salafī, as seen by researchers, is a strict school

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<sup>41</sup> *Sunan Abū Dāwūd* 4941. Source: <https://sunnah.com/abudawud/43/169>.

<sup>42</sup> *Al-Adab al-mufrad* 311. Source: <https://sunnah.com/adab/15/3>.

<sup>43</sup> *Ṣaḥīḥ Muslim* 2327 d. Source: <https://sunnah.com/muslim/43/106>.

<sup>44</sup> Ibn Ḥanbal, *musnad al-imām Aḥmad ibn Ḥanbal*, v. 9, p. 123.

<sup>45</sup> *ibid.*

<sup>46</sup> Al-Qaraḍāwī, *fīqh al-jihād*, v. 1, p. 327.

in understanding religious texts. Bunzel defines it as” a primarily theological movement in Sunni Islam concerned with purifying the faith.”<sup>47</sup> Salafism focuses on eliminating idolatry (shirk) and affirming God’s Oneness. Salafis view themselves as the only true Muslims, considering those who practice so-called “major idolatry” to be outside the bounds of the Islamic faith”. It is based on following the pious ancestors “*al-salat al-ṣāliḥ*” from the first three centuries of Islam for considering them the best centuries as mentioned in the Prophetic report: "The people of my generation are the best, then those who follow them, and then those who follow the latter.”.<sup>48,49</sup> By this definition, the Salafī discourse is launched with the support of scholars’ opinions. These scholars are preferred and chosen as a reference according to their background. For example, Ibn Taymīya’s opinions are favored over other scholars because of his Salafī background.<sup>50</sup>

The famous scholar, Al-Būṭī, thinks that following the Salaf “scholars of the first three centuries in Islam” does not mean to be a prisoner of the words they spoke literally. It is rather by referring to what they have used to be able to reach an opinion: rules and standards for the original texts interpretation and allegorical interpretation “*ta’wīl*”, and basis of *ijtihād* “diligent inquiry”.<sup>51</sup> For Al-Būṭī, Salafīya is not a term that could be used as a title for a group. Salaf had many *ijtihād* differences between them, and they did not follow one method in logical deduction. He explains that Salafīya is only an indication of a period of time that is over. school “people *thiādḥ-ahl akoots* go back to the iThe Salaf<sup>52</sup>

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<sup>47</sup> Bunzel, *From Paper to Caliphate: The ideology of the Islamic State*.

<sup>48</sup> *Saḥīḥ al-Bukhārī* 2652. Source: <https://sunnah.com/bukhari/52/16>

<sup>49</sup> Haykel, *On the Nature of Salafī thought and action*, p. 34.

<sup>50</sup> Al-Nāshī, *al-marji’īya al-salafīya bayna al-ṭa’ṣīl wal-tawzīf wal-ta’wīl*, p12-13.

<sup>51</sup> Al-Būṭī, *al-salafīya marḥala zamanīya mubāraka lā madhab tārikhī*, p. 12.

<sup>52</sup> *ibid*, p. 23.

of Prophetic reports” which holds tight to texts and its literal meanings in confronting different opposite interpretations and religious opinions.<sup>53</sup>

Salafīs often justify their discourses by referring to a number of previous Muslim scholars such as Aḥmad ibn Ḥanbal (d.855), ibn taymīya (d.1328) who can be consider the spiritual father for different Salafī categories, and Muḥammad ibn ‘Abd al-Wahāb (1791)<sup>54</sup>. Ibn Taymīya and ibn ‘Abd al-Wahāb’s books are considered ideological blogs for the most important Salafī selected opinions<sup>55</sup>. Salafīs agree that there are main basic beliefs; whoever is committed to them will be safe in the last day, and whoever is not will be from the people of hell. They think that they themselves are the only group which is committed to these beliefs<sup>56</sup>. According to Al-Nāshī, modern Salafī groups could be put under three categories which seem to vary according to their opinions about reformation ways<sup>57</sup>:

- ‘Ilmīya “scholastic”: that focuses on spreading Islamic knowledge and preaching according to the Salafī thought through establishing centers and associations, they avoid politics because it leads people away from religion.
- Madkhalism: which is distinguished by its focusing on spreading monotheism thought from a pure *wahhābī* perspective, and fighting whatever and whoever disagrees with it, but they never oppose the ruler.
- Salafī Jihādī: which focuses on armed Jihād to spread the Salafī *wahhābī* ideology, and regaining the Islamic heritage.

Some scholars add a fourth category they call al-Salafīya al-ḥarakīya al-syasīya “The Political Salafī Movement”, which is a Salafīya that focuses on the

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<sup>53</sup> Abū Rummān, *al-ṣiṭā‘ ‘alā al-salafīya*, p. 29.

<sup>54</sup> Mozaffari, *Ideological roots of Islamism*, p7

<sup>55</sup> Sālim, Aḥmad & Basyūnī, ‘Amr, *Mā ba‘d al-salafīya*, p. 30.

<sup>56</sup> *ibid*, p. 53.

<sup>57</sup> Al-Nāshī, *al-marjī‘īya al-salafīya bayna al-ṭa‘ā‘īl wal-tawzīf wal-ta’wīl*, p. 19.

political activism and uses it as a method of reform according to their own thought of course.<sup>58</sup>

Haykel mentions that the word Salafī is a pre-modern term that refers to distinctive theological group that is identified with Ahl al-Ḥadīth<sup>59</sup>, he also concludes some main features of Salafī claims that identifies their discourse: 1) returning back to the authentic beliefs and practise of the first three generations of *al-salat al-ṣāliḥ*, 2) emphasis on a particular understanding to God's oneness, which Salafīs divided it into three categories: The Oneness of Lordship "*tawḥīd a-rubūbiyā*", the Oneness of Godship "*tawḥīd al-ulūhiyā*" and the Oneness of the Names and Attributes "*tawḥīd al-asmā' wal-ṣifāt*", 3) fighting *kufṛ* and all forms of associating other beings or things with God "*shirk*", 4) claiming that the only valid sources of authority are the Qur'ān and Sunna of the Prophet, 5) ridding Muslims from bad innovations in belief and practice, 6) believing that constructionist interpretation of the Qur'ān and Sunna is sufficient to guide Muslims for all times and through all contingencies.<sup>60</sup>In addition, Salafīs almost agree on whether one should adhere to the teaching of a particular *fiqh* school, most of them are of the view that *ijtihād* "individual interpretation of the sources" is a requirement, and that *taqīd* "imitation" should be avoided, even by the unschooled Muslim.<sup>61</sup>

#### **i. Al-Salafīya al-Jihādīya:**

Al-Salafīya al-Jihādīya began as a result of a mix in Salafī and Jihādī thought in Afghanistan during the 80s. It is based on the same traditional basic beliefs, but at the same time, it emphasizes that the change is not through peaceful means. On the contrary, they believe that reform is achieved through

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<sup>58</sup> Sālim, Aḥmad & Basyūnī, 'Amr, *Mā ba'd al-salafīya*, p. 75.

<sup>59</sup> Haykel, *On the Nature of Salafī thought and action*, p. 39.

<sup>60</sup> *ibid.*, p. 40.

<sup>61</sup> *ibid.*, p. 52.



armed work that aims to establish the rule of Islam. In addition, Roy mentions that Salafī Jihādīs consider Jihād as an individual religious obligation same as the five pillars of Islam. It is not an optional obligation as long as part of Islamic nation is suffering from foreign yoke.<sup>62</sup> However, other Salafī groups refuse this idea, and do not approve the revolution against most of the Arabic regimes that they do not charge with infidelity, unlike the Salafī Jihādī<sup>63</sup>.

Khosrokhavar provides a tentative summary of the features of al-Salafīya al-Jihādīya, he suggests that they insist on Jihād as the exclusive way to solve Muslims' problems and not the peaceful means, the rule of Islam over the world is the aim of Jihād, and Jihād will continue as long as there is *kufir* "infidelity". They also use the notion of *takfir* "accusing someone with infidelity" extensively, and whoever fight against them or reject their view is subject to *takfir* and can therefore be sentenced to death.<sup>64</sup> It follows that, Salafī Jihādī groups have frequently invoke *takfir* notion to justify mass casualty attacks against Muslims. To clarify, Maher suggests that it is possible to organize *takfir* into three categories in order to understand how it works in practice, there are: "tyrannical "*ṭawāghīt*" or apostate "*murtadd*" Muslim rulers, criminal transgressors or oppressors "*mujrimūn* and *zālimūn*", such as the intelligence or police services, and others who more generally enforce or support oppressive rulers, and heretics "*mushrikūn* or *rawāfiḍ*" such as the Shī'a".<sup>65</sup>

### 3. Salafī Jihādī Ideology:

Salafī Jihādī groups establish their legitimacy on the basis of 'Ahl al-Sunna wa-al-jama'a (people of Sunna and community) as they are believed to be *al-firqa al-nājiya* (the saved group) among all other sects of Islam. This trend is

<sup>62</sup> Roy, *Jihād and Death, The Global Appeal for Islamic State*, p. 13.

<sup>63</sup> Abū Rummān, *al-ṣirā' alā al-salafīya*, p. 29.

<sup>64</sup> Khosrokhavar, *Jihadist ideology*, p. 9.

<sup>65</sup> Maher, *Salafī-Jihadism, The History of an Idea*, p. 89.

built on the norm of adherence to the Qur'ān and Sunna, because according to the Prophetic *ḥadīth*, only this group among the seventy-three groups will be saved “The Jews were split up into seventy-one or seventy-two sects; and the Christians were split up into seventy one or seventy-two sects; and my community will be split up into seventy-three sects”<sup>66</sup> and “The Children of Israel split into seventy-one sects, and my nation will split into seventy-two, all of which will be in Hell apart from one, which is the main body.”<sup>67</sup>. However, the saved group is the keen follower of Sunna of the Prophet and his Companions, and they are *'Ahl al-haq* (the righteous people). While other groups differed from the right path and followed corrupted paths exactly the opposite to what the Prophet warned his people: “Avoid novelties, for every novelty is an innovation, and every innovation is an error”<sup>68</sup>.

**a. Millstones of Salafī Jihādī intellectual discourse:**

Salafī Jihādī theorizer ‘Abd al-Qādir ‘Abd al-Azīz introduces the general aspects of their methodology in his famous book: *al-'Umda fī 'Ydād al-'Udda*. According to him, it represents the milestones of *'Ahl al-Sunna wa-al-jama'a* methodology:

1. The *shari'a* law is the Divine law and the true religion that God choose for humans and anything else beside it is considered deviation. God knows better what benefits his creation in this life and after, thus there is no comparison to man-made laws which are made according to limited intellectual perception. On the other hand, it is exclusively God's right to legislate and therefore, whoever disputes with him on his right is disputing his divinity and he makes himself a God-like “*ṭaghūt*” to the people. However, His law is made for all humans and cannot be abrogated after the death of the Prophet,

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<sup>66</sup> *Sunan Abī Dawūd* 4596. Source: <https://sunna.com/abudawud/42/1>

<sup>67</sup> *Sunan ibn Mā'ja* 3993. Source: <https://sunna.com/ibnmajah/36/68>

<sup>68</sup> *Sunan Abī Dawūd* 4607. Source: <https://sunna.com/abudawud/42/12>

it will remain until the last day, and it is protected by God from corruption and falsification.<sup>69</sup>

2. His law is complete and this follows the previous principle, because if his law is made to all humans and will remain until the last day, then it has to be complete and adequate to the needs of people for life and after. Of course, any new issue that a Muslim faces must have a rule in the *shari'a* law and there is no need for non-Islamic laws such as human made law. In addition, whoever claims that Muslims need any non-Islamic laws these days is considered infidel “*kāfir*”, and also who claim that Muslims need democracy, socialism, or other trends of thought that are dispensable. On the contrary, Muslims successfully ruled non-Muslims and different nations from east to west for 14 centuries. *shari'a* law must not be replaced by non-Islamic laws.<sup>70</sup>
3. Since *shari'a* law is complete and comprehends different aspects of life, then a Muslim should not decide to do anything before he knows the rule of God regarding this deed. On the other hand, if someone cannot reach the rule of God in a certain issue then it is because of his dereliction in seeking the rule and not because of deficiency in *shari'a* law. Also, one should never make a statement on a religious rule without having correct knowledge.<sup>71</sup>

The completion of His *shari'a* law also means that the Prophet has communicated it perfectly and that it is excluded from errors and contradictions. However, one should never put an opinion before divine scripts as it is the foundation of secularism in the modern ignorance “*Jāhiliyya*” which dominates most of the world. ‘Abd al-Azīz clarifies that secularism branched into democracy, ruling with human made laws, and separating politics from *shari'a* law. As well as corrupted Islamic schools

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<sup>69</sup> ‘Abd al-Azīz, *al-Umda fī ‘Iḍāḍ al-Udda*, p. 242-244.

<sup>70</sup> *ibid.* p. 244-247.

<sup>71</sup> *ibid.* p. 247-255.

who follow their reason instead of arbitrating *shari'a* law, while the true way is that whenever there is a sound scripture it should never be abandoned or opposed by reason nor an opinion.

Surprisingly, after the previous restrictions he adds that they do not demean reason as it is the recipient of Divine discourse, and because God praises reason in the Qur'an in many verses while vilifying those who void reason. Therefore, he thinks that reason should work inside the circle of Divine discourse in order to follow the Divine rules<sup>72</sup>. However, reason is the recipient of Divine discourse and it is the tool to understand it in order to know the Divine rules, by deliberating the script in terms of general and specific utterances, exceptions, abrogation and other basis. Therefore, It is incorrect to dispense with reason or Divine law and suffice with the other<sup>73</sup>.

Salafi Jihādīs also put the four sources of *shari'a* law in the same order as traditional Sunnī schools: Qur'an, Sunna, Consensus, and Analogy. However, they consider the Qur'an and Sunna as the two main sources and they should be understood as the companions of the Prophet and their followers "*al-salaf*" understood it. Because they are the most knowledgeable about their meanings. Accordingly, Salafi Jihādīs believe that anyone who disagrees with their understanding will surely diverge from truth.<sup>74</sup>

4. To be fully submissive to *shari'a* law, both externally by following the law and internally by sincerity, surrendering and good-pleasure to God's rules. Nevertheless, if full submission is not acquired then bad innovations and aberrances will arise. Besides, there are many reasons for the default in submission, but it mostly comes out of corrupt interpretation of scripts. In addition, adopting inferior opinions instead of predominant ones in

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<sup>72</sup> *ibid.*

<sup>73</sup> Al-Ghazālī, *al-iqtisād fī-al-i'tiqād*, p. 10.

<sup>74</sup> 'Abd al-Azīz, *al-'Umda fī 'T'dād al-'Udda*, p. 247-255.

consideration of being controversial opinions.<sup>75</sup>

5. The necessity of referring to the Qurʾān and Sunna whenever there are disputations or disagreements as God says in the Qurʾān: “O you who have believed, obey Allāh and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result.” 4:59<sup>76</sup>. Again, this verse supports that the *shariʿa* law is complete, it is the source of judging “*ḥākim*”, and should not be that about which judgment is passed “*maḥkūm ʿalaiḥ*”. On the other hand, inerrancy is only for His law and that is why God ordered the believers to refer to the Qurʾān and Sunna but not to the scholars’ and their opinions because they are not protected from mistakes. However, ‘Abd al-Azīz believes that intolerant adherers of *fiqh* schools “*madhāhib*” reversed this principle because they make the opinions of scholars prior to the scripts. Although Salafī Jihādīs have depended on the Qurʾān and Sunna to establish these principles, they still reveal contradictions in various aspects. They criticize the followers of the four main Islamic Religious schools for their imitation of the scholars, while they say that inferring and referring to the Qurʾān and Sunna is usually through scholars who have enough knowledge; their argument is based on “So ask the people of the message if you do not know.” 16:43<sup>77</sup>. The problem here is that they have negatively criticized the imitation of scholars’ opinions assuming it might contradict with the religious texts. But from the other side, they contradict themselves by promoting their scholars’ opinion whom, in my conclusion, are the ones adopting the Salafī Jihādī principles and views. In other words, if you are to follow, follow only those whom we agree with, otherwise, you cannot imitate

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<sup>75</sup> *ibid*, p. 255-257.

<sup>76</sup> [www.islambasics.com/view.php?bkID=120&chapter=4](http://www.islambasics.com/view.php?bkID=120&chapter=4)

<sup>77</sup> <http://www.islambasics.com/view.php?bkID=120&chapter=16>

nor follow. Their justification for that is an individual could and would not be able to tell which scholar is right unless guided by their own thought.<sup>78</sup>

6. Accepting what agrees with the Qur'ān and Sunna, besides rejecting any new innovation "*bid'a*", *fatwās* that disagree with their subject matter, and weak opinions "*'Aqwāl marjūhā*". Salafī Jihādī scholars forbid *bid'a* in all shapes and cases. For them, it is not divided into acceptable or good, and rejected or bad as categorized by the main stream of Sunni religious schools<sup>79</sup>. They also list many issues under the *bid'a* which could be considered either prohibited or lead to infidelity, such as ruling by secular laws and democracy which they consider to be worshipping humans rather than God. They also believe it is prohibited to imitate the people of the book and idolaters in the appearance, arts, music, methods of learning, studying at their universities, theater and cinema, and even using their calendars; all is considered as an unacceptable *bid'a*. And again, we find them focusing on responding to the *fatwās* that contradict with the Qur'ān and Sunna although these *fatwās* are a result of *ijtihād* "diligent inquiry" in issues where more than one interpretation is possible. Besides, *ijtihād* does not come up with *fatwās* that contradict any original text. Regardless, they consider these *fatwās* corrupt analogy "*qiyās*". They also pointed out that if a judge makes a decision that is against the Qur'ān and Sunna, then his judgment is not binding; thus, all judgments based on secular non-Islamic laws are refuted and declined as they contradict with the Islamic *sharī'a*. This means that whatever rights are given by these judgments are forbidden "*ḥarām*" and not permissible.<sup>80</sup>
7. One of the main principles that Salafī Jihādī base their argument on is commanding that which is good and prohibiting that which is evil "*al-amr bil-ma'rūf wal-nahī 'an al-munkar*". This Islamic main principle makes each

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<sup>78</sup> 'Abd al-Azīz, *al-Umda fī 'Iḍāḍ al-Udda*, p. 257-260.

<sup>79</sup> For an example, al-shafī'ī in: *manāqib al-shafī'ī* written by al-Bayhaqī, v. 1. p. 469.

<sup>80</sup> 'Abd al-Azīz, *al-Umda fī 'Iḍāḍ al-Udda*, p. 262-268.

individual a dynamic active member in the society who attempts to correct any phenomena against Islamic laws through constructive criticism. Salafī Jihādīs believe that this task lies upon the shoulders of all members of the society, and is not exclusive to the rulers or those who are assigned by the country.<sup>81</sup>

They have merged concept of Jihād for the sake of God through fighting the infidels, apostates, and those who are against Islam and its people with *al-amr bil-ma'rūf wal-nahī 'an al-munkar*. They have also emphasised the concept of standing against those whom they call innovators “*mubtadi's*=performers of *bid'a*”. This, again, contributes to shaping aggressive tendencies against many social habits and behaviors under a religious umbrella. It also provides the person with a feeling of being superior by having a divine mission to clean the society from mistakes and sins. The danger in such thought lies in the extreme violent actions which could reach as far as killing. As explained in *ḥadīth*, there are three ranks of *al-amr bil-ma'rūf wal-nahī 'an al-munkar* “He who amongst you sees something abominable should modify it with the help of his hand; and if he has not strength enough to do it, then he should do it with his tongue, and if he has not strength enough to do it, (even) then he should (abhor it) from his heart, and that is the least of faith”<sup>82</sup>. The first and highest rank in *ḥadīth* is to change the evil when when you have the authority to act, and that would be clear in case of implementing *sharī'a* laws by the official authorities<sup>83</sup>. Giving all individuals of the society the right and responsibility of prohibiting what is against *sharī'a* by hand, as Salafī Jihādī believe, could

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<sup>81</sup> *ibid*, p. 269-271.

<sup>82</sup> *Ṣaḥīḥ muslim* 49 a. Source: <https://sunnah.com/muslim/1/84>

<sup>83</sup> For an example, scholars agreed that implementing *sharī'a* punishments “*ḥudūd*” should be the responsibility of the official authorities only. *Al-Mawsū'a al-kwāfīya*, v. 17 p. 144.

lead into dangerous conflicts and confusion in the society. However, attempting to change what is seen as wrong verbally is less dangerous and could be somehow considered freedom of expression.

**b. Principles of Salafī Jihādī intellectual structure:**

These principles represent the pillars of Salafī Jihādī intellectual structure, they should be elaborated side by side together with the previous milestones in order to be able to understand the ground they build their *fatwās* on:

**i. Division of Monotheism “*taqṣīm al-tawḥīd*”:**

The ideology of the Salafī Jihādī is crucially based on the thoughts of Muḥammad ibn ‘Abd al-Wahhāb<sup>84</sup> whom they call the ‘renewing Imam’, and they never divert away from them. ‘Abd al-Wahhāb had previously accused people living at his age from the Arabian Peninsula with polytheism and deem lawful their blood. He states that polytheists acknowledged the oneness of God lordship and believe that he is the creator who gives provision for creatures and controls the whole universe. However, in his opinion, this acknowledgement is not enough to make them Muslims as they denied the oneness of divinity and worship.

Saying *lā ’Ilāha ’Illā Allāh* does not mean that “There is no God but Allah” only, but also “there is no worshiped but Allah”. For that reason, whoever believes that God is the one in his lordship only; that he is who gives provision, the giver and preventer, is not a Muslim for Salafī Jihādī. They continue explaining that acknowledging the oneness of God’s divinity or oneness of worship is the other element of *tawḥīd* that a person should believe in to become a Muslim believer<sup>85</sup>. This thought was stated by Ibn Taymīya and been grasped and elaborated on by ‘Abd al-Wahhāb after him who accused whoever believes

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<sup>84</sup> ‘Abd al-Wahhāb, *al-’Usūl al-thalātha*, p. 4.

<sup>85</sup> ‘Abd al-Wahhāb, *kashf al-shubuhāt*, p. 12-14.



in oneness of God's lordship only without oneness of God's worship of disbelief<sup>86</sup>.

This main idea is the first Salafī Jihādī principle taught and dictated in the *Islamic Creed and Fiqh* curriculum for the second level of the ISIS organization. They adopt this division and believe that acknowledging the oneness of God's lordship is not enough to become a Muslim, and that acknowledging the oneness of God's divinity is achieved through worshiping actions as they are to be dedicated only to Him<sup>87</sup>. Based on that, whoever is worshipped apart from Allah and accepted that fact, should be considered *tāghūt*<sup>88</sup> and a Muslim must disassociate himself with. So, those who use secular legislative systems rather than God's *sharī'a* are *tawāghīt* "plural of *tāghūt*", and whoever fights against *sharī'a* legislations is *tāghūt*. Add to that whoever follows, supports or loves those *tawāghīt* is considered a worshiper of another entity than Allāh, thus, is not a Muslim.

Such *tawāghīt* should be denied, hated, and fought against alongside with their followers. Of course, this way of judging people allows the believer to think and treat many ordinary people, and many practices and traditions done by Sufism and Shī'a as infidels and actions of infidelity. As a result, the circle of *takfir* "declaring someone or a group of being infidel" and deeming lawful their blood<sup>89</sup>. Many scholars have written treatise refuting *taqṣīm al-tawḥīd* stating that the concept of monotheism is unified and that God and Lord are used as synonyms in the Qur'ān and Sunna. On the other hand, this division was first suggested by ibn Taymīya in the 7<sup>th</sup> century AH; if it was correct, it would not

<sup>86</sup> Ibn Taymīya, *minhāj al-sunna*, v. 3. p. 289.

<sup>87</sup> *Al-'Aqīda wa-al-fiqh al-mustawā al-thānī*, p. 30.

<sup>88</sup> The literal meaning of the word is tyrant but in the context it means whatever is worshiped besides God.

<sup>89</sup> *Al-'Aqīda wa-al-fiqh al-mustawā al-thānī*, p. 50-51.

have been absent from the religious scene in the previous centuries since the beginning of Islam.

ii. Sovereignty “*al-ḥākimiya*”:

Sovereignty by the rule of God’s *sharī‘a* is the essence of the Salafī Jihādī ideology. They build their visions and the rationalisation of their practices on *sharī‘a* absolute rules and the *ijtihād* opinions. The concept of *ḥākimiya* is a new concept used by al-Mawdūdī to express that God has the final and absolute right to allow and prohibit. This right belongs to Him solely and no other individual or even an organization. God should be considered the only legislator and ruler as stated in Qur’ān: “And whoever does not judge by what Allāh has revealed – then it is those who are the disbelievers.”<sup>90</sup> 5:44 and in “Legislation is not but for Allāh. He has commanded that you worship not except Him.”12:40,<sup>91</sup> God refuses any human legislative authority whether it is by individuals or groups. Therefore, secular, national, and democratic systems are infidel ones as they allow and follow human’s legislators rather than God, the lord of humans. Each individual or organization following any other legislations but God’s are doomed to live in *jāhiliya* “ignorance” because Islam and faith mean “that is to surrender to God’s legal sovereignty and give up to it; disobedience is overt infidelity.”<sup>92</sup>

Saīyd Qutb became the biggest theorizer and propagandist for the idea of sovereignty. Affirming the oneness of God for him entails: stripping away the authority from humans, rebelling against whoever violates the first Godly character (sovereignty), and *khurūj* “waging *jihād*” against all authorities that rule by their own made laws.<sup>93</sup> For Qutb, those who do not acknowledge the sovereignty of God in belief or in action are considered disbelievers. He also

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<sup>90</sup> <http://www.islambasics.com/view.php?bkID=120&chapter=5>

<sup>91</sup> Al-Mawdūdī, *tadwid al-dustur al-islāmī*, p. 18-20.

<sup>92</sup> *ibid*, p. 23.

<sup>93</sup> Qutb, *ma‘ālim fī al-ṭānīq*, p. 14.

considers human made rules *jāhiliyya* that contradicts with the divinity of creator.<sup>94</sup>

In accordance, Islam is not only a creed that an individual can only believe in without action and real change on the ground. It is rather an active movement to liberate humans from the slavery to others but God. Islam also seeks ridding systems and governments that are established on this *jāhili* belief to grant them the freedom to choose the creed they wish under the system that rules with God's *sharī'a*. From here, Qutb comes to mention the inevitability of taking action that accompanies *jihād bil qalam* "call to Islam" *jihād* with the sword. However, this *jihād* is not defensive as understood by the defeated as he calls them<sup>95</sup>. According to this radical reading, *jāhili* society is any society that does not build its bases, laws and rules, thought and economy on the Islamic *sharī'a*. Therefore, it must be confronted and adjusted until it follows Gods way only; that is to eliminate *jāhiliyya* from earth. It is noticeable that charging legislators or rulers with secular legislation with infidelity is a very common and overrated issue among follower scholars of 'Abd al-Wahhāb movement<sup>96</sup>. Khosrokhavar suggests that Salafī Jihādīs are motivated by anti-secular attitude that rejects any compromise with what they call man-made laws.<sup>97</sup>

So, the idea of sovereignty starts by categorizing the rulers, systems and societies into two: *jāhiliyya* which do not rule by God's *sharī'a*, and Islamic, which rule by His *sharī'a*. The case charging with infidelity is of a huge importance here for those who rule using secular legislations and for those who accept that. Through this, the country becomes an infidel country, and the expected action taken by a group of believers is to fight those infidels. Believers should also

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<sup>94</sup> *ibid*, p. 29.

<sup>95</sup> *ibid*, p. 39.

<sup>96</sup> For an example look at al-Najdī, *al-durar al-sanīya fī al-'Ajwiba al-najdīya*, v8 p. 13, 18, 23, 199, 201.

<sup>97</sup> Khosrokhavar, *Jihadist Ideology*, p. 166.

consider any legal judgments resulting from those infidels unacceptable which means that all laws, treaties and convicts are not recognized by this group of believers as they are not based on Islamic *sharīʿa*.

Salafī Jihādī go to the extent that fighting against all people is until nobody else is left is easier than allowing any ruling by other legislations than the Islamic *sharīʿa*. If a Muslim had to choose between losing all he has or being judged by other than God's *sharīʿa*, he is to leave his earthly belongings for not going to non-Islamic court. Leaders ruling by other laws which differ from the law of God should be fought until they accept Islamic rules because what they do is *Kufr*. This is crystal clear, and no exceptions are to be made for anyone to apply, implement, approve or undergo these non-Islamic laws.<sup>98</sup>

On the other hand, traditional Sunni scholars handling this issue from a different perspective. For them, judging by other than God's laws is a sin which does not necessitate accusing or charging with infidelity unless one believes that secular legislation is better or equal to God's, or if he denies it<sup>99</sup>. Nevertheless, if the judgment is based on *ijtihād*, ignorance, or following one's wishes and desires, scholars say this does not result in *kufr* unless one expresses it overtly and his statement does not allow interpretation. Hence, Salafī Jihādīs had to attack the opinion of the majority or the contemporary Islamic scholars and the trusted Islamic resources and resort to distorted intentionally picked original texts. Besides, they followed scholars who are incompetent and carry weak non-academic opinions.

### iii. Loyalty and rejection “*al-walāʾ wal-barāʾ*”:

One of the main conditions of correct belief for the Salafī Jihādī is loyalty which is solidarity and fondness for those who are loved both internally and externally. Loyalty is considered an attribute of believers as God says: “Your

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<sup>98</sup> *Al-taḥkum*, a leaflet by ISIS. Source: <https://archive.org/details/2ATtahakom01>

<sup>99</sup> Al-ṭabarī, *jāmiʿ al-bayān fī taʾwīl al-Qurʾān*, v 10 p. 357.

ally is none but Allāh and [therefore] His Messenger and those who have believed – those who establish prayer and give zakāh, and they bow [in worship], And whoever is an ally of Allāh and His Messenger and those who have believed – indeed, the party of Allāh – they will be the predominant.”<sup>100</sup> 5:55-56. Thus, one should approach true believers, show them affection, defend them, advise them and provide solidarity to them. All that must be done though words, actions and intentions and never for the sake of money, power, or fame, but for God only. Salafī Jihādī require the monotheist, who refuses democracy which deifies humans and contradicts with the judgment of God, to support who takes the Qurʾān as a path and guide, seek implementing *sharīʿa* and its rules among people, raise the flag of Islam and help in spreading its word, and warn people about polytheism. A monotheist should also support his *jihādī* brothers everywhere, especially those who left their countries for the victory of Islam. In regards of *barāʿ*, it is the opposite of loyalty. Hatred, and enmity are the origins of it. Whoever loves the believers, and does not take their side or support them against their enemies, he is not considered loyal to them. In addition, who hates infidels, hypocrites and apostates and does not take a stance against them or take them as enemies, he is not considered detached from them. To support their argument, they refer to the Qurʾān verse “Let not believers take disbelievers as allies rather than believers. And whoever [of you] does that has nothing with Allāh, except when taking precaution against them in prudence. And Allāh warns you of Himself, and to Allāh is the [final] destination”<sup>101</sup> 3:28.<sup>102</sup>

The concept of *al-walāʿ wal-barāʿ* for Salafī Jihādī is often supported by referring to verses, and by saying that Islam is built on comparison and contrast between Muslims and others based on religion and not on loyalty to the

<sup>100</sup> <http://www.islambasics.com/view.php?bkID=120&chapter=5>

<sup>101</sup> <http://www.islambasics.com/view.php?bkID=120&chapter=3>

<sup>102</sup> *Al-walāʿ wal-barāʿ*, a leaflet by ISIS. Source:

[https://archive.org/details/wala\\_wabara1](https://archive.org/details/wala_wabara1)

homeland. For example, the concept of citizenship cancels the differences put by God as a religious contrast between Muslims and infidels. For that reason, any thought that could blur this contrast between Muslims and non-Muslims is considered non-Islamic. Patriotism and nationalism are both dangerous terms that lead to infidelity according to Salafī Jihādī ideology. Whoever, believes in them, calls for or works for their sake an apostate because for them he made his country or nation the center of his loyalty, which means that anything else is not worth it. By that, his country became the worshiped instead of God based on their belief.<sup>103</sup>

In addition, if anyone helps infidels against Muslims, and provides support to them rather than detaching himself from them would be considered *kāfir*, even if they were the closest to him. No excuses are accepted to show or feel any type of sympathy and empathy for them.<sup>104</sup> If a person manifests any sort of approval of other religions than Islam, regardless of what the justification would be, whether fear, or avoiding a harm they could cause, he will become an infidel just like them. What he truly feels or thinks does not matter, even if he hated them and their religion and loved Islam and Muslims.<sup>105</sup>

Still, many of the scholars who have approved the concept of *al-walā' wal-barā'* do not accept this extremity in *takīr* by basing it on the literal meanings of texts. Nevertheless, a believer does not like infidels for their beliefs, two contrasts cannot be gathered in the same heart; he cannot love *imān* “faith” and *kufīr* at the same time, simply because they are inconsistent. To be a Muslim, it is required to love *imān* as and to reject *kufīr* both as an abstract idea or if they were adopted by a person. Faith is the base that gathers all believers which is

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<sup>103</sup> *Al-walā' lil-islām lā lil-waṭan*, a leaflet by ISIS. Source:

<https://archive.org/details/2Alwla2-islam001>

<sup>104</sup> *Nuṣrat al-dawla al-islāmīya*, a leaflet by ISIS. Source:

<https://archive.org/details/2Nosrtdawllah1>

<sup>105</sup> ‘Abd al-Wahhāb, *Al-dalā'il fī ḥukm muwālāt 'Ahl al-shirk*, p7.

also a main difference that distinguishes them from those who do not share their belief. This way of thinking is not exclusive to Islam, it is adopted by most religions and ideologies, and does not contradict tolerance toward others nor accepting the individual freedom of believe. It is logical to think that whoever adopts a specific belief thinks it is the right one. That means that he loves it and has disassociated himself from any contradicting thoughts.<sup>106</sup> Also, a person cannot be Jewish and Christian at the same time because they are two different opposite ideas<sup>107</sup>.

Still, *al-walā' wal-barā'* should be put under the concept of comprehensive mercy "And We have not sent you, [O Muḥammad], except as a mercy to the worlds."<sup>21:107</sup><sup>108</sup>. For instance, none of the non-Muslims is forced to convert to Islam, the people of the books and their belongings are to be protected, besides any group of people who have conventions with the Muslims. In addition, the rights of the parents should be preserved even if they have different beliefs and religions as it is clear in the following report narrated Asmā' bint abū Bakr: "My mother came to me during the lifetime of Allāh's Messenger and she was a pagan. I said to Allāh's Apostle (seeking his verdict), "My mother has come to me and she desires to receive a reward from me, shall I keep good relations with her?" The Prophet said, "Yes, keep good relation with her."<sup>109</sup>

The Qur'ān has also affirmed that the love for the infidels does not cancel the origin of faith "Here you are loving them but they are not loving you" 3:119<sup>110</sup>. Because it is the love that a human has for another human and not for their belief. It is normal for a Muslim to love his non-Muslim friend for his ethics and behavior. And maybe dislike a Muslim for his actions and inappropriate

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<sup>106</sup> Al-ʿAunī, *al-walā' wal-barā' baīyna al-ghulū wal-jafā'*, p. 35-26.

<sup>107</sup> Al-ṭabarī, *jāmi' al-bayān fi ta'wīl al-Qur'ān*, v 2 p. 563.

<sup>108</sup> <http://www.islambasics.com/view.php?bkID=120&chapter=21>

<sup>109</sup> *Ṣaḥīḥ al-Bukhārī* 2620. Source: <https://sunnah.com/bukhari/51/52>

<sup>110</sup> <http://www.islambasics.com/view.php?bkID=120&chapter=3>

behaviors. It is mentioned in the Qurʾān that the Prophet loved his uncle who died as an infidel “Indeed, [O Muḥammad], you do not guide whom you like, but Allah guides whom He wills. And He is most knowing of the [rightly] guided.” 28:56<sup>111</sup>. God never blamed His prophet for his feelings for his uncle and his persistent attempts to convince him to believe. Faith does not contradict with natural love for non-Muslim relatives, family, neighbors and friends. Quite the contrary, Muslims are ordered to be benevolent and good as long as they are not combatants. “Allāh does not forbid you from those who do not fight you because of religion and do not expel you from your homes – from being righteous toward them and acting justly toward them. Indeed, Allāh loves those who act justly. Allāh only forbids you from those who fight you because of religion and expel you from your homes and aid in your expulsion – [forbids] that you make allies of them. And whoever makes allies of them, then it is those who are the wrongdoers.” 60:8-9<sup>112</sup>

#### iv. Divisions of the world “*taqṣīm al-ʿĀlam*”:

Muslim scholars had divided the world through *ijtihād* into Islamic “*dār al-islām*: house of Islam”, and War “*dār al-ḥarb*: house of war” or *Kufr* territories. The meaning of domain of war does not necessarily implies actual war, it is a war that could or might be. It addresses the infidel fighters who do not have any treaties or contracts of peace with Muslims.<sup>113</sup> Some scholars gave a third category which they called domain of truce “*dār al-ṣulḥ*”.<sup>114</sup> A country is considered a country of Islam if Islamic rules are manifested in it, even if most of its inhabitants are infidels. And a country is considered a country of *Kufr* if the rules of Infidelity are manifested in it, even if most of its inhabitants are Muslims. So, if the authority in a country was for Muslims and the majority of

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<sup>111</sup> <http://www.islambasics.com/view.php?bkID=120&chapter=28>

<sup>112</sup> <http://www.islambasics.com/view.php?bkID=120&chapter=60>

<sup>113</sup> Al-Judaiʿ, *taqṣīm al-maʿmūra*, p85.

<sup>114</sup> Al-Qaraḍāwī, *fiqh al-jihād*, v. 2 p. 802.



the inhabitants were not, and if the Islamic rules, laws and practices, (such as prayers, Islamic festivals, and family related laws) are slightly seen, it is considered a country of Islam.<sup>115</sup> In contrast, Salafī Jihādīs consider the absence of the rule of Islamic *sharī'a* strips this peculiarity from the territory and it becomes a territory of *kufr* instead, even if the majority of the inhabitants were Muslims. The only standard to be used for judgment here is the application of *sharī'a* by the ruler or the authority.<sup>116</sup> Of course this means that the Islamic countries these days, whose inhabitants are Muslims and rulers are apostate infidels judging by other laws than *sharī'a*, are considered territories of *Kufr*. Add to that, the countries inhabited by infidels, like the European countries, are considered also territories of *Kufr*.<sup>117</sup>

There are a few *fiqh* laws that result from this division. However, note that there is major issue in this division. A Muslim is to leave a territory of war to a territory of Islam, and the criterion of deciding how to deal with the inhabitants in the territory will depend on the more general judgment “*al-ḥukm bil-ʿaʿam*”. So, in a territory of Islam, judgment by the more general is applied and killing is not allowed, even if there are people who deserve death penalty. On the other hand, in a territory of war, the more general judgment rule is applied which means blood is deemed lawful along with whoever is in it, even if there are innocent people whom unlawful to spill their blood like Muslim merchants or prisoners. Thus, In case a Muslim was killed unintentionally in war territories, there shall be no legal responsibility to stand in account for, as that would only be in a territory of Islam.<sup>118</sup> It is obvious that the Salafī Jihādīs stress the fact that Muslim territories have become territories of *kufr* and war which gives them legitimate reasons for more violence actions, and decrease the moral

<sup>115</sup> *ibid.* v. 2 p. 889.

<sup>116</sup> Maktab al-buḥūth wal-dirāsāt, *tawʿiāt al-raʿīya fī al-sīyāsa al-sharʿīya*, p42.

<sup>117</sup> ʿAbd al-Ḥakīm, *daʿwat al-muqāwama al-islāmīya*, p983.

<sup>118</sup> Al-Judaiʿ, *taqṣīm al-maʿmūra*, p92.

responsibility towards shedding the blood of citizens or tourists who could fall victims during their attacks. This will be tackled in details later.

It is important to note that scholars disagree on how a territory of Islam changes into a territory of war. Some of them forbid it completely, others put very strict conditions to judge its transformation. For example, Abū Ḥanīfa (d.767) believe that a territory of Islam does not become a territory of war unless three conditions are applicable. The first is that if the rules and laws applied there are non-Islamic ones and Islamic legislation is not applied there at all. If Islamic *sharīʿa* is partially applied in that country, this condition becomes invalid. The second condition is that this area should be geographically connected to a territory of war. Third condition is the lack of safety for any Muslim or *dhimmi* “the non-Muslim inhabited in the Islamic state” in comparison with the status of life before the change happens.<sup>119</sup>

#### v. Jihād:

It is one of the most important core ideological structure which allows the application of the previous thoughts on the ground. Jihād with the sword is the solution to whoever is stubborn or refuses the invitation to Islam as they see it in verse “then kill the polytheists wherever you find them”9:5<sup>120</sup>.<sup>121</sup> They generalize the meaning of this verse without putting it in the right context among the other similar verses which determine the final relations between the Islamic society in the Madinah and the rest of the polytheists in the Arabian Peninsula. Then, they use it to serve the purpose and support their argument.

The verses came as an announcement on how to deal with the polytheists with whom Muslims had convicts with. They broke the convicts and helped the enemies of Islamic state against Muslims. So, God gave them four months

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<sup>119</sup> Al-Kāsānī, *badaʿiʿ al-ṣanāʿiʿ*, v. 15 p. 406.

<sup>120</sup> <http://www.islambasics.com/view.php?bkID=120&chapter=9>

<sup>121</sup> ʿAbd al-ʿazīz, *al-ʿUmda fī iʿdād al-ʿUdda*, p. 291.

starting from the Ḥaj day to be able to decide what their new stance is and withdraw before Muslims fight against them. At the same time, there was another group of polytheists who were committed to the convict with the Muslims and did not support the other side. Muslims were ordered in a clear verse to be committed as well to the convict with this group of polytheists in verse “Excepted are those with whom you made a treaty among the polytheists and then they have not been deficient toward you in anything or supported anyone against you; so complete for them their treaty until their term [has ended]. Indeed, Allāh loves the righteous [who fear Him]”<sup>122</sup>. Hence, isolating the verse from its related context and generalizing its meaning does not make it a valid clue that supports a religious law. The rest of the verses which complete the context help clarifying the actual intended meaning of the cropped verse they use “And if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allāh. Then deliver him to his place of safety. That is because they are a people who do not know.”<sup>6:9</sup><sup>123</sup>. The verse clearly orders Muslims to protect the fighter polytheist who asks for protection and to give him an opportunity to be introduced to Islam. Clearly, this contradicts with their understanding to kill all polytheists wherever they are. There is lack of sense in the connections they make and the links they build between the original texts and the resulting interpretations which lead to illogical laws and rules. The reason for fighting against that group of polytheists was their perpetration, and continuous support for the enemies, in addition to breaking treaties and not their disbelief. This goes along with forbidding forcing the belief on other humans, and ordering Muslims to be honest and just with *kuffār* “plural of *kāfir*” who did not try to harm Muslims.<sup>124</sup>

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<sup>122</sup> <http://www.islambasics.com/view.php?bkID=120&chapter=9>

<sup>123</sup> *ibid.*

<sup>124</sup> Al-Būṭī, *al-jihād fī al-islām*, p. 58.

One of the scripts they use to support their position that they should fight all people until they become Muslims<sup>125</sup> is the general notion of the following report “I have been commanded to fight against people so long as they do not declare that there is no god but Allah, and he who professed it was guaranteed the protection of his property and life on my behalf except for the right affairs rest with Allah.”<sup>126</sup> This context, of course, could not be used in its general norm, as there are groups of people who have treaties with Muslims, and there are the *dhimmī* people who live in Muslim countries. Those people still have their freedom of belief and the Prophet did not order Muslims to fight against them so to become Muslims. The word “people” mentioned in this specific report does not mean people in general. It addresses a specific group of people. Some scholars think that this report addresses the same group of people who broke their convict with the Muslims<sup>127</sup>.

However, other scholars see that the meaning intended from the word *’Uqātil* “to fight” in the report came in the verb form *’Utā’il* and it does not mean to kill. This form of verb means there are two sides of the action. In this case, it is not true unless one initiated the fight in the intention of killing. The other side who defend and react against the initiator is the one who is called a fighter against on the beginner of the action who is the killer or attacker. Thus, the Prophet did not order Muslims to kill people in order to convert them to Islam, but for defending themselves from attackers which should stop if they become Muslims.<sup>128</sup> This explanation can be supported by the following report: “ But if they do not accept the truce, by Allāh in Whose Hands my life is, I will fight with them defending my Cause till I get killed, but (I am sure) Allāh will

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<sup>125</sup> ‘Abd al-‘azīz, *al-’Umda fi i’ḍād al-’Udda*, p. 291.

<sup>126</sup> *Ṣaḥīḥ muslim* 21 a. Source: <https://sunnah.com/muslim/1/33>

<sup>127</sup> Al-Qaraḍāwī, *fiqh al-jihād*, v. 1 p. 329.

<sup>128</sup> Al-Būṭī, *al-jihād fi al-islām*, p. 59.

definitely make His Cause victorious.”<sup>129</sup>, This was said to Quraish’s messenger when he invited Quraish for peace after a long consuming war. He did not fight against them; he rather invited them for peace and put the war as a secondary option when necessary. He pointed that out saying “*la’Uqātilannahum*” using the verb form *’Ufā’il* as in the previous report, which means it is a fight or a war that happens in response on an attack and not to start the attack.

The majority of scholars agree that the reason for jihād in the fighting sense rather than the general sense<sup>130</sup> is the intention of war or perpetration “*al-ḥarābā*” even if the actual war has not happened on the real ground.<sup>131</sup> While al-Shāfi‘ī (d.820) believes that the reason is *kufīr*. The majority of scholars explain that there are many verses which state that what necessitate a fight is the perpetration from the other side. It is forbidden to fight whoever does not show intentions of war or perpetration or who cannot fight back.<sup>132</sup> If the reason was *kufīr*, then Muslims would not have been allowed to have convicts with *kuffār* or accept their presence in their country in the first place as people of *dhimmā*.

Nevertheless, Salafī Jihādī insists on using such verses or reports as clues that the reason for jihād is *kufīr*. They emphasize that the war will go on until infidels and polytheists are all dead, the oneness of God is affirmed and the victory is for his followers.<sup>133</sup> They believe that whoever denies that this is the justification for jihād and says that Islam does not engage in a war, unless it is for defense or in response for an attack, is denying verses and reports.<sup>134</sup> This a

<sup>129</sup> *Ṣaḥīḥ al-Bukhārī* 2731, 2732. Source: <https://sunnah.com/bukhari/54/19>

<sup>130</sup> In the general sense, Jihād can include any effort made for the sake of God such as teaching and working.

<sup>131</sup> Al-Būṭī, *al-jihād fī al-islām*, p. 108-109.

<sup>132</sup> *ibid.* p. 94.

<sup>133</sup> Al-falastīnī, *limā dha al-jihād*, p. 14.

<sup>134</sup> ‘Abd al-‘azīz, *al-’Umda fī i’ḍād al-’Udda*, p. 293.

steady extremely radical approach which tends to use *takfir* in matters that the best what can be said about is to be called an opinion.

In conclusion, Salafī Jihādī beliefs are based on five major concepts that shape their ideology. It is a must to fight against rulers who do not completely refer and implement *sharī'a* laws, it is permissible to fight against that system as they are loyal for *ṭaghūt* rather than God, the world is divided into a territory of Islam and war which justifies violent actions and killing against non-Muslims, and the reason for Jihād is *kufir* so recruitment should start for a war to eliminate *kufir* from the surface of earth and make all humans clones for their Salafi subjective opinions.

#### 4. The use of *fatwās* of violence:

Salafī Jihādī scholars did not ignore the practical strategic side of their ideology. Building the state is not only a legal or theoretical issue, but also a practical issue. It needs tangible conditions which are the most important factor in building the state. Al-Baghdādī emphasizes the necessity to build three primary fulcrums, the first is that “The undertaking of the general and specific call to Islam in a comprehensive fashion. Founded on the single practical principle of methodological seriousness”<sup>135</sup>, He continuous to second point where he explains the importance of “construction of economic and social entities through financial investment in the creation of commercial, service social and scientific institutions”<sup>136</sup>, and lastly he speaks about building an armed forces that they already formed its nucleus.<sup>137</sup>

Nājī, in his book: *Management of Savagery* “*Idārat al-tawahḥush*” believes that the most critical stage for the Islamic nation is the management of savagery and it will be the way to establish the Islamic state. If for a reason they fail to

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<sup>135</sup> Fishman, *The Master Plan*, p. 262.

<sup>136</sup> *ibid.*

<sup>137</sup> *ibid.*

pass through this stage, there will be an increase in savagery as it is not the end of the matter. The most dreadful level of savagery is less than being under an *kāfir* regime.<sup>138</sup> He defines the management of savagery as the management of savage chaos. It is managing areas which are submitting to the law of jungle. People will yearn for someone to be able to control and manage the areas whoever they were. It consists of managing people's needs, protecting them from internal and external threats, and applying justice in the controlled areas.<sup>139</sup> On the other hand, he divides the stages toward the establishment of *khilāfa* into three stages: The stage of the power of vexation and exhaustion "*al-shawka wal-nikāya*", administration of savagery "*idārat al-tawḥush*", the power of establishment – establishing the state "*al-tamkīn*"<sup>140</sup>. Nājī defines the goals for the stage of the power of vexation and exhaustion in the following points: Exhausting the forces of the enemy and the collaborators' regimes. Through operations that will escalate the effect even if it was a small operation, attracting new youth members and recruit them to undertake qualitative operations, and dislodging the chosen areas from the control of the regime and then working toward the second stage<sup>141</sup>. What is most interesting in his strategy is that he ascribes Jihād to violence, crudeness, terrorism, frightening others, and massacring. He believes that the first stage must contain massacring the enemy and fill him with fear in order to move the second stage of Jihād. According to him, there is a need for this violence in the other stages. A *mujāhid* cannot continue Jihād if he is soft as it is an attribute of failure for any jihādi action and it is better for soft people not to join jihād otherwise they will fail<sup>142</sup>. To give an example of what kind of violence he is talking about, he suggests to diversifying

<sup>138</sup> Nājī, *Idārat al-tawaḥush*, p. 10-11.

<sup>139</sup> *ibid.*, p. 26-27.

<sup>140</sup> *ibid.*, p. 36.

<sup>141</sup> *ibid.*, p. 40-41.

<sup>142</sup> *ibid.*, p. 72.

and widen the vexation strikes against the enemies in every place in the world. Jirjis sees that the idea of savagery is a tool to reach a goal, it is a real practical call for killing with cold blood, and it indicates to the brutal nature of this ideological trend at the opposite end of teachings of Islam.<sup>143</sup>

An example of Nājī's good target that serves as a vexatious strike is a tourist resort in Indonesia, a usurious bank in Turkey, an oil interest near the port of Aden, and assassination of two apostate authors simultaneously in two different countries<sup>144</sup>. He also clarifies that such operations should destroy a large part of respect of their enemy in the souls of Muslims. Also it will fill their souls with confidence and rage toward the regimes of apostasy and tyranny which collaborates with the enemies of the Islamic nation. On the other hand, he thinks that Muslims will be impressed with the operations against the enemies and this will recruit new members that will replace what they have lost before<sup>145</sup>.

We should keep these ideas in mind when looking at following violence *fatwās*, to understand how it will serve as a cover of legitimacy in the stage of *al-shawka wal-nikāya*, and give the lawful motives for the Salafī Jihādīs fighters to undertake these action.

**a. Rising up against the ruler “*al-khurūj ‘alā al-ḥākim*”:**

Salafī Jihādīs think that anything else apart from the religious bond is an invention of infidels who created it to weaken the religious bond. Patriotism, for example, should be refused as it puts the benefit of the land first. That is because a piece of land has no ideological value for a human so as to belong for. In addition, Nationalism which is belonging to a specific ethnic group that they consider a *jāhili* idea, the bond of single language or even common interests or shared benefits bonds. ‘Abd al-‘Azīz suggests that all these bonds that could put

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<sup>143</sup> Jirjis, *Dā‘ish ilā ayn*, p. 49.

<sup>144</sup> Nājī, *Idārat al-tawaḥush*, p. 46.

<sup>145</sup> *ibid.*, p. 24-25.



humans closely together for various reasons were made to break the real bond among Muslims and stir hatred and resentment among them. By denying and refusing any other bond, a Muslim can focus only on the religious one and by that he would be committed to providing his Muslim fellows with the support and solidarity expected and accepted, regardless of the geographical, ethical, language and color differences.<sup>146</sup>

They consider all current regimes in the Arab and Islamic World are apostate regimes as they legislate and follow laws that are against God's *sharī'a* and they support Infidels who are the enemies of Islam and Muslims. According to that, they consider all leaders and authorities that go under them, in addition to heads supporting these secular legislations *kuffār* and apostates who have deviated from the Islamic path. Moreover, whoever supports, fights in their side or defends them is also from the apostates' group who fight under their flag. They also think that democracy is a *kufī* system and contradicts Islam as a whole, as well as secularism. Whoever follows or believes in them has deviated from Islam and is a *kāfir* according to their beliefs.<sup>147</sup>

According to Salafī Jihādī ideology, charging the leader with *kufī* due to his position or loyalty results the invalidity of the infidel or apostate leader's authority on Muslims. He must be fought against with weapons and he must be killed for his religious position. It is a must or permissible to fight against his supporters if they protect him with weapons, and he must be disobeyed and not assisted by working for him in any position or by any means. In addition, all his treaties, conventions and agreements should be considered invalid as he no longer represents Muslims. Of course, by that happening, it is an urgent necessity

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<sup>146</sup> 'Abd al-'azīz, *al-'Umda fi i'dād al-'Udda*, p. 304-306.

<sup>147</sup> 'Abd al-Ḥakīm, *da'wat al-muqāwama al-islāmīya al-'ālamīya*, p. 793-795.

to nominate and take a new Muslim Imam instead of the *kafir* leader. Obeying the new Imam is what Muslims should do.<sup>148</sup>

‘Abd al-‘Azīz adds that fighting against apostate leaders is a priority when compared with fighting against other original infidels like Christians and Jews and that is for three reasons: first, because it is jihād with the intention to protect the Muslim lands from the infidels’ authority. So, all Muslims should do that as those leaders corrupt religion. Second, they are apostates; fighting apostates comes first and infidels second. Third, because they are closer to Muslims which means more dangerous and misleading. Of course, in religion, Muslims should begin fighting the closer enemy.<sup>149</sup> He continues explaining that fighting those apostates is an obligation on each Muslim which means that a person could do it individually, but preferably as a group with led by an *amīr*. When it is done through a group, the *amīr* is the one who organizes the fights and nobody takes action without his permission.<sup>150</sup> He also adds another important idea which is that one does not need to know whether the target is an infidel or Muslim to kill him. By that he means there could be Muslims present alongside with those apostates; they are either supporters which makes them *kuffār* as well, or they are there for a need. Killing is justified both ways and judgement is left for God for He judges their real intentions. And of course, the mujahidin are rewarded for their jihād regardless of whom they kill according to their beliefs.<sup>151</sup>

Many Islamic countries defend themselves in various ways. For example, they declare that the official religion of the country is Islam and that they build mosques and support preachers to prove the Islamic identity of the country. Some declare that *shari‘a* is one of the sources of legislation for their constitutions. ‘Abd al-‘Azīz justifies allowing such violence against governments and their benefits

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<sup>148</sup> ‘Abd al-Ḥakīm, *da‘wat al-muqāwama al-islāmīya al-‘ālamīya*, p. 981-982.

<sup>149</sup> ‘Abd al-‘Azīz, *al-Umda fi i‘dād al-Udda*, p. 313.

<sup>150</sup> *ibid.*, p. 316.

<sup>151</sup> *ibid.*, p. 318-319.

by saying that these actions are categorized under changing the abominable “*munkar*” with power as mentioned in the following Prophetic report: “He who amongst you sees something abominable should modify it with the help of his hand; and if he has not strength enough to do it, then he should do it with his tongue, and if he has not strength enough to do it, (even) then he should (abhor it) from his heart, and that is the least of faith”<sup>152</sup>.

However, ‘Abd al-‘Azīz believes that there is no bigger *munkar* than the absence of judging by the Divine *sharī‘a*, and that is when the following Prophetic report is used as a support for their point of view: “Never a Prophet had been sent before me by Allāh towards his nation who had not among his people (his) disciples and companions who followed his ways and obeyed his command. Then there came after them their successors who said whatever they did not practice, and practiced whatever they were not commanded to do. He who strove against them with his hand was a believer: he who strove against them with his tongue was a believer, and he who strove against them with his heart was a believer and beyond that

there is no faith even to the extent of a mustard seed.”<sup>153</sup>

However, ibn Ḥanbal denounces this report and believes that it comes with contradicting ideas to other report which recommended patience in dealing with tyrant leaders. He mentioned that the change urged in here is not by sword or weapon. The intention of the report is not to fight the leaders or disobeying them; it rather means the practical change that could be done through by those who can or who have direct authority over those doing the *munkar*. That is to be done without causing a more major *munkar* than the *munkar* they seek to change.<sup>154</sup>

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<sup>152</sup> *Ṣaḥīḥ muslim* 49 a. Source: <https://sunnah.com/muslim/1/84>

<sup>153</sup> *Ṣaḥīḥ muslim* 50 a. Source: <https://sunnah.com/muslim/1/86>

<sup>154</sup> Ibn Rajab, *Jāmi‘ al-‘ulūm wal-ḥikam*, v. 2, p. 248-249.

There are several Prophetic reports that encouraged patience, such as: “The best of your rulers are those whom you love and who love you, who invoke God's blessings upon you and you invoke His blessings upon them. And the worst of your rulers are those whom you hate and who hate you and whom you curse and who curse you. It was asked (by those present): Shouldn't we overthrow them with the help of the sword? He said: No, as long as they establish prayer among you. If you then find anything detestable in them. You should hate their administration, but do not withdraw yourselves from their obedience.”<sup>155</sup> In another report, one of the Prophet's Companions said: “Messenger of Allāh, no doubt, we had an evil time (i. e. the days of *jāhiliyya* or ignorance) and God brought us a good time (i. e. Islamic period) through which we are now living. Will there be a bad time after this good time? He (the Holy Prophet) said: Yes. I said: Will there be a good time after this bad time? He said: Yes. I said: Will there be a bad time after good time? He said: Yes. I said: How? Whereupon he said: There will be leaders who will not be led by my guidance and who will not adopt my ways? There will be among them men who will have the hearts of devils in the bodies of human beings. I said: What should I do. Messenger of Allāh, if I (happen) to live in that time? He replied: You will listen to the *amīr* and carry out his orders; even if your back is flogged and your wealth is snatched, you should listen and obey”.<sup>156</sup>

In regards to the Prophetic report which Salafī Jihādīs support their idea of *al-khurūj 'alā al-ḥākīm* with, it is narrated by 'Ubāda ibn al-Ṣāmit who said: “Among the injunctions he made binding upon us was: Listening and obedience (to the *amīr*) in our pleasure and displeasure, in our adversity and prosperity, even when somebody is given preference over us, and without disputing the delegation of powers to a man duly invested with them (Obedience shall be accorded to him in all circumstances) except when you have clear signs of his

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<sup>155</sup> *Ṣaḥīḥ muslim* 1855 a. Source: <https://sunnah.com/muslim/33/101>

<sup>156</sup> *Ṣaḥīḥ muslim* 1847 b. Source: <https://sunnah.com/muslim/33/82>

disbelief in (or disobedience to) God-signs that could be used as a conscientious justification (for non-compliance with his orders).<sup>157</sup> He talks about the ruler who falls in evident infidelity “*al-kufr al-ṣarīḥ*”, which is mentioned in a verse or an obvious report that is possible to have allegorical interpretation. Since the Salafī Jihādīs exaggerate in charging others with *kufr*, they use this report along with similar ones to support and justify their own ideology and beliefs. These leaders who are using non-Islamic legislations are not necessarily apostates, especially if they say that the religion of the country is Islam, they pray, build mosques and support of Islamic rituals. On the other hand, there is a minority of leaders who speak of their hatred for the *sharīʿa*, ridicule it, refuse it and allow what is forbidden by God. Qaraḍāwī sees that this type of people should be resisted and fought against with by the best one could and is able to. He also prefers peaceful methods of resistance which could be through channels that do not sabotage the land.<sup>158</sup> Al-Būṭī also agrees by saying that it is forbidden to rise up against the leaders and rulers of Muslims unless one of them declares what is considered *kufr ṣarīḥ* according to *sharīʿa* law.<sup>159</sup> This positions against *al-khurūj ʿalā al-ḥākīm* is supported by tens of scholars, they believe that It is impermissible to rise up against the leader who did not endorse *kufr ṣarīḥ*.<sup>160</sup>

**b. Suicide attacks “*ingimās, ʿamalīyat istishhā dīya*”:**

The opinions of contemporary scholars about *al-ʿamalīyat istishhā dīya* vary. Some of them think that they could be used as a permissible tactic, while others believe it is forbidden because suicide is forbidden and is considered a great sin in Islam. The Qurʾān says: "And do not kill yourselves [or one another]. Indeed, Allāh is to you ever Merciful. And whoever does that in aggression and injustice – then We will drive him into a Fire. And that, for Allāh, is [always] easy” 4:29-

<sup>157</sup> *Ṣaḥīḥ muslim* 1709 h. Source: <https://sunnah.com/muslim/33/69>

<sup>158</sup> Al-Qaraḍāwī, *Fiqh al-jihād*, v. 2, p. 1067.

<sup>159</sup> Al-Būṭī, *al-Jihād fī al-islām*, p. 159.

<sup>160</sup> <http://www.lettertobaghdadi.com/14/english-v14.pdf>. P14.

30<sup>161</sup>, this rule is also mentioned in Sunna the Prophet said: “whoever kills himself with something, then Allāh will punish him with whatever he killed himself with on the Day of Judgement.”<sup>162</sup>

However, suicide attacks played a pivotal role in operational tactics of Salafī Jihādī groups. Suggested personal motivations of suicide attackers are: “strong commitment to a groups or a cause, a desire for revenge, an expectation of benefits after death, and personal crisis.”<sup>163</sup>

Salafī Jihādīs present us with a different concept for suicide attacks which are called martyrdom or plunge attacks where the fighter gets into his enemy’s troops and blow up himself to cause the maximum damage and horror. This is a new form of attack which was never tackled by the traditional Islamic *fiqh*; so, it is subject to *ijtihād* and there could be a different opinions relating. *Inghimās* is divided into two forms: First, merging with the enemy: which means that the fighter would exist physically between the enemy members in the intention of causing as much damage as possible besides seeking martyrdom “*istishhād*”. The fighter in this case believes that he will be murdered by the enemy and this form of action was known and mentioned by previous scholars. Second, *Inghimās* with a bombing belt. This means that the fighter would be prepared with a bombing belt or any other equipment attached to his body which is made to destroy the target. The fighter starts his targeting by killing himself knowingly through his action and not by the enemy’s action.

The difference between the two forms is that in the second form the fighter directly causes self-murder. However, Salafī Jihādīs compared the second form to the first form which is agreed to be allowed by the scholars, they believe that

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<sup>161</sup> Translation source: <http://www.islambasics.com/view.php?bkID=120&chapter=4>

<sup>162</sup> *Jāmi‘ al-Tirmithī* 2636. Source: <https://sunnah.com/tirmidhi/40/31>

<sup>163</sup> Moghadam, *Motives for Martyrdom: Al-Qaida, Salafī Jihad, and the Spread of Suicide Attacks*, p. 51-52.

*inghimās* concept applies to both actions, causing harm for the enemy, requesting martyrdom and acknowledging their inevitable death, and that they are for the sake of God. They also conclude that the second form follows the first and its rule becomes either permissible or likeable which depends on the circumstances of the practical nature of the operation.<sup>164</sup>

When they are criticized by highlighting the difference between having the fighter being killed by himself or the enemy, they defend their opinion by referring to the *fiqh* principle that indirect causing “*al-tasabbub*” is considered equal to direct action in award and burden. Although *al-tasabbub* and direct action are different in the form, they result the same outcome. *Al-tasabbub* is to join an act indirectly and become an external cause, while direct action is to begin an act by self. Hence, when applying this principle to the two form of *inghimās*, it is clear in the first one that incurrence happens when the fighter plunges among the troops of his enemies and become the indirect cause of his death when they kill him. On the other hand, in the second form, he directly causes his death by detonating the bomb then this will lead to killing his enemies. The outcome was killing oneself, and since the original form is allowed then the second form is compared to it and considered allowed too. And they do not consider that being killed by oneself or by an enemy is an effective description “*waṣf mu’aththir*” on this analogy, they rather consider it a formal description “*waṣf ṣūnī*” that does not influence the rule and only adds more clarity to the reality not changing it.<sup>165</sup> Al-Muhājir argues that who cannot see the difference between who commits suicide by himself, or requests another person to kill him or throws himself in front of a train, he should not differentiate between being killed by the enemy or by himself, as long as the intention is one in both forms, which is dying for the sake of God.<sup>166</sup> Contrary to what they said, one can argue that there is a clear

<sup>164</sup> Al-Falastīnī, *Rudūd wa talmīhāt ‘alā munkirī al-‘amalīyat*, p. 9.

<sup>165</sup> *ibid.*, p. 10.

<sup>166</sup> Al-Muhājir, *masā’il fī fiqh al-jihād*, p. 102.

difference between the two forms of *inghimās*, and that the mentioned description affects the rule of this act because it is part of its essence. In the first form, the fighter is not certain about his death even it is highly probable, but his enemy may injure him and it is up to the enemy to choose not to kill the fighter, while in the second form the fighter is certain about his death and he choose to end his life. On the other hand, the second form contradicts the general verses and reports that forbids suicide.

Some scholars distinguish between direct and indirect killing, they required retaliation “*qiṣāṣ*” for direct killing and blood money for indirect killing. These scholars consider that direct killing is never in the same level of being a reason for killing regardless to the intention of the doer. They (who) defined *al-tasabbub* as that what causes the death not by itself but by means of a mediator.<sup>167</sup> Furthermore, the definition of a martyr “*shahīd*” by some classical scholars does not support considering *inghimāsī* fighters who blow their selves as martyrs, they define *al-shahīd* as the one who is killed by the enemy in a war.<sup>168</sup>

In addition, those who legitimize suicide attacks in general, especially the Salafī Jihādīs, argue that these operations should not be compared with the religiously forbidden suicide as it is an incorrect comparison. That is because a person who commits suicide is a depressed, scared and angry person at his life while the *inghimāsī* has a different intention and he serves the benefit of Muslims. He causes harm to the enemy and also seeks *shahāda* for the sake of Allāh<sup>169</sup>, and damaging oneself for the sake of Allāh is of the best deeds<sup>170</sup>. This could be argued against by mentioning that the intention of the suicide fighter is unknown, and the good intention of someone who commits a bad deed does not

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<sup>167</sup> Al-Zuhaylī, *al-Fiqh al-islāmī wa-adillatuh*, v. 7, p. 557.

<sup>168</sup> Al-Balkhī, *al-fatāwa al-hindīya*, v. 1, p. 167.

<sup>169</sup> Al-Falastīnī, *Rudūd wa talmīhāt ‘alā munkirī al-‘amalīyat*, p. 17.

<sup>170</sup> Al-Muhājir, *masā’il fī fiqh al-jihād*, p. 96.



allows him to do it and does not change it into a good deed<sup>171</sup>. There are many contemporary scholars who forbid these attacks; one of them is the al-Qaraḍāwī, who have previously spoken in their favor. In 2015, he changed his *fatwā* and spoke against them. He explained that it was only related to the Palestinian specific situation and that it was no longer necessary<sup>172</sup>.

Some researchers clarify that “This issue remains open to interpretation by various Muslim clerics and terrorist organization leaves the question unanswered. Most mainstream Islamic theologians reject the use of suicide as an appropriate response to state-sponsored or group-initiated violence.”<sup>173</sup>

**c. Killing non-fighters:**

One of the important questions is related to defining the legitimate targets according to Salafī Jihādīs. They believe that any infidel who does not have a covenant “‘*ahd*”, Non-Muslim living in the Islamic state with legal protection “‘*dhimma*” or safe conduct “‘*amān*” with Muslims, is a legitimate target in war just because he is an infidel. Even if he does not fight against Muslims, his killing is permissible. They excluded killing children, women, old people, weak people, the blind, crazy, and priests in worship places. However, if any of the previously mentioned expresses opinion about the war or participated in it, they are to be killed. If they were apostates and not originally infidels, all should be killed but little boys and demented people.<sup>174</sup> Maher explains this point by saying that for

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<sup>171</sup> Al-Ghazālī, *Iḥīyā’ ‘ulūm al-dīn*, v. 4, p. 368.

<sup>172</sup> [https://www.memri.org/reports/sheikh-al-qaradhawi-permission-previously-given-palestinians-carry-out-suicide-attacks---no#\\_cdn2](https://www.memri.org/reports/sheikh-al-qaradhawi-permission-previously-given-palestinians-carry-out-suicide-attacks---no#_cdn2)

<sup>173</sup> Farhana & Jerrold, *The History and Evolution of Martyrdom in the Service of Defensive Jihad: An Analysis of Suicide Bombers in Current Conflicts*, p. 14.

<sup>174</sup> Maktab al-buḥūth wal-dirāsāt, *Al-masā’il al-jiyād fī fiqh al-jihād*, p. 23-25.

Salafī Jihādīs “the general rule in Islam is that the blood, wealth and honor of non-Muslims is not protected from assault”<sup>175</sup>.

The discussion here relies on the reason behind legitimizing the killing of infidels, is it *kufī* or waging war. Since *kufī* is the determined selectively reason, they have included all types of infidels except the mentioned people above in reference to the Sunna. Nevertheless, we still find some old scholars who believed that the reason for killing in a war is to be fought against even if it is through stating an opinion<sup>176</sup>. Some contemporary scholars also agree on that reason, and define the civilians as “other than the fighters from women, children, villagers and others”<sup>177</sup>.

So, combatants can be considered two types, those fighters who fight or help against Muslims, and non-fighters who are safe civilians that do not participate in any type of fights even if they are infidels. Hence, it is impermissible to kill civilians as long as they do not participate in actions of war<sup>178</sup>, add to that those who are hired to do work that is not related to the war. That is even if they are present at the war territory with the fighters as they would be present to complete their work that they were hired to do<sup>179</sup>.

However, the Salafī Jihādī theoretician al-Muhājir sees that the concept of civilians and whatever rules are based on it is invalid. He explains that Islam does not differentiate between civilian and combatant; what matters is if it is a Muslim or an infidel. As it is for infidels, it is always permissible to kill them wherever they are and whatever their job is unless he is from the excluded categories. He also argues that if the reason for legitimizing killing is not

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<sup>175</sup> Maher, *Salafī-Jihadsim, The history of an Idea*, p. 47.

<sup>176</sup> Al-Sarakhsī, *sharḥ al-sīyar al-kabīr*, v. 1, p. 32.

<sup>177</sup> Al-Zuhaylī, *al-‘alāqat al-dawīya fī al-islām*, p. 33.

<sup>178</sup> Al-Qaraḍāwī, *Fiqh al-jihād*, v2, p. 1176.

<sup>179</sup> Haykal, *al-Jihād wal-qitāl fī al-sīyasa al-shar‘īya*, v. 2, p. 1246.

infidelity, it would be the ability to fight. In this case, it is allowed to kill whoever is able to fight even if he is not a fighter.<sup>180</sup> Similarly, al-Qā'ida stated that “If the unbelievers have targeted Muslim women, children, and the elderly, it is permissible for Muslims to respond in kind and kill those similar to those whom the unbelievers killed.”<sup>181</sup>

**d. Human shields “*tatarrus*”:**

Salafī Jihādī theoreticians define *tatarrus* as using the Muslims, and others whose blood is forbidden, as human shields by the infidels to protect themselves from *mujāhidīn* strikes<sup>182</sup>. They claim that the majority of the scholars have allowed targeting the enemy knowing they used Muslim human shields as there no other way to defend Muslims from the *kuffār* unless the shield is taken down. Other scholars said it as permissible even without the necessity too<sup>183</sup>. To explain this issue, they have divided into two cases:

First case: if the infidels use their women and children as shields at the time of confrontation. If Muslims were feared about, it is permissible to fight the infidels. However, they should be as careful as possible not to kill women nor children. If women and children were taken as shields without confrontation, the opinion they adopt “*al-rājih*” is which allows to fight them too.<sup>184</sup>

The second case: infidels using Muslim prisoners as shields during a confrontation in war. If they are considered a threat to Muslims, then they should be fought against with caution not to hurt the Muslim shields. If there was not a confrontation, they adopt the opinion that does not allow fighting the infidels unless it is necessary, and that is when there is a more important benefit over the

<sup>180</sup> Al-Muhājir, *Masā'il fi fiqh al-jihād*, p. 142.

<sup>181</sup> Maher, *Salafi-Jihadism, The History of an Idea*, p. 49.

<sup>182</sup> Maktab al-buḥūth wal-dirāsāt, *Al-masā'il al-jiyād fi fiqh al-jihād*, p. 24.

<sup>183</sup> Al-Muhājir, *Masā'il fi fiqh al-jihād*, p. 196.

<sup>184</sup> Maktab al-buḥūth wal-dirāsāt, *Al-masā'il al-jiyād fi fiqh al-jihād*, p. 24-27.

fight without delay. The benefit has to be bordering on certainty, and there is no other possible way to reach the target other than through the shield. It should be avoided as much as possible and focus on the target.<sup>185</sup>

In addition, if the infidels were to be attacked with something that could cause massive damage in their lines, like a canon, there should be a condition that the enemy cannot be reached or broken without using this weapon or this attack.<sup>186</sup> Al-Muhājir also states that it is permissible to strike the enemy while taking Muslims as human shields even if there is no fear by Muslims from their enemy. That is because in our time, the available weapons which are used by the *mujāhidīn* are accurate and more deadly. On the other hand, there is a huge capacity gap between both sides, hence, whenever the *mujāhidīn* can reach a target then they should attack. Moreover, in supporting of his idea, al-Muhājir believes that exaggeration in killing the enemy “*ithkhān*” is a requested action in Islam in order to terrify the enemies and achieve balance when the enemy is stronger until victory. The majority of the scholars think that aiming with the presence of the Muslim human shield is permissible when there is concern on the safety Islamic nation. Nowadays, the concern is huge on Islamic nation because of the establishment of *kufī* rules and laws.<sup>187</sup> In conclusion, they allow targeting the enemy with any weapon possible even if that could cause the killing of the Muslims or non-Muslim civilians who are with them, as a result but not directly.

Al-Muhājir claims that the majority of the scholars agree on the legitimacy to target the infidels with weapons that cause massive damage, like canons in the past, even if that could cause the killing of women and children whom should not be killed in other situations<sup>188</sup>. He also adds that they legitimize burning the

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<sup>185</sup> *ibid.*

<sup>186</sup> *ibid.*

<sup>187</sup> Al-Muhājir, *Masā'il fi fiqh al-jihād*, p. 195-210.

<sup>188</sup> *ibid.*, p. 167.

enemy with fire or drown them with water, and using massive destruction weapons and poison even if this could result in killing women and children. What matters is the intention which is eliminating *kufī* and corruption<sup>189</sup>.

Another famous Salafī Jihādī theoretician Abū Qatāda al-Falaṣṭīnī, went to the extreme in his *fatwā* titled “A verdict of great importance about the permissibility of killing women and children to repel the danger of killing and violation of the brothers”. He allows in his *fatwā* using bombs to kill infidels, their children, and women, or burning or drowning and any similar means. But he also added allowing killing the infidel’s women and children intentionally to forbid the infidels from hurting Muslims and dishonoring Muslim women; in addition to weakening them and forcing fear into their hearts through losing their families.<sup>190</sup>

What is worth mentioning is that the declared stance of ISIS about this issue is to some extent less extreme in comparison with the last two important opinions. According of the available sources, ISIS has announced that it is allowed to use burning, drowning and similar methods only when necessary. That is when that is the only way to fight against infidels and win. Otherwise, other methods are to be used unless the enemies use such methods with Muslims, then Muslims are to use them.<sup>191</sup>

**e. Non-Muslims foreigners under the status of safe-conduct “*al-musta’manīn*”:**

What is meant by safety here is the opposite of fear which means temporally stop the killing and the fight with the enemy. According to scholars, safety is given through five agreements: security pledge “*amān*”, *dhimma* or truce. If *amān* is given to the enemy made by war, it is forbidden to kill him or abuse him. If safety is given to a Muslim by the enemy, the Muslim is not allowed to attack

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<sup>189</sup> *ibid.*, p. 181-186.

<sup>190</sup> Al- Falaṣṭīnī, *al-Ansār*, p. 10.

<sup>191</sup> Maktab al-buḥūth wal-dirāsāt, *Al-masā’il al-jiyād fī fiqh al-jihād*, p. 29.

his enemy by any means which could be considered betrayal. Through this agreement, the *kafir*'s blood and properties are forbidden.<sup>192</sup>

*Amān* is given by any statement that expresses it whether it is spoken or written, or even through a gesture. If a Muslim gestures to one of the enemies in a way that means safety, then the person is safe even if that Muslim meant to hurt him. Visas, invitations for visits, and work contracts go under this category. If an individual enters the Muslim country under this category, Muslims are not allowed to harm him or his belongings.<sup>193</sup> It is narrated that the Prophet said: "Whoever kills a *mu'āhid* "who has an agreement with Muslims" with no justification, Allāh will forbid Paradise to him and he will not even smell its fragrance."<sup>194</sup>

Based on what is previously mentioned, it is impermissible to attack the tourists who enter with legal visas to the Muslim countries; in addition, it is impermissible to attack the citizens of non-Islamic countries when entering it by visa even if they were in war status with the Muslim county. That is because the visa has become as a contract of safety "*'aqd 'amān*" between the country and the one who received it. But Salafī Jihādīs have another opinion about that. Al-Qā'ida leader al-Zawāhirī does not consider the visas as *'aqd 'amān*, as requesting one does not include any article related to that; it does not even mention to commit to the laws of the countries. He believes that as seen in many previous incidents, it is proven that visas are not considered *'aqd 'amān*. He explains that many countries put bearers of legal visas into jails, and tortured them without paying any attention for laws nor respecting human rights. If the norm is to consider visas *'aqd 'amān*, it is clear that the enemy has broken it repeatedly that it no longer needs to be respected by the Muslims who are the

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192 Haykal, *al-Jihād wal-qitāl fī al-sīyasa al-shar'īya*, v. 3, p. 1502.

193 Al-Qaraḍāwī, *Fiqh al-jihād*, v. 2, p. 1178.

194 *Sunan al-Nasā'ī* 4748. Source: <https://sunnah.com/nasai/45/43>

second party of the contract.<sup>195</sup> One of the shocking opinions he has is that even if the Visa considered *‘aqd ‘amān*, the fighters who travel to countries of *kufīr* through visas do not declare any type of *‘amān* to their enemies when entering the borders; they announce, instead of expressing *‘amān*, that they are coming for tourism, study or trade for example and they keep the real intention unspoken. So, they hide the real intention of Jihād by tourism, learn aviation to attack the enemy by studying, and scarifying for the sake of God by trade. He believes that it is permissible in war for a fighter to manipulate the words by saying something and intending another thing completely to cover his true identity or true purpose of the stay.<sup>196</sup> He also believe that it is also not a must to inform the country that betrays its *‘aqd ‘amān* that it is broken before starting a war on it although the countries of *kufīr* were warned many times.<sup>197</sup> On the other hand, when dealing with those who were charged with apostasy, it is easier. It is permissible for a Muslim prisoner to make the apostates believe they are safe from him so he can murder them as those apostates do not have a choice other than Islam or sword. Their *kufīr* is considered worse than the original *kufīr*.<sup>198</sup> This idea seems to contradict with one of many similar narrated reports stating that the Prophet said: “If a man trusts someone with his life then he kills him, he will carry a banner of treachery on the day of Resurrection.”<sup>199</sup> In the report the Prophet did not make a distinction according to the religion of the person, that’s why it is a consensus that it is prohibited to give *‘amān* to a non-Muslim combatant then to murder him.<sup>200</sup>

<sup>195</sup> Al-Zawāhirī, *al-tabri’a*, p. 104.

<sup>196</sup> *ibid.*, p. 108.

<sup>197</sup> *ibid.*, p. 117.

<sup>198</sup> Al-Muhājir, *Masā’il fī fiqh al-jihād*, p. 540.

<sup>199</sup> *Ṣaḥīḥ al-Bukhārī* 3188. source: <https://sunnah.com/bukhari/58/29>

<sup>200</sup> Ibn ‘Abd al-Bar, *al-Tamhīd lima fī al-muwaṭṭa’ min al-ma’ānī wal asānīd*, v. 24, p. 234.

Correspondingly, the Salafī Jihādīs do not approve the protection of the blood and properties for the non-Muslim visitor of the Muslim country who carries a legal visa. They do not think that this visa is *‘aqd ‘amān* for the following reasons: firstly, it does not state or include a point related to safety. Then, whoever fights against Islam and mocks it does not and could not save his blood. In addition, all of those coming from these countries are considered fighters, and should be treated in the same way without distinguishing between government or citizens. They also do not recognize *‘aqd al-‘amān* given by apostate governments ruling Muslim countries as they do not represent Muslims.<sup>201</sup>

What the visitor of the Muslim country consider *‘amān* will be regarded *‘amān*. As visa, by practice “*‘urf*”, is considered *‘aqd ‘amān* regardless if the giver is charged with apostasy or considered Muslim by the Salafī Jihādīs, it commits them, and even if they refuse to do so then they will have to give the visitor enough time to leave the country rather than shedding his blood and appropriating his belongings.

According to ibn Qudāma: “If one of the people of war enters a land of Islam without *‘amān*, inquire. If he has property to sell in the land of Islam and it is a common practice for to enter our land for trade without an official *‘aqd ‘amān*, no one should encounter them.”<sup>202</sup> By this, he confirms *al-‘urf* in dealing with the *‘aqd al-‘amān* issue. Ibn ‘Ābidīn also said that “If any Muslim man gestured to another man from the enemy side to come, and if you come, I will kill you, is considered safe “*āmin*.” In consideration of that the second person did not understand anything but invitation to *‘amān*, or did not hear the threat of killing. Hence, the understanding of the *‘amān* is considered”<sup>203</sup>

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<sup>201</sup> Al-Zawāhirī, *al-tabrī‘a*, p. 153.

<sup>202</sup> Ibn Qudāma, *al-mughnī*, v. 9, p. 247.

<sup>203</sup> Ibn ‘Ābidīn, *rad al-muḥtār ‘alā al-dur al-mukhtār*, v. 4, p. 135.



### **f. Mutilation of bodies “*al-tamthīl*”:**

Islam forbade mutilation of the bodies before or after killing, this is clear in in Prophet’s instructions to his companions, *al-Bukhārī* narrated that he forbade robbery, and also forbade mutilation of bodies.<sup>204</sup> Another report shows that "Whenever the Messenger of Allāh dispatched a commander of an army he would exhort him personally; that he should have fear of Allāh “*taqwā*”, and regarding those of the Muslims who are with him; that he should be good to them. He would say: 'Fight in the Name of Allāh and in Allāh's sake. Fight those who disbelieve in Allah and fight, do not be treacherous, nor mutilate, nor kill a child."<sup>205</sup> Muslim traditional scholars agree on the principles mentioned in this report without disputation, there is a consensus “*ijmā*” that mutilation is prohibited.<sup>206</sup> Furthermore, mercy is a general principle in the Prophet’s guidance, he said: “ The most merciful of the people in respect of killing are believers (in Allāh)”<sup>207</sup>.

Salafī Jihādīs acknowledge these rules but they consider it only if it is subject to the public interest “*maṣlaḥa*” or reciprocity “*al-mu‘āmalā bil-mithl*”, unless their enemy practices mutilation of bodies then it is legitimate to do the same, and Qur’ān set a clear rule on that: "So whoever has assaulted you, then assault him in the same way that he has assaulted you.”2:194, "And if you punish [an enemy, O believers], punish with an equivalent of that with which you were harmed. But if you are patient – it is better for those who are patient."16:126. According to Salafī Jihādīs, these verses specify the general meaning of forbiddance of mutilation by allowing it in case of *al-mu‘āmalā bil-mithl*. Indeed, it is up to the leadership to decide if they want to benefit from this authorization

<sup>204</sup> *Ṣaḥīḥ al-Bukhārī* 2474. Source: <https://sunnah.com/bukhari/46/35>

<sup>205</sup> *Jāmi‘ al-Tirmidhī* 1408. Source: <https://sunnah.com/tirmidhi/16/24>

<sup>206</sup> Ibn ‘Abd al-Bar, *al-Tamthīl lima fī al-muwaṭa‘a’ mina al-ma‘ānī wal asūnīd*, v. 24, p. 233-234.

<sup>207</sup> *Sunan abī Dāwūd* 2666. Source: <https://sunnah.com/abudawud/15/190>

or not.<sup>208</sup> They also drew the same conclusion from the following report: “Some people of the tribe of ‘Ukal and ‘Urayna arrived at Medina to meet the Prophet and embraced Islam and said, "O Allāh's Prophet! We are the owners of milch livestock (i.e. Bedouins) and not farmers (i.e. countrymen)." They found the climate of Medina unsuitable for them. So Allāh's Messenger ordered that they should be provided with some milch camels and a shepherd and ordered them to go out of Medina and to drink the camels' milk and urine (as medicine) So they set out and when they reached al-Ḥarra, they reverted to Heathenism after embracing Islam, and killed the shepherd of the Prophet and drove away the camels. When this news reached the Prophet, he sent some people in pursuit of them. (So they were caught and brought back to the Prophet. The Prophet gave his orders in their concern. So their eyes were branded with pieces of iron and their hands and legs were cut off and they were left away in Ḥarra till they died in that state of theirs”.<sup>209</sup> Al-Muhājir thinks that this report proves that it is a must to kill the apostate and it is not a choice as a result of his apostasy. However, the reason of exemplary punishment “*tankīl*”, which is cutting the arms and legs, is perpetration “*ḥirāba*”. He also considers their action of being a multiple crime consists of two huge sins, apostasy and perpetration for Muslims, and it necessitate the murder of the apostate even if he repents.<sup>210</sup> It is important to mention that Al-Muhājir overlooked the rest of the report narrated by *al-Bukhārī* were one of the Companions say: “we were told that the Prophet after this incident, used to encourage charity and forbid mutilation”<sup>211</sup> which can be a proof that mutilation is abrogated.

When applying these *fatwās*, we find that ISIS for example, burns humans such as pilots who targeted areas where the organization existed. They claimed

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<sup>208</sup> Al-Muhājir, *Masā'il fi fiqh al-jihād*, p. 255.

<sup>209</sup> *Ṣaḥīḥ al-Bukhārī* 4192. Source: <https://sunnah.com/bukhari/64/232>

<sup>210</sup> Al-Muhājir, *Masā'il fi fiqh al-jihād*, p. 264.

<sup>211</sup> *Ṣaḥīḥ al-Bukhārī* 4192. Source: <https://sunnah.com/bukhari/64/232>

it is to treat them equally and also scare the enemy and stop further attacks. They have published the horrible video of burning the Jordanian pilot accompanied by ibn Taymīya's *fatwā* where he legitimizes mutilation if it is for a good purpose.<sup>212</sup> Also they clearly allow burning an enemy till he dies in their *fatwā* "The Ḥanafī and Shīfī schools of Islamic law judged immolation to be permissible, while some scholars judged it to be forbidden. At all events, it is permissible on the basis of reciprocity, as when the Prophet gouged out the eyes of the 'Uranīyīn."<sup>213</sup> Many contemporary scholars condemned and disapproved this *fatwā*, they also considered it a distortion of ibn Taymīya's intention because he speaks about *al-mu'āmalā bil-mithl* in burning the corpse not the living.<sup>214</sup> On the other hand, in another *fatwā*, ibn Taymīya restricts mutilation in cases of *qīṣāṣ* and prohibits it beyond than that<sup>215</sup>, however, it is not clear if he limits *al-mu'āmalā bil-mithl* to corpses.

Other scholars see that mutilation of corpses was allowed in condition of *al-mu'āmalā bil-mithl* then it was abrogated to prohibition even if enemies mutilate Muslim corpses. Some of them did not allow beheading the enemies and carry the heads to another places because it is a prohibited act to mutilate<sup>216</sup>, while others were clear on prohibiting burning the enemies for the same previous reason<sup>217</sup>, and Ḥanafī scholars declared that *qīṣāṣ* is not to be done except that by sword and not similar to the committed crime<sup>218</sup>, therefore, according to Ḥanafīs it is incorrect to compare mutilation of perpetrators on *qīṣāṣ*. Al-

<sup>212</sup> Ibn Taymīya, *al-fatāwa al-kubrā*, v. 5, p. 540.

<sup>213</sup> *Fatwā* no. 60, January 20, 2015. Source <http://www.jihadica.com/32-islamic-state-fatwas/>

<sup>214</sup> <https://arabic.cnn.com/middleeast/2015/02/04/ibn-taymiyah-islam-quran>

<sup>215</sup> Ibn Taymīya, *Majmū' al-fatāwā*, v. 28, p. 314.

<sup>216</sup> Haykal, *al-jihād wal-qitāl fī al-sīyasa al-shar'īya*, v. 2, p.1305.

<sup>217</sup> Al-Māwardī, *al-ḥāwī al-kabīr*, v. 14, p. 383.

<sup>218</sup> Al-Kāsānī, *badā'ī' al-ṣanā'ī' fī tarīb al-sharā'ī'*, v. 7, p. 245.

Muhājir, selects the most violent opinion on mutilation among scholars, he states that most of scholars allowed transferring heads of beheaded enemies from one place to another if it falls into reinforcement of the Muslims, degrading and subjugating the infidels.<sup>219</sup> Not only that, but he also believes that beheading the enemies is much more vehement and rudeness than normal killing.<sup>220</sup> Whereas al-Qā'ida theoretician 'Abd al-Ḥakīm (a.k.a. abū Mus'ab al-Sūrī) has an opinion that mutilation is better to be avoided, be it initiated by Muslims or to be equivalent to *al-mu'āmala bil-mithl*.<sup>221</sup> This might give an example on the progressive evolving of violence *fatwās* among different Salafī Jihādī groups.

One thing to add, Salafī Jihādīs tend to use a *ḥadīth* as a basis for promoting throat cutting which is “I have come to you, to slaughter you”<sup>222</sup>, however, in the context of the *ḥadīth* Quraish leaders who cause the Prophet a sever hurt are addressed. On the other hand, slaughter “*al-thabḥ*” word is used by Arabs consisting in killing.<sup>223</sup> Moreover, no claims have been made that these who were threatened in the *ḥadīth* have been slaughtered when they were killed in the battle. Therefore, it is inaccurate to conclude a general rule from the literal meaning of this *ḥadīth* and say that slaughtering is a desirable way to kill enemies in Islam.

**g. Female captives “*sabī*”:**

Scholars use the term *sabī* on women and children taken by Muslims during war<sup>224</sup>. ISIS have a special care on this issue that is not preceded by other Salafī Jihādī groups. They declare that taking female captives is permissible in Qur'ān,

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<sup>219</sup> Al-Muhājir, *masā'il fī fiqh al-jihād*, p. 282.

<sup>220</sup> *ibid.*, p. 271.

<sup>221</sup> 'Abd al-Ḥakīm, *da'wat al-muqāwama al-islāmīya al-'ālamīya*, p. 1167.

<sup>222</sup> Ibn Ḥanbal, *musnad al-imām Aḥmad ibn Ḥanbal*, v. 11, p. 610.

<sup>223</sup> Al-Ḥumaydī, *tafsīr gharīb mā fī al-ṣaḥīḥayn*, p. 499.

<sup>224</sup> Al-Māwardī, *al-aḥkām al-suṭānīya*, p. 211.

Sunna, and *ijmā'*. They add that it is only disapproved by some modernists<sup>225</sup>, pointing to vilifying who oppose this opinion. They have gone to the extent that it is allowed to enslave all types of women during war, whether they were people of the book, pagans, or even apostates.<sup>226</sup> Although they mention allowing copulation with women of the Divine books and that it is not permissible with other women unless they convert to Islam, which is the same opinion of majority of scholars, besides the four *madhhabs*, they allow copulation with the other female captives too.<sup>227</sup> Unless she is an apostate, then she has the choice of being a Muslim or to be killed.<sup>228</sup>

Scholars disagree in how to deal with the *sabī* issue. Some of them considered it inevitable when women are taken as prisoners. Others believed it is a secondary decision which is subject to the leader as it is a political issue.<sup>229</sup> It is important to note that the idea of *sabī* was common between nations before and after Islam. Islam did not make impose it, and it did not forbid it as well; It was left to what works for the benefit for those in power, and pointed out the importance of freeing a slave and consider it a good deed in verse 90:12-16 “And what can make you know what is [breaking through] the difficult pass? It is the freeing of a slave, or feeding on a day of severe hunger, An orphan of near relationship, Or a needy person in misery”

So, Muslims and non-Muslims have agreed on forbidding slavery and considered it a crime<sup>230</sup> until this was broken by the ISIS both practically and theoretically. Moreover, there are few contemporary scholars who defend slavery and attack any objections as they believe it is one of rules of Jihād that

<sup>225</sup> Maktab al-buḥūth wal-dirāsāt, *Al-masā'il al-jiyād fi fiqh al-jihād*, p. 47.

<sup>226</sup> Maktab al-buḥūth wal-dirāsāt, *al-aabī, aḥkām wa masā'il*, p. 14.

<sup>227</sup> *ibid.*, p. 16-17.

<sup>228</sup> *ibid.*, p. 20.

<sup>229</sup> Haykal, *al-jihād wal-qitāl fi al-sīyasa al-shar'iya*, v. 3, p. 1420.

<sup>230</sup> <http://www.lettertobaghdadi.com/14/english-v14.pdf>, p. 12.

should not be disapproved. However, forbidding slavery came in conventions between Islamic and non-Islamic countries which should be followed as long as they are respected by the various parties. Hence, the rights of non-combatant women during war should be as the rights of any other civilian.

**h. Killing prisoners “*qatl al-asrū*”:**

Traditional scholars have various detailed opinions about legal rules of permissible acts to be done with prisoners, killing, enslaving, capitulation, ransom, or to set free. They have reached to a conclusion that prisoners should be dealt with just and kindness that suits their humanity as in the Qurʾān : "And they give food in spite of love for it to the needy, the orphan, and the captive, [Saying], "We feed you only for the countenance of Allāh. We wish not from you reward or gratitude." 76:8-9, and Sunna report narrated by Abū ʿAzīz ibn ʿUmayr: "I was one of the prisoners in Badr battle, when the prophet said: take good care of the prisoners. And I was with a group of the anṣār, whenever they had their lunch or dinner, they ate dates and fed me bread following the Prophet's orders."<sup>231</sup>

Salafī Jihādīs also think that as the blood and money or the *kāfir* are permissible during war, it is allowed to kill him if he is a prisoner as well. Nothing proves the protection of his blood after being imprisoned.<sup>232</sup> It is subject to the Imam of Muslims or whoever in his place to choose whatever benefits the Muslims in regards of the prisoners of infidel combatants.<sup>233</sup> Whoever an apostate and also a perpetrator, this one is to be killed even if he repents.<sup>234</sup>

We get back to the idea of the presence of agreements between Muslims and non-Muslims when it comes to dealing with prisoners and their humanistic rights. However, Salafī Jihādīs do not admit these agreements at all and they do

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<sup>231</sup> Al-Ṭabarānī, *al-Muʿjam al-ṣaghīr*, v. 1, p. 250.

<sup>232</sup> Al-Muhājir, *masāʾil fī fiqh al-jihād*, p. 434.

<sup>233</sup> Al-Muhājir, *masāʾil fī fiqh al-jihād*, p. 446.

<sup>234</sup> Al-Muhājir, *masāʾil fī fiqh al-jihād*, p. 463.

not value them, because the apostate authorities which have signed these agreements does not represent Muslims. On the other hand, Al-Ṭabarī mentions that some traditional scholars said it is impermissible to kill prisoners, and the choice for the Muslim leader is exclusively to set them free or ransom.<sup>235</sup> Similarly, some shāfi'ī scholars have an opinion that does not give the choice for the Muslim leader to kill the prisoner, on the contrary, they oblige the Muslim leader to accept to change the status of the prisoner into *dhimmī* upon his request if he qualified to it.<sup>236</sup> Ibn Qudāma explains the base for the leader on how to determine what to do with the prisoners, he points out that selecting one of the alternative choices should be done according to *maṣlaḥa* and *ijtihād* not desire, and when the leader reaches a conclusion on what is the *maṣlaḥa* among the alternatives then it becomes required, and it is impermissible to renounce it.<sup>237</sup>

Al-Qaraḍāwī have stressed the absence of *ijmā'* about the legitimacy of killing prisoners and that it is subject to *ijtihād*. In the presence of the international agreements and conventions which are related to war, peace and prisoners, the *maṣlaḥa* is allocated where there is the benefit of Islam and Muslims, especially when these agreements aim to implant and enforce human values that are based on just and mercy which are concepts Islam calls for.<sup>238</sup> In a letter which is signed by over a hundred Muslim scholars, it declares that killing prisoners is forbidden, and that if there is an exception, it will be only for war criminals and by orders from the leaders. So, it is not a casual thing to be done on daily basis.<sup>239</sup>

<sup>235</sup> Al-Ṭabarī, *jami' al-bayān fī ta'wīl al-Qur'ān*, v. 22, p. 155-156.

<sup>236</sup> Al-Shīrāzī, *al-muḥadḥab*, v. 3, p. 282.

<sup>237</sup> Ibn Qudāma, *al-mughnī*, v. 9, p. 222.

<sup>238</sup> Al-Qaraḍāwī, *fiqh al-jihād*, p. 861-862.

<sup>239</sup> www.lettertobaghdadi.com/14/english-v14.pdf, p. 8.

i. Apostate “*al-murtadd*”:

Salafī Jihādīs repeat that an apostate has the choice of either to return back to Islam or to be killed with the sword. Their reference is the Prophetic report saying: "Whoever changed his Islamic religion, then kill him"<sup>240</sup>. They also support their opinion by *ijmā'*<sup>241</sup>. ISIS states on one of the *fatwās* that “It is not permissible to ransom a captured apostate or show him mercy; he ought to be killed. This is made plain in the Qur’ān and Sunna, and is a matter of *ijmā'* among the scholars. However, it could be argued that this act can be permissible in the event of a great need, such as could derive from ransoming the apostate for some of the Muslims’ leadership among scholars and commanders”.<sup>242</sup> However, some of the contemporary scholars disagree with their opinion, they do not accept that apostasy “*al-ridda*” is a crime that implies killing the apostate. They think that it is nothing but a great political crime where no religious punishment should be made, and that it should be left for the Imam or judge to decide.<sup>243</sup> Al-Būṭī says that since the reason for Jihād is to defend against perpetrators and not *kufī*, so deciding to kill an apostate should be perpetration in case it happens and not his belief.<sup>244</sup> He continues explaining that for that who announces his religious views against Islam, and persists on that, he is to be taken and asked to repent. That is because he insisted on fighting against Islam by plotting against it and pushing Muslims to doubt the religion which is considered one of the most dangerous perpetration types.<sup>245</sup> Nevertheless, whoever privately changed his religious views, nobody is to impose any judgement on him. Apostates

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<sup>240</sup> *Ṣaḥīḥ al-Bukhārī* 6922. Source: <https://sunnah.com/bukhari/88/5>

<sup>241</sup> Al-Muhājir, *masā'il fī fiqh al-jihād*, p. 455.

<sup>242</sup> *Fatwā* no. 52, January 14, 2015, Source: <http://www.jihadica.com/32-islamic-state-fatwas/>

<sup>243</sup> Al-Ṣallābī, *al-ḥurrīyāt min al-Qur'ān al-karīm*, p. 115.

<sup>244</sup> Al-Būṭī, *al-jihād fī al-islām*, p. 211.

<sup>245</sup> *ibid.*, p. 212.



punishment is connected to the legal system and it only affects those who announce their positions with attempts to change other people's views by promoting suspicions and doubts<sup>246</sup>. This is supported by the verse "There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong" 2:256, and also the following *ḥadīth* shed more light on this subject, "It is not permissible to shed the blood of a Muslim except in three cases: An adulterer who had been married, who should be stoned to death; a man who killed another man intentionally, who should be killed; and a man who left Islam and waged war against Allāh, the Might and Sublime, and His Messenger, who should be killed, or crucified, or banished from the land."<sup>247</sup> He did not imply a punishment of *riḍḍa* by itself but perpetration was added which by itself deserves a punishment.

##### 5. Conclusion:

Salafī Jihādīs is a sect of Salafī trend that focuses on armed Jihād to spread the Salafī *wahhābī* ideology, and regaining the Islamic heritage. The violence that is practiced by the Salafī Jihādīs is a result of a specific philosophy they adopted, on the other hand, it is the fruit of selection *fiqh* opinions that serves their agenda toward the establishment of the State. The principles of their intellectual structure provide the specifications of their discourse, and serve as a motivator and a recruiting material for new supporters. They share many of these principles with other Salafī types, but the Jihādīs have this special idea that Jihād is the only way to reform and change. They took some texts, and gave interpretation for them which is in isolation of context. In addition, they did not gather and connect the texts appropriately in order to provide the accurate interpretation. They are also inclined to select *fiqh* opinions that support their agenda. Likewise, they rely on the probable interpretations of the scripts and pay less attention to *sharī'a* certainties. They hold on to the literal understanding and

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<sup>246</sup> *ibid.*, p. 215-216.

<sup>247</sup> *Sunan al-Nasā'ī* 4048. Source: <https://sunnah.com/nasai/37/83>

leave behind the objectives, or anything that contradicts with their opinion whether they are texts, opposing opinions, or *shari'ah* rules. They also claim the exclusive knowledge for righteousness and promise whoever follows of salvation from hell. This had lead them to broaden the concept of *takfir* to include many of those who disagree with them based on distorted understanding or original texts. Their thoughts are easily accepted by the young enthusiastic men and women, and the superficial. Salafī Jihādīs needed two things to be able to implement their project: expanding the concept of *kufir* and charging as many with it, and extremity in killing. Justifications and coverage for all their opinions or actions were provided by their scholars and researchers.

Moreover, they encourage their members to do research and *ijtihād*, each person according to his ability, without putting standards for *iftā'*. Salafī Jihādī's *fatwās* tend to be violent and revengeful. They do not seem to have a legal theory to rely on when performing *ijtihād*, so they depend on general thoughts such as the soundness of the report. They mention opinions of scholars that support their *fatwās*, or they directly selectively determine between traditional scholars by *maṣḥḥa* which of course represents their own *maṣḥḥa*. They also do not restrict themselves inside the circle of famous Sunnī *madhhabs*. Therefore, it is expected to find *fatwās* that are considered unaccepted for majority of scholars. It seems that they adopt the most violent opinion they could come up with in order to serve their masterplan and its strategic phases. Salafī Jihādīs believe that rising up against corrupted *kafir* leaders using violence is the only way to please God and eliminate *kufir* regimes that control Muslims. For them, *kufir* regimes do not represent Muslims. For that reason, all their decisions are considered invalid including all convention with non-Muslims. The supporters of these regimes are considered legitimate target and there is no difference between a combatant and a civilian among them. All *kuffar* according to Salafī Jihādīs are allowable targets because they consider them warriors, in exception of *dhimmīs* and who have a convention or *'amān*. The presented violence *fatwās* serve Salafī Jihādīs'

strategic project toward establishing the state, they legitimize the most violent tactics needed to be used in the power of vexation and exhaustion stage.

On the contrary of Salafī Jihādī *fatwās*, there were other opposing opinions speaking about the prohibition of harming non-Muslim tourists entering Muslim countries with a valid visa, or harming non-Muslims in their own countries if a Muslim enters their countries with a valid visa, even if they have war with Muslims. Likewise, some scholars consider suicide bombing a prohibited action because it is an act of suicide. While many scholars clarify that there is no state of Jihād between Muslims and non-Muslims unless they are perpetrators.

#### 6. Recommendations:

*Fatwā* has an authoritative power, with this borne in mind, efforts should be made to develop and reorganize religious education, *fatwā* institutions, and limit the informal *fatwā* outside the formal institutions. That is in order to have a discipline religious discourse which corresponds to the modern requirements, answers contemporary questions, and prevents anomalous *fatwās*. Hence, *Ifīā*<sup>7</sup> should be limited to organizations which are committed to the standards of the *fatwā*, as *fatwā* should be given by unbiased qualified scholars. Traditional Jihād *fatwās* need to be reconsidered to make them more applicable and more suitable for our times which should be done by specialized institutions. However, discussing and understanding Salafī Jihādī thoughts and their origin could help in resolving latent violence implanted in Muslim communities.

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