

FATWAS AGAINST TERRORISM AND TERRORIST ORGANIZATIONS:
AN EXAMINATION OF A POTENTIAL COUNTER-TERRORISM TOOL

by

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AUTHOR'S DECLARATION

I hereby declare that I am the sole author of this Thesis. This is a true copy of the Thesis, including any required final revisions, as accepted by my examiners.

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Abstract

From a historical perspective, one of the primary reasons for issuing Islamic religious edicts, commonly known as fatwas, was to incite terrorism, and many have been successful in achieving their aims. In response, fatwas that challenge terrorism and counter terrorist organization actions have also been issued, however, they have been rarely followed. The literature and discourse on the subject are sparse and problematic, and have provided unconvincing explanations; devoid of a systematic approach to the question, they do not provide the context necessary to understand why counter-terror fatwas have been ineffective against Islamist terrorism, and none investigated whether the fatwas interacted directly with the Islamist core narrative. In this thesis, I argue that counter-terror fatwas have been ineffective because they have not discussed or challenged the Qur’anic verses that endorse violence and justify Islamist terrorism, and they received no digital news coverage. Using a systematic approach, I employ a four-way typology to measure these two variables—content sophistication and online news coverage—to provide an answer to the thesis question, and I use supplementary interviews to support and explain these findings. As addressed in my thesis, most counter-terror fatwas did not challenge or target the Qur’anic verses that specifically condone violence, yet they all received digital media coverage. The most plausible interview data suggests that, unlike a conservative line of reasoning, a moderate one is required to challenge the Qur’anic verses, but such a line of reasoning may not be appreciated by the public. Overall, I use my findings to suggest that, when given specific modifications, counter-terror fatwas can become much more effective in deterring Islamist terrorism, especially when paired with other counter-narrative initiatives.

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Table of Contents

LIST OF FIGURES	VI
LIST OF TABLES	VII
CHAPTER 1: INTRODUCTION	1
CHAPTER 2: LITERATURE REVIEW & METHODOLOGY	11
LITERATURE REVIEW	11
<i>Terrorism</i>	11
<i>Religious Terrorism</i>	12
<i>Counter-Terrorism</i>	14
<i>Countering Violent Extremism</i>	16
<i>Fatwas and Terrorism</i>	20
<i>Counter-Terror Fatwas</i>	22
METHODOLOGY	29
<i>Compiling a List of Counter-Terror Fatwas</i>	29
<i>Analyzing Counter-Terror Fatwas</i>	38
<i>Conducting Interviews</i>	42
CHAPTER 3: COUNTER-TERROR FATWAS STUDY DATA.....	44
SHIA COUNTER-TERROR FATWAS.....	44
SUNNI COUNTER-TERROR FATWAS	48
<i>Quadrant 1 (Widely Disseminated and Sophisticated Counter-Terror Fatwas)</i>	50
<i>Quadrant 2 (Widely Disseminated and Unsophisticated Counter-Terror Fatwas)</i>	50
<i>Quadrant 3 (Narrowly Disseminated and Sophisticated Counter-Terror Fatwas)</i>	54
<i>Quadrant 4 (Narrowly Disseminated and Unsophisticated Counter-Terror Fatwas)</i>	58
<i>Citing Qur’anic Verses that Present Islam as a Religion of Peace</i>	59
<i>Why Are There Not More Sophisticated Counter-Terror Fatwas?</i>	61
<i>Why Do Some Counter-Terror Fatwas Receive Media Coverage and Not Others?</i>	74
CHAPTER 4: WHY COUNTER-TERROR FATWAS CAN BE EFFECTIVE.....	79
FATWAS AND THEIR ROLE IN ISLAM.....	79
THE INFLUENCE OF RELIGIOUS IDEAS.....	83
MAKING COUNTER-TERROR FATWAS MORE EFFECTIVE	94
CHAPTER 5: CONCLUSION.....	98
BIBLIOGRAPHY	103
APPENDIX A	111
APPENDIX B.....	115
APPENDIX C.....	118

List of Figures

Figure 1. Typology classifying counter-terror fatwas based on the sophistication of its content and its news coverage online.	49
Figure 2. Visual representation of how many fatwas were found that belong to each of the four types identified.	49

List of Tables

Table 1. Identifying the Qur’anic verses typically invoked to justify terrorism in Muhammad Tahir-ul-Qadri’s Fatwa on <i>Terrorism and Suicide Bombings</i>	53
Table 2. Identifying the Qur’anic verses typically invoked to justify terrorism in Shaykh Muhammad Hisham Kabbani and Shaykh Seraj Hendrics’ Fatwa, titled Jihad: A Misunderstood Concept from Islam.....	55
Table 3. Identifying the Qur’anic verses typically invoked to justify terrorism in Syed B. Soharwardy’s Defeating Hate: A Comprehensive Rebuttal to Taliban Al-Qaeda Daesh (ISIS) and Islamophobes.....	111
Table 4. Identifying Qur’anic verses typically invoked to justify terrorism in Jamal Badawi’s article Muslim / Non-Muslim Relations: Reflections on Some Qur’anic Texts.....	115
Table 5. Identifying Qur’anic verses typically invoked to justify terrorism in the <i>Letter to Baghdadi</i>	118

Chapter 1: Introduction

Islamic religious edicts, more commonly known as fatwas, have historically been used to incite terrorism. For example, one now infamous terror fatwa was issued by Grand Ayatollah Ruhollah Khomeini on February 14, 1989, in direct response to Salman Rushdie's book, *The Satanic Verses*. Shortly after the release of the book, Iranian Ayatollah Khomeini broadcast a fatwa over Radio Tehran, sentencing Salman Rushdie, and anyone associated with the book, to death for apostasy, based on the charge of blasphemy. A revered leader of over 200 million Shiite Muslims,¹ Khomeini said the following in his four-paragraph terror fatwa:

In the name of him, the Highest. There is only one God, to whom we shall all return. Inform all zealous Muslims of the world that the author of the book entitled *The Satanic Verses* – which has been compiled, printed and published in opposition to Islam, the Prophet and the Qur'an – and all those involved in its publication who were aware of its contents, are sentenced to death.

I call on all zealous Muslims to execute them quickly, where they may be found, so that no one else will dare to insult the Muslim sanctities. God willing, whoever is killed on this path is a martyr.

In addition, anyone who has access to the author of this book, but does not possess the power to execute him, should report him to the people so that they may be punished for his actions.

May peace and mercy of God and his blessings be with you.²

Khomeini's fatwa possesses all the earmarks of terrorism. Jonathan Rauch describes the terrorism tactics that Khomeini encouraged and mobilized through the fatwa: "The valorization of suicide ("martyrdom"); the designation of civilians as combatants; the choice of a highly visible and symbolic target; the use of nongovernmental and civilian agents; perhaps above all,

¹ Carly-Sue, "1989: Death Threat Issued Against Rushdie - National Geographic Society," *National Geographic*, January 31, 2014, <https://www.nationalgeographic.org/thisday/feb14/death-threat-issued-against-rushdie/>.

² Kenan Malik, *From Fatwa to Jihad: The Rushdie Affair and Its Aftermath* (Brooklyn: Melville House Publishing, 2009), 8.

the capacity and determination to strike in cities and towns in the very heart of the West. The message to Westerners, not only to Rushdie, was: You are safe nowhere.”³ After this proclamation was issued, some of those associated with the work were either seriously wounded or even killed.⁴ In some instances, others that were unaffiliated with the book were killed in the crossfire.⁵ Several serious attempts were made on Rushdie’s life, causing him to spend the next nine years in hiding, residing in as many as 30 secret locations throughout the UK under specialist protection.⁶ Arguably, it was booksellers in the West who suffered the most from the violence caused by the terror fatwa.⁷ Some publishing offices and book stores were bombed, while others were set on fire or had their windows smashed.

Initially, the reception Rushdie’s novel received had been relatively quiet, but Khomeini’s terror fatwa served to intensify and escalate the situation dramatically.⁸ According to Kenan Malik’s personal observation from the United Kingdom, the fatwa clearly demarcated the point of transition from mere book burnings to aggressive violence directed at others, such as bombings.⁹ The fatwa’s impact can be best succinctly captured by the words of Peter Mayer, the CEO of Penguin Books and a man located at the heart of the Rushdie fiasco. He states that prior

³ Jonathan Rauch, “In Hindsight, the War on Terror Began With Salman Rushdie,” *The Atlantic*, March 2015, <https://www.theatlantic.com/magazine/archive/2005/03/in-hindsight-the-war-on-terror-began-with-salman-rushdie/303854/>.

⁴ Christopher Hitchens, “Assassins of the Mind,” *Vanity Fair*, February 2009, <http://www.vanityfair.com/news/2009/02/hitchens200902>.

⁵ Hugh Pope, “Muslim Mob Torches Hotel, Killing 35 : Turkey: The Target Is the Translator of Rushdie’s ‘Satanic Verses.’ He Escapes by Firefighters’ Ladder,” *Los Angeles Times*, July 3, 1993, http://articles.latimes.com/1993-07-03/news/mn-9699_1_satanic-verses.

⁶ “1989: Ayatollah Sentences Author to Death,” *BBC News*, 1989, http://news.bbc.co.uk/onthisday/hi/dates/stories/february/14/newsid_2541000/2541149.stm.

⁷ Daniel Pipes, *The Rushdie Affair: The Novel, the Ayatollah, and the West* (New Brunswick: Transaction Publishers, 2003), 170–71.

⁸ Malik, *From Fatwa to Jihad: The Rushdie Affair and Its Aftermath.*; Tariq Modood, “British Asian Muslims and the Rushdie Affair,” *“Race”, Culture and Difference*, 1992, 260–77.

⁹ Malik, *From Fatwa to Jihad: The Rushdie Affair and Its Aftermath*.

to the issuing of the fatwa, there were not many protests in Britain, and certainly few that were memorable: “I cannot recall the protests here in the UK before the fatwa. If I had I would have responded as I did to all the other letters I received.”¹⁰ However, after the fatwa Mayer recalls being bombarded with intimidating threats: “I had letters written in blood pushed under the door of my house. I had telephone calls in the middle of the night, saying not just that they would kill me but that they would take my daughter and smash her head against a concrete wall. Vile stuff.”¹¹

Keeping the sheer scale of the threats and violent backlash in mind, Khomeini’s fatwa is certainly not the only example of a fatwa encouraging terrorism. Another notable example involves Osama Bin Laden, the leader of Al Qaeda. In 1998, Bin Laden issued a fatwa that sanctioned jihad against Jews and Crusaders everywhere. The fatwa denounced American involvement in the Middle East as an act of war against God, his Prophet, and Muslims, and it forewarned of US interest in destabilizing Iraq and fragmenting other Islamic countries. The fatwa also presented a case that Islamic scholars throughout history have all uniformly agreed on—the principle that whenever a Muslim country is attacked, jihad becomes an individual duty. Citing seven passages from the Qur’an, the fatwa justified the obligation of engaging in jihad against all Americans, regardless of whether they were civilians or military personnel, and refusing to stop until they had successfully driven the United States out of Muslim territory.¹²

Even taking Khomeini’s fatwa into account, Osama Bin Laden’s 1998 terror fatwa is arguably the most significant fatwa to have influenced and ultimately transformed Islamic

¹⁰ Ibid., 12.

¹¹ Ibid.

¹² Bruce Lawrence, ed., *Messages to the World: The Statements of Osama Bin Laden* (London: Verso, 2005), 23–24.

terrorism. Lisa Magloff notes that Islamic extremist terrorist groups from all over the world have used this fatwa “to justify attacks on military and civilian targets.”¹³ Michael Scheuer describes how the fatwa continues to impact the US:

While speculative, this fatwa may be more important today than at any time since its issuance. With its clear call and religious authorization for indiscriminate attacks on Americans, the fatwa provides potential motivation and justification for what appears to be an increasing number of young U.S.-citizen Muslim males who are contemplating or planning violence in the United States.¹⁴

Since 9/11 there have been countless Islamic terrorist attacks in the US alone.¹⁵ From the dates’ close proximity between the fatwa and 9/11, it is not hard to believe that Bin Laden’s fatwa may very well have influenced the changing paradigm of Islamic terrorism that was largely confined to the Middle East, effectively broadening the target of terrorist attacks to include the West, and in particular, the US.

Widening the political lens further and encompassing earlier dates, other notable fatwas have been issued that successfully encouraged terrorism. Egyptian President Anwar Sadat’s assassination in 1981 was attributed to a fatwa calling for his death, issued by Sheikh Omar Abdel Rahman, the spiritual leader of an extremist group called Jama’at al-Jihad.¹⁶ New York City’s World Trade Center bombing in 1993 was also attributed to Rahman’s fatwa, which was received by the Muslims terrorists before even planning their attack.¹⁷ Other, smaller-scale fatwas should not be left out as well. In April 2016, Egypt Grand Mufti Dr. Shawki Allam

¹³ Lisa Magloff, “Fatwa,” *The SAGE Encyclopedia of Terrorism* (SAGE Publications, 2011), doi:10.4135/9781483381411.n219.

¹⁴ Michael Scheuer, *Osama Bin Laden* (New York: Oxford University Press, 2011), 229.

¹⁵ “Big List of Muslim Terror Attacks in U.S. since 9/11,” *WND*, July 16, 2015, <http://www.wnd.com/2015/07/big-list-of-muslim-terror-attacks-in-u-s-since-911/>.

¹⁶ Gabriel Weimann, “Cyber-Fatwas and Terrorism,” *Studies in Conflict & Terrorism* 34, no. 10 (2011): 766, doi:10.1080/1057610X.2011.604831.

¹⁷ Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006), 91.

reported to have found 3000 fatwas calling for the destruction of churches in Egypt (with even more fatwas calling for the demolition of heritage sites in Cairo and Giza).¹⁸ Interestingly, church bombings continue to be a reoccurring theme in Egypt, with the most recent incident affecting two churches in April 2017 and killing more than 40 people.¹⁹

Fatwas are rulings by Islamic clerics, and they are designed to guide Muslims to paradise by delineating which actions are necessary to reach that state. Throughout Islam's history, millions of fatwas have been issued, mostly to address issues encountered by followers, such as marriage customs, financial proceedings, and moral inquiries.²⁰ However, many fatwas that call for war and jihad have also been issued. Because they exert considerable influence on pious Muslims who are preoccupied chiefly with attaining paradise, and cause them to take direct action against others, fatwas can be an effective tool when used to incite terrorism.

Although many of the fatwas call for terrorism, fatwas that challenge terrorism and seek to counter the actions of terrorist organizations also exist. Some believe that counter-terror fatwas carry a lot of power and work to deter terrorism. A strong promoter of this belief, Ed Husain, Quilliam's Co-Founder and Co-Director, describes three benefits that he believes prominent counter-terror fatwa citing scripture can do:

First, it emboldens other Muslim thought leaders to amplify their voices against extremism. Secondly, it prevents activist Muslims from considering suicide bombers as "martyrs", and thus removes the hero status currently attached to murderers. And finally, a fatwa challenging perceived "martyrdom operations" will inject doubt into the minds of potential suicide bombers. Where there is doubt, in Islamic religious behavior, there is avoidance.

¹⁸ Ashraf Abd al-Hameed, "In Egypt, '3000 Extremist Fatwas' Incite Destruction of Churches," *Al Arabiya English*, April 1, 2017, <https://english.alarabiya.net/en/News/middle-east/2017/04/01/In-Egypt-3000-extremist-fatwas-incite-destruction-of-churches.html>.

¹⁹ "Twin Church Bombings in Egypt Kill More than 40," *CBC News*, April 9, 2017, <http://www.cbc.ca/news/world/egypt-church-bombing-1.4062795>.

²⁰ Weimann, "Cyber-Fatwas and Terrorism," 766.

Suicide bombers currently kill because they have certainty (yaqeen) of being rewarded in the next life (akhirah).²¹

However, while many instances of terror fatwas being followed exist, examples of counter-terror fatwas being followed are relatively rare. Even the most recent counter-terror fatwa, the Bangladeshi fatwa against the Islamist killings of religious minorities and secularists, issued on June 18, 2016, with the signatures of more than 100,000 Islamic clerics, was unable to deter a jihadist terrorist attack at a café in the following month, regarded as the “country’s worst ever militant attack.”²²

These glaring facts raise the question: Why are terror-inducing fatwas effective in inciting terrorism, while counter-terror fatwas have had little overall effect in preventing terrorism and deterring terrorist organizations? Before we can answer this question, we need to explore what makes a fatwa effective. According to John L. Esposito, professor of Religion and International Affairs and of Islamic Studies at Georgetown University, the fatwas’ authority is based on the issuer’s education level, his status in the community, and the persuasiveness of his fatwa.²³ I understand the issuer’s education level to mean that he had pursued his studies in one of the eight legal schools of Islamic thought: Hanafi (Sunni), Maliki (Sunni), Shafi’I (Sunni), Hanbali (Sunni), Ja’fari (Shia), Zaydi (Shia), Thahiri and Ibadi.²⁴ I recognize the issuer’s status in the community to mean that he is received positively by at least some Muslims and that he

²¹ Ed Husain, “Fatwas Can Be a Force for Good,” *The Guardian*, February 26, 2010, <https://www.theguardian.com/commentisfree/belief/2010/feb/26/fatwa-salman-rushdie-terrorism>.

²² “Bangladesh Clerics Issue Fatwa on Islamist Killings,” *Al Arabiya English*, June 14, 2016, <https://english.alarabiya.net/en/News/gulf/2016/06/14/Bangladesh-clerics-issue-fatwa-on-Islamist-killings.html>; “Bangladesh Attack: Searching for the ‘Affluent Jihadists,’” *BBC News*, July 5, 2016, <http://www.bbc.com/news/world-europe-36710177>.

²³ John L Esposito, *What Everyone Needs to Know about Islam*, 2nd ed. (New York: Oxford University Press, 2011), 166–67.

²⁴ “The Amman Message,” 2004, <http://ammanmessage.com/>.

holds sway over them. I acknowledge the fatwa's persuasiveness to mean that it is written in a way that some Muslims find convincing.

I am focusing on only persuasiveness because the measurement of the other two variables is particularly challenging given the time and resources available for this research. Information regarding the issuer's education level is not readily available, and it is hard to verify. Moreover, the issuer's status in the community is hard to measure.

In this thesis, I define persuasiveness as the sophistication of content which is measured in reference to at least one Qur'anic verse that endorses violence and is typically invoked by Islamist terrorists use to justify their action. However, I must acknowledge that sophistication defined in such an objective manner may not do justice to the other attributes of sophistication of the fatwa, such as length, quality of argument, quality of contextualization. Nevertheless, it is useful as a clear and objective way to analyze whether a fatwa with reference to Qur'anic verses endorsing violence compared to one with no references, might at least, be more persuasive. Therefore, this thesis argues that counter-terror fatwas have not been particularly effective because their content is rarely sophisticated; they hardly discuss, let alone challenge, the specific Qur'anic verses that endorse the acts of violence that are used to justify terrorism. At most they cite verses that present Islam as a religion of peace to justify their positions. Moreover, this thesis additionally argues that even those with higher levels of sophistication have been rendered largely ineffective because counter-fatwas receive relatively little news coverage, particularly when compared to terror-inducing fatwas.

In order to address these two hypotheses, first I will uncover the issue that may be preventing counter-terror fatwas from becoming more effective against Islamist terrorism and terrorist organizations and explain why it exists. Second, I will investigate the viability of

counter-terror fatwas as a counter-terrorism tool, specifically as an addition to counter-narratives. This thesis will begin with a chapter on both the literature review and methodology. For the literature review section, I briefly review the current research themes and trends that are relevant to this paper's topic, such as terrorism, counter-terrorism, countering violent extremism, fatwas and terrorism and counter-terror fatwas. This section allows me to place myself in the broader literature and contextualize my contribution. For the methodology section, I explain my study design, review how I compiled my list of counter-terror fatwas, analyzed these counter-terror fatwas (which includes the use of a four-way typology), and conducted interviews with counter-terror fatwa issuers and scholars on Islam. With my thorough explanation of my methodology tactics, I demonstrate how the study investigated and explored the thesis question. The following chapter examines the study findings on counter-terror fatwas. Drawing from my list of counter-terror fatwas, comprised by ones that I found to be available, I analyze the counter-terror fatwas' content and news coverage. In regards to analyzing the counter-terror fatwas' content, I search the content to see if any specific Qur'anic verses that are typically used to invoke and justify terrorism by Islamists are mentioned. As for media coverage analysis, I investigate the number of counter-terror fatwas covered by at least one digital newspaper article. In turn, I use a four-way typology that uses these two variables, content sophistication and news coverage, to understand why counter-terror fatwas have not been effective against Islamist terrorism. Altogether, the systematic approach of this study and its findings help provide a possible answer to the thesis question. The interviews with counter-terror fatwa issuers also support and explain these findings. The final chapter explains why counter-terror fatwas still can be an effective tool against Islamist terrorism and terrorist organizations. I examine fatwas and their function in

Islam, expand on the influence of religious ideas, and discuss how counter-terror fatwas could possibly be made more effective in deterring Islamist terrorism.

Speaking in broad terms, this study finds that the vast majority of counter-terror fatwas did not challenge the specific Qur'anic verses that endorse violence and are used to justify terrorist acts committed by Islamists. Instead, they cited Qur'anic verses that present Islam as a religion of peace. These verses have conditions and limitations that, in turn, prevent them from making neither unequivocal nor absolute pronouncements of peace. Moreover, this study finds that the vast majority of counter-terror fatwas that cited verses presenting Islam as a religion of peace had news coverage, but this starkly contrasts with the few counter-terror fatwas that challenged the specific Qur'anic verses endorsing violence, which received no news coverage. The interview data offers several explanations that account for the study's findings. The most plausible explanation suggests a constraint that is inherent to the religion which prevents counter-terror fatwas from directly challenging the specific Qur'anic verses that endorse violence. According to the issuer of a counter-terror fatwa that directly challenges the specific Qur'anic verses, few counter-terror fatwas directly challenge specific Qur'anic verses because the issuers operate on the same lines of reasoning as those who issue terror fatwas; unlike a conventional line of reasoning, only a moderate one can directly challenge the Qur'anic verses. However, a moderate line of reasoning may not be appreciated by the public. The issuer's counter-terror fatwa was briefly covered in the Pakistani news, and disseminated by his colleagues and a teacher, yet the hostile public reaction that followed led them to exile themselves.

This study of counter-terror fatwas is important to counter-terrorism because the Islamist narrative is “central to radicalization, extremism and terrorism”,²⁵ and the counter-narrative strategy, a category which counter-terror fatwas would fall under, can counter these narratives and “effectively reduce support for terrorism.”²⁶ As it currently stands, tackling the Islamist narrative is a “counter-extremism priority.”²⁷ I believe this research may be of interest to counter-terrorism experts and government policy analysts because it can potentially salvage and make better what could be a very potent addition to the counter-narrative campaign against Islamist terrorism.

²⁵ Jonathan Russell and Haras Rafiq, “Countering Islamist Extremist Narratives: A Strategic Briefing,” *Quilliam*, 2016, 4, <http://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/countering-islamist-extremist-narratives.pdf>.

²⁶ K. Braddock and J. Horgan, “Towards a Guide for Constructing and Disseminating Counter-Narratives to Reduce Support for Terrorism,” *Studies in Conflict & Terrorism* 731, no. December (2015): 381, doi:10.1080/1057610X.2015.1116277.

²⁷ Russell and Rafiq, “Countering Islamist Extremist Narratives: A Strategic Briefing,” 3.

Chapter 2: Literature Review & Methodology

In this chapter, I begin by conducting a literature review, then proceed to the study's methodology.

Literature Review

To understand how fatwas can be appropriated and used for the purposes of countering terrorism, we must first understand on a fundamental level what terrorism is, how it has become entwined with religion, and what role fatwas have had in inciting it. It is also critical to understand how terrorism is countered, and which developments—if any—are used to combat religious terrorism. After outlining the current academic literature on counter-terror fatwas, which as this paper shows, is relatively sparse and problematic, and does not help us understand why counter-terror fatwas have not been effective against Islamist terrorism, I situate my findings within the literature and bridge some of the existing gaps. In this section, I conduct a brief review of the following relevant research themes and trends, as well as key definitions, that are pertinent to this paper's topic: terrorism, counter-terrorism, countering violent extremism, fatwas and terrorism, and counter-terror fatwas.

Terrorism

According to one definition, terrorism is the premeditated use of violence or threat to use violence, by individuals or subnational groups, to obtain a political or social objective through the intimidation of a large audience beyond that of the immediate noncombatant victims.²⁸

Terrorism is usually either domestic or international in scope: domestic terrorism features attacks within the terrorists' and victims' country of origin; international terrorism features attacks

²⁸ Walter Enders and Todd Sandler, *The Political Economy of Terrorism* (2005; reprint, Cambridge: Cambridge University Press, 2006), 3.

where the terrorists or victims come from another country.²⁹ Modern international terrorism started in 1968 when a Palestinian terrorist group, belonging to the Palestinian Liberation Organization, carried out the first airplane hijacking.³⁰ The hijacking became the first of many. From then until the late 1980s, international terrorism was largely comprised of nationalist and radical revolutionaries.³¹ However, the 1990s brought about a significant shift in terrorism.

Religious Terrorism

In the late 1990s, terrorism took on a deeply religious edge. The secular Palestinian terrorists were eclipsed by Islamist terrorist groups such as Hezbollah, Hamas, and Islamic Jihad.³² After the mid 1990s, religious extremists “came to dominate and increased the carnage.”³³ Indeed, terrorist organizations emerged that were guided primarily by religious motives.³⁴ In fact, Hoffman argues that starting then, the “religious imperative for terrorism [became] the most important defining characteristic of terrorism today.”³⁵ Official assessments corroborated this trend as well. The Canadian Security Intelligence Service 2000 Public Report acknowledged the presence of religious terrorism, calling Islamic extremism “one of the prime motivators of contemporary terrorism.”³⁶ Just a decade later, the same agency reported that “the

²⁹ Khusrav Gaibulloev and Todd Sandler, “An Empirical Analysis of Alternative Ways That Terrorist Groups End,” *Public Choice* 160, no. 1–2 (2014): 3; 5, doi:10.1007/s11127-013-0136-0.

³⁰ Hoffman, *Inside Terrorism*, 63.

³¹ David C. Rapoport, “The Four Waves of Modern Terrorism,” in *Attacking Terrorism: Elements of a Grand Strategy* (Washington: Georgetown University Press, 2004), 46–73.

³² Gaibulloev and Sandler, “An Empirical Analysis of Alternative Ways That Terrorist Groups End,” 6.

³³ *Ibid.*

³⁴ Hoffman, *Inside Terrorism*, 82.

³⁵ *Ibid.*

³⁶ CSIS, “Canadian Security Intelligence Service 2000 Public Report,” 2001, https://web.archive.org/web/20010804133735/www.csis-scrs.gc.ca/eng/publicrp/pub2000_e.html.

most salient [terrorist] threat has the form of Islamist extremism”.³⁷ In other words, religious terrorism had become the most prominent threat in terrorism.

The upsurge in religious terrorism on the global scale was dramatic. Citing the RAND Terrorism Incident Database, Hoffman notes that in 1968, none of the eleven identifiable terrorist groups operating in that year were religious.³⁸ It was not until 1980 that religious terrorist groups made their first appearances.³⁹ By 1994, 16 out of 49 known terrorist groups were identified as being religious, and one year later, this had increased to 26 out of 56 terrorist organizations, jumping from a third of terrorist groups to almost a half.⁴⁰ David Rapoport, the author of the four waves of terrorism theory, labelled the last wave as being religiously motivated, with Islam being at the “heart of the wave”.⁴¹ While Hoffman attributes this shift to religious terrorism to the 1979 Islamic revolution in Iran, Rapoport claims that the Soviet invasion of Afghanistan played an integral role as well.⁴²

According to Hoffman, religious terrorism can be recognized by its distinct core characteristics.⁴³ First, religious terrorism focuses on a transcendental dimension instead of a political one; this condones violence that is committed because of a theological demand. Second, religious terrorists are typically vested in wiping out broadly-defined groups of enemies and, unlike secular terrorists, are not concerned with the counterproductive effects produced by indiscriminate killing. Lastly, they tend to view themselves as outsiders, seeking necessary and

³⁷ CSIS, “Canadian Security Intelligence Service 2010-2011 Public Report,” 2010, <https://www.csis-scrc.gc.ca/pblctns/nnlrprt/2010/index-en.php>.

³⁸ Hoffman, *Inside Terrorism*, 84.

³⁹ *Ibid.*, 85.

⁴⁰ *Ibid.*, 86.

⁴¹ Rapoport, “The Four Waves of Modern Terrorism,” 61.

⁴² Hoffman, *Inside Terrorism*, 85; Rapoport, “The Four Waves of Modern Terrorism,” 61.

⁴³ Hoffman, *Inside Terrorism*, 88–89.

dramatic change to the existing order. Because of the necessity of the matter, adding a religious context to terrorism allows group members to sanction “almost limitless violence against a virtually open-ended category of targets.”⁴⁴

Counter-Terrorism

Fortunately, counter-terrorist strategies that seek to curb terrorism exist. Counter-terrorism is defined as actions intended to “ameliorate the threat and consequences of terrorism,” and the actions are typically carried out by “governments, military alliances, international organizations (e.g., INTERPOL), private corporations, or private citizens”.⁴⁵ Counter-terrorism has typically been conducted through defensive and proactive measures aimed to prevent terrorist attacks from happening, and to minimize the effects of successful attacks. A common defensive measure would be the presence of metal detectors at all airports. Proactive measures are offensive in nature, as the targeted government directly confronts the terrorist group or its supporters, and they “may destroy terrorists’ resources (e.g., training camps), curb their finances, eliminate their safe havens, or kill and capture their members”.⁴⁶ A notable example of proactive measures is the US-led military invasion of Afghanistan in response to 9/11 and the consequent invasion of Iraq eighteen months later.

Proactive militaristic measures have been particularly ineffective against terrorism, especially those with religious imperatives. While terrorism in general may never be eradicated, most individual terrorist campaigns do have an end point, although very rarely because of a military campaign conducted by a governmental force. According to research carried out by the

⁴⁴ Ibid.

⁴⁵ Todd Sandler, “Terrorism and Counterterrorism: An Overview,” *Oxford Economic Papers* 67, no. 1 (2015): 12–13, doi:10.1093/oep/gpu039.

⁴⁶ Ibid., 13.

RAND corporation in 2008, an analysis of 648 terrorist groups operating between 1968 and 2006 demonstrate that terrorist groups “rarely cease to exist as a result of winning or losing a military campaign”—only ten percent secured victory, and seven percent were defeated by way of military force.⁴⁷ Instead, the two most common explanations for a group’s demise were suppression by local police or intelligence agencies (40%) and reaching a political compromise (43%). Interestingly, while around 62% of terrorist groups have dissolved since 1968, only 32% of religious groups have ended.⁴⁸

Despite numerous studies that depict the detrimental effects of proactive militaristic measures, they continue to be deployed. The war on Iraq was a strategic mistake that drew the US into a protracted war. By ousting Saddam Hussein, the US inadvertently created a security vacuum that helped turn Iraq into a “breeding ground for jihad and religious extremism.”⁴⁹

Despite the emergence of new terrorist groups, US reliance on proactive militaristic measures did not abate. Charles Townshend notes that even a decade after the War on Terror, several agencies believed that “terrorist networks could be taken down by removal of their ‘masterminds’, and that smart weapons and pilotless drones could achieve this without counterproductive political effects.”⁵⁰ Even the recent Obama administration relied on drone attacks to eliminate terrorist

⁴⁷ Seth G. Jones, “Defeating Terrorist Groups,” *RAND Corporation*, 2008, http://www.rand.org/content/dam/rand/pubs/testimonies/2008/RAND_CT314.pdf.

⁴⁸ *Ibid.*, 3.

⁴⁹ Ishaan Tharoor, “Iraq’s Crisis: Don’t Forget the 2003 U.S. Invasion,” *The Washington Post*, June 16, 2014, https://www.washingtonpost.com/news/worldviews/wp/2014/06/16/iraqs-crisis-dont-forget-the-2003-u-s-invasion/?utm_term=.f3fb02308596.

⁵⁰ Charles Townshend, *Terrorism : A Very Short Introduction*, 2nd ed. (New York: Oxford University Press, 2011), 123.

leaders and members,⁵¹ and deployed 10 times more drone strikes than the previous Bush administration.⁵²

Countering Violent Extremism

Aside from militaristic proactive measures against terrorism, there are also non-militaristic proactive measures, such as countering violent extremism initiatives. According to one definition, countering violent extremism is the “use of non-coercive means to dissuade individuals or groups from mobilizing towards violence and to mitigate recruitment, support, facilitation or engagement in ideologically motivated terrorism by non-state actors in furtherance of political objectives.”⁵³ The UK was the first to take the CVE approach towards counter-terrorism; their strategy was rolled out as early as 2003, which included the PREVENT program that had the purpose of preventing “people from becoming terrorists or supporting terrorism.”⁵⁴ The USA’s CVE approach followed suit and was developed in 2011, a time when addressing violent extremism, particularly its recruitment and radicalization, had become the White House’s top national security priority.⁵⁵

There are presently two approaches in CVE: the public health approach and the narrow approach. The public health model approach was first proposed by the Commission on Chronic

⁵¹ Sandler, “Terrorism and Counterterrorism: An Overview,” 13.

⁵² Medea Benjamin, “America Dropped 26,171 Bombs in 2016. What a Bloody End to Obama’s Reign,” *The Guardian*, January 9, 2017, <https://www.theguardian.com/commentisfree/2017/jan/09/america-dropped-26171-bombs-2016-obama-legacy>.

⁵³ Humera Khan, “Why Countering Extremism Fails,” *Foreign Affairs*, February 18, 2015, <https://www.foreignaffairs.com/articles/united-states/2015-02-18/why-countering-extremism-fails>.

⁵⁴ HM Government, “Prevent Strategy,” 2011, 25, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf.

⁵⁵ The White House, “Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States,” 2011, 20, <https://obamawhitehouse.archives.gov/sites/default/files/sip-final.pdf>.

Illness in 1957 as a model that classified preventive interventions for diseases.⁵⁶ The public health model intended to discover the best sequence of solutions that would effectively respond to varying diseases in varying contexts, instead of focusing on a one-size-fits-all solution. The public health approach to countering diseases met with success in the medical field.⁵⁷ For example, the public health campaigns against smoking in the US helped significantly reduce the number of lung and heart diseases. The public health model approach also enjoyed success in minimizing the impact of social problems, such as automobile safety. There have been several studies that advocated this approach in CVE, with Weine et al. and Bjørge's work contributing to the conceptual framework.⁵⁸ According to Stevan Weine et al., the public health approach:

creates opportunities for multi-purpose programming, where for example, addressing violent extremism can become part of a broader platform for addressing other youth well-being concerns, such as involving identity, mental health and gender violence. Also, a public health approach may be able to avoid the stigma associated with criminal justice engagement perceived as identifying a suspect community. Lastly, a public health approach may open up other approaches to organizing and funding CVE programs, by leveraging existing public health resources.⁵⁹

The original public health model had three levels—primary, secondary and tertiary—and they were adapted specifically to CVE. The tertiary level is engaged after radicalization has taken place. Programs at this level in CVE provide alternatives to measures such as

⁵⁶ Patricia J. Mrazek and Robert J. Haggerty, eds., *Reducing Risks for Mental Disorders: Frontiers for Preventive Intervention Research* (Washington: National Academy Press, 1994), 19.

⁵⁷ M. Hamburg, "Youth violence is a public health concern." In *Violence in American Schools*, eds. D.S Elliot, B.A. Hamburg and K. Williams (New York: Cambridge University Press, 1998), 39, quoted in Shandon Harris-Hogan, Kate Barrelle, and Andrew Zammit, "What Is Countering Violent Extremism? Exploring CVE Policy and Practice in Australia," *Behavioral Sciences of Terrorism and Political Aggression* 8, no. 1 (2016): 9.

⁵⁸ Weine, S., Horgan, J., Robertson, C., Loue, S., Mohamed, A., & Noor, S., "Community and family approaches to combating the radicalization and recruitment of Somali-American youth and young adults: A psychosocial perspective," *Dynamics of Asymmetric Conflict* 2, no. 3 (2009): 181-200, and Bjørge, T., *Strategies for preventing terrorism* (Hampshire, UK: Palgrave Pivot, 2013), quoted in Shandon Harris-Hogan, Kate Barrelle, and Andrew Zammit, "What Is Countering Violent Extremism? Exploring CVE Policy and Practice in Australia," *Behavioral Sciences of Terrorism and Political Aggression* 8, no. 1 (2016): 9.

⁵⁹ Stevan Weine et al., "Addressing Violent Extremism as Public Health Policy and Practice," *Behavioral Sciences of Terrorism and Political Aggression* 0, no. 0 (2016): 10, doi:10.1080/19434472.2016.1198413.

incarceration, and focus on separating the extremist individual from their violent extremist network and violent behavioral tendencies. Two notable example programs include Sweden's Exit Fryshuset and Australia's Community Integration Support Program. There also are programs that work with correctional facilities, and successful examples can be found in several countries.⁶⁰

At the secondary-level, CVE programs target individuals who exhibit signs of radicalization. The intended recipients for these programs are individuals engaging with either a violent extremist network or its ideology, although for the former, they typically address individuals on the cusp of the groups or recently added and are not completely indoctrinated. Programs at this level intervene to prevent the individual's further radicalization. A good example of secondary-level CVE is Norway's Action Plan against Radicalization and Violent Extremism.⁶¹

Primary-level CVE programs are intended to prevent radicalization. These programs inform individuals about violent extremism and prevent factors that promote the radicalization of individuals. Notable projects examples include Denmark's A Common and Safe Future: An Action Plan to Prevent Extremist Views and Radicalization Among Young People, the Royal Canadian Mounted Police's National Security Youth Outreach Program, and the Australian Multicultural Foundation's community awareness training package.⁶²

Advocates of the narrow approach oppose the public health approach, and argue that primary-level CVE programs are problematic. Shandon Harris-Hogan et al. argue that while the

⁶⁰ Harris-Hogan, Barrelle, and Zammit, "What Is Countering Violent Extremism? Exploring CVE Policy and Practice in Australia," 9–10.

⁶¹ Ibid., 10–11.

⁶² Ibid., 12.

public health approach is not without merit, it carries risks when dealing with violent extremism. In their study of Australia’s CVE efforts, they identified two problems with the primary-level programs: there is no independent evaluations or evidence-based research presenting findings that indicate if these prevention programs have decreased violent extremism, and using broad targeting tactics risks stigmatizing communities. Because of the potential risks and lack of conclusive findings, Harris-Hogen et al. argue for a narrow focus in CVE, advocating for a targeted intervention on individuals who are in the process of radicalizing.⁶³

While some researchers are skeptical of the primary-level CVE initiatives’ effectiveness in reducing violent extremism, many still champion them and believe they hold an important place in the dialogue against terrorism. A particular type of primary-level CVE project that is advocated is the development of the counter-narratives. Terrorism counter-narratives are “designed to contradict the themes that fuel and sustain terrorist narratives, and by extension, discourage the support for [the] terrorism they foster.”⁶⁴ They are widely recognized as an “important strategic component of countering violent extremism.”⁶⁵ They seek to challenge the narrative that states “Islam is under attack and we must defend it.”⁶⁶ As it currently stands, this Islamist narrative is central to terrorism, extremism, and radicalization: “In terrorism, it is used to promote violence, in extremism it is used to promote values that are antithetical to human rights norms, and in radicalization it is used to exploit vulnerable people and recruit them to the cause.”⁶⁷ Because it is rooted so deeply, according to the Quilliam Foundation, a counter-extremism

⁶³ Ibid., 21.

⁶⁴ Braddock and Horgan, “Towards a Guide for Constructing and Disseminating Counter-Narratives to Reduce Support for Terrorism,” 381–82.

⁶⁵ Ibid., 381.

⁶⁶ Russell and Rafiq, “Countering Islamist Extremist Narratives: A Strategic Briefing,” 3.

⁶⁷ Ibid.

think tank, tackling this narrative is a “counter-extremism priority,” and failure to do so will reduce the effectiveness of other counter-extremism works and operations.⁶⁸ Unfortunately, counter-narrative work did not progress much over the years.⁶⁹ According to Alex P. Schmid, a scholar in terrorism studies, a “lack of funding” and “lack of development of effective and tested soft power instruments that target the hearts and minds of would-be jihadists” limited all efforts.⁷⁰ Despite there being some focus on Islamist narratives and counter-narratives, almost no research on terror fatwas and counter-terror fatwas has been conducted.

Fatwas and Terrorism

To date, there has been minimal research on the role of fatwas in terrorism. In terms of academic endeavours, very few have given the topic more than a cursory look. Bruce Hoffman, for example, briefly cites fatwas as an example to substantiate his claim that clerics have the ability to sanction terrorism, which he argues is a problem that afflicts both the Sunni and Shia sects.⁷¹ He mentions Khomeini’s death fatwa against Rushdie, as well as Rahman’s death fatwa against President Sadat. Another example is provided by liberal Tunisian columnist Lafif Lakhdar, writing for the London-based Arabic-language newspaper *Al-Hayat*.⁷² His article has been partially translated by MEMRI from Arabic to English. He discusses the role of fatwas in inciting terrorism, but the article is dated, since it was published in 2002, and there has been little discussion since.

⁶⁸ Ibid.

⁶⁹ Alex P Schmid, “Challenging the Narrative of the ‘Islamic State,’” *International Center for Counter-Terrorism*, 2015, 15, <https://www.icct.nl/wp-content/uploads/2015/06/ICCT-Schmid-Challenging-the-Narrative-of-the-Islamic-State-June2015.pdf>.

⁷⁰ Ibid.

⁷¹ Hoffman, *Inside Terrorism*, 91.

⁷² “The Role of Fatwas in Incitement to Terrorism,” *MEMRI*, 2002, <https://www.memri.org/reports/role-fatwas-incitement-terrorism>.

Only two scholars to date have meaningfully engaged with the topic of fatwas in relation to terrorism. Schmuël Bar was the first to conduct research on the significance of fatwas in terrorism in his book published in 2006, and Gabriel Weimann published an article in 2011.⁷³ Bar researched the link between fatwas and terrorism, citing the rise of the modern Islamist jihad movement since the 1980s as coinciding with an increase of fatwas that identify jihad as an obligatory action, as well as provide instructions on how to wage it.⁷⁴ According to Bar, terror fatwas address a wide variety of issues, such as:

the definition and identification of the battle space in which jihad is to be undertaken; the necessary conditions for jihad; the identity of the “infidels” whom jihad must be waged against; who must participate in jihad and how; what are the legitimate means and who are the legitimate targets of jihad; the legitimacy of suicide attacks and other issues.⁷⁵

Both Bar and Weimann indicate that fatwas play an integral role in terrorism. Weimann echoes Bar’s argument that the use of fatwas is “a major instrument in bridging current terrorism and religion.”⁷⁶ Like Bar, Weimann examined the ways in which terror fatwas contribute to terrorism, such as “justifying the use of suicide terrorism, the killing of innocents, the killing of children and women, the killing of Muslims or the use of various weapons (including weapons of mass destruction and cyberterrorism.”⁷⁷ While both Bar and Weimann argue that fatwas are an instrumental tool in Islamist terrorism, Bar actually explains the role of fatwas in Islam and in terrorism, with some theological rigour. Weimann relies on Bar’s research as a foundation, and employs a more descriptive approach to the topic.

⁷³ Schmuël Bar, *Warrant for Terror: Fatwas of Radical Islam and the Duty of Jihad* (Lanham: Rowman & Littlefield Publishers, Inc., 2006); Weimann, “Cyber-Fatwas and Terrorism.”

⁷⁴ Shmuël Bar, “Jihad Ideology in Light of Contemporary Fatwas,” *Muslim World, The*, no. 1 (2006): 1, <http://www.hudson.org>.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Weimann, “Cyber-Fatwas and Terrorism,” 769.

Counter-Terror Fatwas

Unsurprisingly, few scholars have taken the time to examine terror fatwas, and this extends to counter-terror fatwas as well. For example, John L. Esposito briefly references counterterror fatwas, simply arguing they were “used extensively to challenge claims of the Islamic legitimacy of violence used for political ends.”⁷⁸ As an example, he cites the infamous 600-page counterterror fatwa published in 2010 by the popular scholar and preacher Muhammad Qadri. Esposito refers to the fatwa as an absolute denunciation of terrorism, but as I later show, this fatwa is anything but that.

In addition to there being scant literature on counter-terror fatwas—none of it is helpful in understanding why counter-terror fatwas have not been effective against Islamist terrorism. In fact, some of the research has its own problems. One prominent article examines pro-US fatwas, a topic close to counter-terror fatwas. It is quite dated, though, since it was published in 2003.⁷⁹ In this article, Charles Kurzman challenges the former US Deputy Secretary of Defense Paul Wolfowitz’s claim that Ayatollah Ali Sistani’s fatwa in 2004 was the first pro-US fatwa in history by examining a list of fatwas previously issued. He categorizes pro-US fatwas into three groups: those motivated by strategic concerns, sympathy for U.S. victims of terror, or a commitment to American values, such as democracy.

Unfortunately, Kurzman’s interpretation of motives for fatwas, particularly those he categorizes into the second and third category, are questionable. Regarding the second category, he explicitly considers any public statements against terrorism as evidence of the issuers’ sympathy for the victims of terror. He cites as examples public statements from Ayatollah Ali

⁷⁸ Esposito, *What Everyone Needs to Know about Islam*, 166–67.

⁷⁹ Charles Kurzman, “Pro-U.S. Fatwas,” 2003, <http://www.mepc.org/pro-us-fatwas>.

Khamenei, Shaykh Hussein Fadlallah, Shaykh Omar Bakri, and Yusuf Al Quradawi. Needless to say, more nuance must be exercised when determining the intent of the fatwa issuers. Indeed, the issuers he cites are all strange bedfellows when it comes to the topic of sympathy for victims of terror. Like his predecessor Khomeini, who encouraged the “Death to America” chants during protests and on other occasions since the revolution⁸⁰, Ayatollah Ali Khamenei has justified the use of this chant as well.⁸¹ Shaykh Hussein Fadlallah, the founding member and the spiritual leader of Hizbollah, personally approved the 1983 suicide truck bomb attacks that destroyed the American Embassy and Marine barracks in Beirut, and killed more than 300 people. He even gave his blessing to the suicide bombers before they embarked on their final mission.⁸² Moreover, he issued a fatwa prior to his death sanctioning the act of suicide bombing. Shaykh Omar Bakri was the leader of the Al Muhajiroun, a radical non-violent Islamist movement in Britain. He not only referred to 9/11 terrorists as “the Magnificent 19” and the London 7/7 terrorists as the “Fantastic Four”⁸³, but also preached in favour of the killings of “kuffar” women and children.⁸⁴ Lastly, Quradawi made a public statement against the 9/11 attack and issued a

⁸⁰ Arash Karami, “Khomeini Orders Media to End ‘Death to America’ Chant,” *Iran Pulse*, October 13, 2013, <http://iranpulse.al-monitor.com/index.php/2013/10/3015/khomeini-ordered-end-of-death-to-america-chant-only-for-media/>; Vanessa Martin, *Creating an Islamic State: Khomeini and the Making of a New Iran* (2000; reprint, New York: I.B.Tauris & Co, 2003), 152.

⁸¹ “Iranian Supreme Leader Khamenei Explains the Chant ‘Death to America,’” *MEMRI*, November 1, 2016, <https://www.memri.org/tv/iranian-supreme-leader-khamenei-explains-chant-death-america/transcript>.

⁸² Con Coughlin, “Sheikh Fadlallah Was the Terrorist Mastermind behind the Lebanon Hostage Crisis,” *The Telegraph*, July 5, 2010, <https://web.archive.org/web/20100710055549/http://blogs.telegraph.co.uk:80/news/concoughlin/100046096/sheikh-falallah-was-the-terrorist-mastermind-behind-the-lebanon-hostage-crisis/>.

⁸³ Ian Johnston, “Banned Radical Cleric Sheikh Omar Bakri Mohamed Arrested in Lebanon over ‘links to Terrorism,’” *The Independent*, May 25, 2014, <http://www.independent.co.uk/news/world/middle-east/banned-radical-cleric-sheikh-omar-bakri-mohamed-arrested-in-lebanon-over-links-to-terrorism-9434213.html>.

⁸⁴ Robert Mendick and Robert Verkaik, “Hate Cleric Omar Bakri Muhammad Preaches Killing of Women and Children on Facebook - Telegraph,” *The Telegraph*, November 29, 2014, <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11262996/Hate-cleric-Omar-Bakri-Muhammad-preaches-killing-of-women-and-children-on-Facebook.html>.

“pro-US” fatwa allowing US Muslims to partake in the US invasion of Afghanistan, and ruled that it is permissible to kill apostates, homosexuals, and Israelis.⁸⁵ He also is the spiritual guide for the Muslim Brotherhood, and was recently placed on the “terror list” by Saudi Arabia, Bahrain, Egypt and the UAE.⁸⁶

An article on counter-terror fatwas and the role they can play against terrorism has been published, but it is not without problems. In “Role of Fatwa in the Fight against Terrorism,” Chiroma et al. argues that governments should enforce fatwas like laws. In focusing on fatwas as a response to Islamist terrorists, such as Boko Haram, the authors propose that the Nigerian government “should immediately set up a powerful Islamic fatwa institutions, or empower the existing ones with statutory legal backing similar to the practice in modern Muslim countries like Malaysian.”⁸⁷ The Malaysian authors advocate that other countries dealing with Islamist terrorism should emulate their country’s fatwa model, in which fatwas have become “institutionalized and [have] been used in all the spheres of administration and activities related to human endeavour.”⁸⁸ In fact, the domain of fatwas has been institutionalized in Malaysia; published fatwas become binding and enforceable verdicts on all Malaysians, and in most cases have the force of law.⁸⁹ Several pressing issues interfere with Chiroma et al.’s arguments. Implicit to their proposal is the suggestion for governments to become involved in religion, and for many countries, this violates the separation of religion and state. While the US is the only

⁸⁵ Amir Taheri, “To Kill or Not to Kill Is the Issue,” *Gulf News*, June 9, 2005, <http://gulfnews.com/news/uae/general/to-kill-or-not-to-kill-is-the-issue-1.290315>.

⁸⁶ “59 People, 12 Groups with Qatar Links on ‘Terror List,’” *Al Jazeera*, June 8, 2017, <http://www.aljazeera.com/news/2017/06/saudi-led-bloc-issues-terror-list-170608221049889.html>.

⁸⁷ Magaji Chiroma et al., “Role of Fatwā in the Fight against Terrorism: The Relevance of the Malaysian Fatwā Model to the Anti-Boko Haram Crusade,” *Journal of Law and Social Sciences* 4, no. 1 (2014): 34.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*, 36.

country that has a full constitutional separation of religion and state, according to a study conducted by Jonathan Fox, “democracies have higher levels of SRAS [Separation of Religion and State] than do autocracies.”⁹⁰ Another issue is their claim about the remarkable success rate of governments that enforce fatwas as laws: “Muslim countries that have established a well-institutionalized fatwa are experiencing fewer cases or no cases of religious fundamentalism and terrorism within their domain.”⁹¹ Chiroma et al. do not provide evidence to substantiate this bold claim. The chief issue, however, is the authors disconnect from research showing that religious scholars who form close relationships with the government create a negative perception for the members of the religion. Establishment scholars, who can also issue fatwas, are seen as having been “compromised by their alliance with corrupt secular regimes,” and are disparagingly referred to by the name ‘*ulama al-Sultan*, which means the ‘*ulama of the regime*.⁹² In his study of Al Muhajiroun, a radical non-violent Islamist organization in the UK, Wiktoriwocz found that the argument most often used against other non-violent fundamentalists, both local and abroad, was that they were “tied to the Saudi government and therefore incapable of rendering independent judgments.”⁹³ Moderates are similarly accused of being dependent on the government, typically Western democracies, such as the British government. While governments can certainly enforce fatwas like laws, this may come at the cost of the religious influence inherent to fatwas.

⁹⁰ Jonathan Fox, “World Separation of Religion and State Into the 21st Century,” *Comparative Political Studies* 39, no. 5 (2006): 561, doi:10.1177/0010414005276310.

⁹¹ Chiroma et al., “Role of Fatwā in the Fight against Terrorism: The Relevance of the Malaysian Fatwā Model to the Anti-Boko Haram Crusade,” 37.

⁹² Bar, *Warrant for Terror: Fatwas of Radical Islam and the Duty of Jihad*, 114–15.

⁹³ Quintan Wiktorowicz, *Radical Islam Rising: Muslim Extremism in the West* (Oxford: Rowman & Littlefield Publishers, Inc., 2005), 145.

The two academics who have studied terror fatwas in detail, Bar and Weimann, have also examined extensively the topic of counter-terror fatwas, offering their respective takes on how counter-terror fatwas can be made more effective against Islamist terrorism. However, their work is also unhelpful in understanding why counter-terror fatwas have been ineffective against terrorism. According to Bar, it would take binding counter-terror fatwas “threatening hellfire” to undermine the radical narrative.⁹⁴ Although Bar does mention that counter-terror fatwas can be useful in declaring the duty of jihad does not exist, he primarily emphasizes counter-terror fatwas that threaten hellfire against terrorism as the better and ultimate response to Islamist terrorism.

The main problem Bar faces is that he underestimates the difficulty of allowing counter-terror fatwas to threaten hellfire against terrorism, although he acknowledges the unique particularities of Islam that would discourage it.⁹⁵ One such particularity is that Islam prohibits making false accusations of apostasy.⁹⁶ Another is the general disinclination to cause strife in the Muslim community. In Islam, civil strife (fitna) between Muslims is forbidden. To counter these issues, he argues that by reviving ijtiḥād⁹⁷, the verses of the Qur’an can be reinterpreted to officially negate radical interpretations. Reinterpretation would allow them to declare the terrorists adhering to these now-defunct radical interpretations apostates, and charge them with causing strife. This would effectively make it permissible to threaten terrorists with hellfire.⁹⁸ But the gates of ijtiḥād were closed since the 10th century by early Islamic jurisprudence.⁹⁹ Bar

⁹⁴ Bar, *Warrant for Terror: Fatwas of Radical Islam and the Duty of Jihad*, 117.

⁹⁵ *Ibid.*, 114.

⁹⁶ *Ibid.*, 83.

⁹⁷ The Oxford Dictionary of Islam defines the term as independent reasoning used in the event where the Qur’an and the Hadiths remain silent on a religious issue. See more at “Ijtiḥād,” edited by John L. Esposito. *Oxford Islamic Studies Online* (Oxford University Press, 2003), <http://www.oxfordislamicstudies.com/article/opr/t125/e990>.

⁹⁸ Bar, *Warrant for Terror: Fatwas of Radical Islam and the Duty of Jihad*, 116–17.

⁹⁹ N. J. Coulson, *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964), 80–81.

acknowledges this, yet does not explain how the monumental task of reopening the gate can be accomplished.¹⁰⁰ In fact, attempting to open the gate is a dangerous endeavour, as it implies questioning of the traditional principles of Shar'iah.¹⁰¹

While Bar argues that binding counter-terror fatwas threatening hellfire would be a more effective response to Islamist terrorism, I argue instead that counter-terror fatwas could be made more effective against Islamist terrorism if they merely discussed—let alone challenged—the specific Qur'anic verses endorsing violence that are invoked to justify Islamist terrorism. The *adab al-mufti*, the code of conduct for fatwa issuers (muftis),¹⁰² states that while the content of fatwas can be “concise and informal”, they can also be “a fuller technical discussion.”¹⁰³ Considering that a fatwa's authority is partially based on the “persuasiveness” of its content,¹⁰⁴ it stands to reason that a counter-terror fatwa with sophisticated content would be more persuasive, and, by extension, hold more authority than a counter-terror fatwa without sophisticated content. Moreover, it stands to reason that a counter-terror fatwa that discusses the specific Qur'anic verses that endorse violence is more sophisticated than a counter-terror fatwa that cites verses that present Islam as a religion of peace. This case gains strength when these verses have conditions and limitations, and are neither unequivocal nor absolute pronouncements of peace (as described in more detail in the next chapter). By citing Qur'anic verses that only present Islam as a religion of peace, the counter-terror fatwa is unable to directly challenge, and

¹⁰⁰ Bar, *Warrant for Terror: Fatwas of Radical Islam and the Duty of Jihad*, 8.

¹⁰¹ Javaid Rehman, *Islamic State Practices, International Law and the Threat from Terrorism: A Critique of the “Clash of Civilisations” in the New World Order* (Oxford: Hart Publishing, 2005), 15.

¹⁰² Muhammad Khalid Masud, “Moral Conduct and Authority: The Place of Adab in South Asian Islam,” ed. Barbara Daly Metcalf (London: University of California Press, 1984), 130.

¹⁰³ Muhammad Khalid Masud, Brinkley Messick, and David S. Powers, “Muftis, Fatwas, and Islamic Legal Interpretation,” in *Islamic Legal Interpretation* (Cambridge: Harvard University Press, 1996), 24.

¹⁰⁴ Esposito, *What Everyone Needs to Know about Islam*, 166–67.

ultimately disrupt, the ideological core of Islamist terrorism. Instead, by challenging the Qur’anic verses endorsing violence that is used to justify Islamist terrorism, the counter-terror fatwa can best create doubt in the minds of potential Islamist terrorists inspired by such verses. According to Ed Husain, Quilliam’s Co-Founder and Co-Director, “where there is doubt, in Islamic religious behavior, there is avoidance,” and since Islamist terrorists “currently kill because they have certainty (yaqeen) of being rewarded in the next life (akhirah),” counter-terror fatwas citing Islamic texts can remove this certainty through doubt and ultimately prevent attacks from happening.¹⁰⁵

Weimann argues that the dissemination of counter-terror fatwas would make them more effective against Islamist terrorism. According to him, counter-terror fatwas receive “little media coverage” and are not “posted on the online platforms where most jihadi fatwas are”.¹⁰⁶

However, I argue that most counter-terror fatwas have received adequate media coverage. As this paper later shows in Chapter 3, the vast majority of the counter-terror fatwas have received some media coverage. However, I argue that the counter-terror fatwas that challenge the specific Qur’anic verses endorsing violence are amongst the few that receive no media coverage.

Weimann’s other argument, regarding the lack of dissemination of counterterror fatwas in the very online platforms where most terror fatwas are typically shared, is fair. However, we do not know if they are not being distributed in those platforms—there must be evidence proving this is the case. Moreover, Khomeini and even Bin Laden’s terror fatwas emerged in an age in which the internet was in its infancy, yet their fatwas managed to take the world by storm, and their fatwas were primarily disseminated through traditional forms of media.

¹⁰⁵ Husain, “Fatwas Can Be a Force for Good.”

¹⁰⁶ Weimann, “Cyber-Fatwas and Terrorism,” 779.

Methodology

During the research phase, I supplemented my research of counter-terror fatwas with the current literature on fatwas and terrorism. This research systematically investigates my thesis question: why are counter-terror fatwas ineffective against Islamist terrorism? However, before proceeding to the research findings, I describe the study's methodology to demonstrate how the study investigated the question. The three parts are reviewed in the following order: 1) compiling a list of counter-terror fatwas; 2) analyzing counter-terror fatwas; and 3) conducting interviews.

Compiling a List of Counter-Terror Fatwas

For the purposes of this research project, a broad definition of counter-terror fatwas is used in a consistent manner throughout this paper in order to avoid any sample selection bias. To define the term broadly, counter-terror fatwas are proclamations intended to challenge terrorism and/or terrorist organisations.

This paper does not consider any counter-terror fatwas that only partially or indirectly challenge terrorism and/or terrorist organisations. An example of a project not included in the research is the 2004 Amman Message. Initially conceptualized in 2004 in Jordan by Abdullah II bin Al-Hussein, the Amman Message begun as a statement intending “to declare what Islam is and what it is not” and determine “what actions represent it and what actions do not.”¹⁰⁷ According to the Amman Message, “its goal was to clarify to the modern world the true nature of Islam and the nature of true Islam.”¹⁰⁸ King Abdullah II asked 24 of the most senior Islamic scholars, who represented all sects and schools from across the world, the following three questions in a bid to bolster the statement's religious authority: “(1) Who is a Muslim? (2) Is it

¹⁰⁷ “The Amman Message.”

¹⁰⁸ Ibid.

permissible to declare someone an apostate (takfir)? (3) Who has the right to undertake issuing fatwas (legal rulings)?”¹⁰⁹ Following the 24 responses, in 2005, the King organized an International Islamic Conference and invited 200 of the top Islamic scholars from around the world; the scholars were unanimous in their ruling regarding the three questions:

1. They specifically recognized the validity of all 8 Mathhabs (legal schools) of Sunni, Shi’a and Ibadhi Islam; of traditional Islamic Theology (Ash’arism) of Islamism Mysticism (Sufism), and of true Salafi thought, and came to a precise definition of who is a Muslim.
2. Based upon this definition they forbade takfir (Declarations of apostasy) between Muslims.
3. Based upon the Mathahib they set forth the subjective and objective preconditions for the issuing of fatwas, thereby exposing ignorant and illegitimate edicts in the name of Islam.¹¹⁰

This fatwa was designed to be legally binding for all Muslims, and upon a cursory glance, its second point seems to have the hallmarks of a counter-terror fatwa. However, upon closer examination, this fatwa falls short of fully condemning terrorism against everyone; instead it merely forbids violence between Muslims based on the charges of apostasy. Because of this limitation, this fatwa was excluded from the compiled list of counter-terror fatwas examined by this paper.

This thesis also does not consider any counter-terror fatwas that rely on inaccurate definitions of terrorism or terrorist organizations. For example, in 2005, the Council of Muftis of the Chechen Republic issued a fatwa declaring jihad against Wahhabism.¹¹¹ In speaking with journalists, Chechen Mufti Sulan Mirzev referred to Wahhabism as the “plague of the 20th and 21st centuries” and that it was unanimously decided by Arab scholars that Muslims “fighting

¹⁰⁹ Ibid.

¹¹⁰ Ibid. This statement has received from more than 500 signatures from Islamic leaders and scholars from across the world.

¹¹¹ “Chechen Clerics Declare Jihad against ‘Wahhabis,’” *The Jamestown Foundation* 6, no. 31 (2005), <https://jamestown.org/program/chechen-clerics-declare-jihad-against-wahhabis/>.

against Wahhabism are on the path of jihad, following the way of Allah.”¹¹² He explicitly refers to Wahhabis and terrorists as if they are equivalent categories, and while it is true that Wahhabi or Salafi jihadists exist, other major factions in these Wahhabi and Salafi groups are not violent.¹¹³ His identification of all Wahhabis as terrorists is an unconventional and incorrect label, forcing his fatwa to be excluded from this research paper.

In creating a list of counter-terror fatwas issued to date, this research paper consulted with five English webpages that have compiled, to varying degrees of comprehension, Muslim statements against terrorism (see below). The statements compiled by these webpages included fatwas. Often, these pages had dead URLs for the fatwas they referenced. Some of these pages were created within a short time span, while others were regularly maintained by vigilant authors who kept abreast of developments on this topic. However, these four pages were used and cross-referenced with one another to help this research project create a comprehensive collection of counter-terror fatwas, making the list of counter-terror fatwas compiled for this research project the first of its kind.

Among the four webpages consulted, one was created by the University of Melbourne’s National Centre of Excellence for Islamic Studies, specifically the National Imams Consultative Forum Initiative, which has a page dedicated to fatwas, rulings, and other authoritative statements.¹¹⁴ While the page lists counter-terror fatwas, it also includes other kinds of statements as well. This list covers some statements and fatwas issued from 1999 to 2010, but the

¹¹² Ibid.

¹¹³ Quintan Wiktorowicz, “Anatomy of the Salafi Movement,” *Studies in Conflict & Terrorism* 29, no. 3 (2006): 208.

¹¹⁴ “Fatwas, Rulings and Authoritative Statements against Terrorism in Islam,” *The University of Melbourne*, accessed July 7, 2017, <http://arts.unimelb.edu.au/nceis/welcome/community-engagement/national-imams-consultative-forum/rulings-and-statements>.

list is not fully comprehensive. In addition, some links are broken, and the page does not indicate any signs of regular maintenance during the time span mentioned; instead, all statements appear to be posted within a short time span.

The next webpage that compiles Muslim statements against terrorism is created by the agency Ontario Consultants on Religious Tolerance.¹¹⁵ Religious Tolerance is an independently-funded multi-faith agency operated by members of different faiths that writes articles about religion, morality, and ethics. Their webpage documents Muslim statements against terrorism, covering the years between 2001 and 2014. In its relatively sparse list of statements, it contains even fewer fatwas against terrorism. This webpage does not appear to be regularly maintained during the time span mentioned; instead, the webpage and its content were created within a short time span. There are some broken links, but its problems are not as severe as the University of Melbourne's webpage.

Another webpage dedicated to statements against terrorism is by an anonymous Muslim convert of European-American heritage.¹¹⁶ Titled "Muslims Condemn Terrorist Attacks," this webpage focuses on statements against the attacks of 9/11, as well as terrorist incidents that occurred afterward. This page has been comprehensive in bringing light to many statements against the 9/11 attack, however, the webpage displays minimal coverage of statements against terrorist attacks other than 9/11. Moreover, few fatwas were mentioned, and those mentioned were rife with dead URLs—thankfully the writers provided adequate enough descriptions for these listings to conduct independent searches. Another issue with the website is that the writer fails to provide explicitly the time span of the statements purportedly covered by the

¹¹⁵ B.A. Robinson, "Statements by Muslim Leaders Condemning Terrorism," *Ontario Consultants on Religious Tolerance*, 2014, <http://www.religioustolerance.org/muslim-leaders-condemn-acts-of-terrorism.htm>.

¹¹⁶ "Muslims Condemn Terrorist Attacks," <http://www.muhababah.com/otherscondemn.php>.

compilation; however, judging by its latest entry, it seems the webpage appears to be last updated in 2007.

One of the more prominent webpages consulted during the writing of this paper, is the Islamic Statements against Terrorism by Charles Kurzman, a sociology professor at the University of North Carolina and the co-director of the Carolina Center for the Study of the Middle East and Muslim Civilizations.¹¹⁷ His compilation of Muslim statements against terrorism spans the years between 2001 and 2010, but the compilation is not fully comprehensive.¹¹⁸ To his credit, he manages to backup the statements, including fatwas, through the web archive.

The most prominent webpage of those surveyed is The American Muslim (TAM), an online publication that covers a variety of issues, namely those concerning Muslims in America. Its founding editor, Sheila Musaji, compiled statements and fatwas from the beginning of 2002 in mid 2015, and she actively maintained the webpage at this time.¹¹⁹ This compilation of statements and fatwas against terrorism is the most comprehensive, successfully recording ones mentioned in the other three compilations. Musaji's collection of statements against terrorism, including fatwas, played a key role in my own compilation of counter-terror fatwas.

Online news was used to bridge the gaps in coverage left by TAM. Since the compilation was officially maintained until 5/13/2015, this research project has relied on the English news, particularly online news, to access any fatwas issued since that date. The author, who was

¹¹⁷ He also wrote on the topic of pro-US fatwas which was discussed earlier in the literature review.

¹¹⁸ Charles Kurzman, "Islamic Statements Against Terrorism," *University of North Carolina*, 2012, <http://kurzman.unc.edu/islamic-statements-against-terrorism/>.

¹¹⁹ Sheila Musaji, "Fatwas & Statements by Muslim Scholars & Organizations," *The American Muslim*, 2015, http://theamericanmuslim.org/tam.php/features/articles/muslim_voices_against_extremism_and_terrorism_part_i_fatwas/0012209.

interested in this research topic for quite some time, had been bookmarking whichever counter-terror fatwas received media attention. Also, with a plethora of news outlets from across the world having successfully adopted the online format, the task of bridging the gap with the digital medium for the past two years was effortless, especially when using Google News, a digital news hub that provides comprehensive coverage, aggregated from news outlets all over the world.

Online news and webpages also were used independently to verify the counter-terror fatwas extracted from the above compilations. Conducting these confirmations helps ensure the accuracy of the paper's compilation of counter-terror fatwas. For instance, TAM's compilation lists a fatwa against suicide terrorist attacks as being issued by Saudi Arabia's Shaykh Abd al-Aziz bin Abdallah al Shaykh. Upon independent verification however, this was confirmed as merely a statement. In TAM's defense, other sites also mislabelled the statement. In fact, the mistake's origins can be traced back to a policy analysis paper published by The Washington Institute for Near East Policy in 2011, which examined this "fatwa" and was even titled, "The Saudi Fatwa against Suicide Terrorism."¹²⁰ In this policy analysis paper, Reuven Paz notes that when the newspaper Sharq al-Awsat asked the Shaykh for his view on the different manifestations of Islamist terrorisms, the Shaykh provided his view on the different manifestations, such as suicide terrorism, to which he specifically stated, "What you call suicide bombings in my view are illegitimate and have nothing to do with jihad in the cause of God. I am afraid it is another form of killing oneself."¹²¹ Paz explicitly admits that this statement is not a fatwa, yet he tries to misconstrue it as one: "his reply was not formally an official Islamic ruling

¹²⁰ Reuven Paz, "The Saudi Fatwa against Suicide Terrorism," 2001, <http://www.washingtoninstitute.org/policy-analysis/view/the-saudi-fatwa-against-suicide-terrorism>.

¹²¹ Ibid.

(fatwa), but since such rulings are answers by high religious authorities to questions, his interview was received in the Arab world as if he had issued a fatwa.”¹²² With Paz’s crucial admission that this statement is not technically a fatwa, one wonders why the paper’s title implies otherwise. To be clear, Paz does not provide evidence to corroborate his claim that the Shayks statement was perceived to be a fatwa by the Arab world.

Secondary sources, while limited, were also used to create the list of counter-terror fatwas. Bar and Weimann’s research on this topic has mentioned a few counter-terror fatwas, some of which overlapped with TAM’s compilation of counter-terror fatwas. The counter-terror fatwas that fell outside the TAM compilation typically involved Salafists as issuers, such as Abdullah bin Jibreen and Nasser al-Omar’s fatwas against Hizbollah during its war with Israel in 2006.¹²³

When scanning the above sources, this research project focused specifically on mentions of the term “fatwa” and its various synonyms. Explicitly, the term “fatwa” was used throughout the majority of the sources. Implicitly, synonymous terms were used in the place of a fatwa, such as edict, verdict, and declaration, and while this was a rare occurrence, in order to maintain accuracy in my research, I sought other news sources to confirm that they were indeed fatwas.

I encountered certain limitations when compiling the first collection of counter-terror fatwa documents. The most significant limitation is that some counter-terror fatwas could not be found. This can be attributed to a variety of factors. One factor is some counter-terror fatwas are provided orally, instead of in writing. While most counter-terror fatwas have been provided through writing, a choice few were provided orally. Since audio recordings generally take more

¹²² Ibid.

¹²³ Weimann, “Cyber-Fatwas and Terrorism,” 776.

effort to conduct, preserve, and share than textual documents, counter-terror fatwas issued orally are much harder to locate.

Another factor that contributes to missing counter-terror fatwas is that they were issued in countries where English is not the primary language. Sometimes these counter-terror fatwas are not translated into English, but this limitation is not as compromising as it seems. Typically, these counter-terror fatwas are reported in the country's native language(s) by the news outlets. However, these counter-terror fatwas tend to be reported in English as well, either by news outlets that report in English, or by foreign correspondents from major English news outlets. Moreover, these news coverages typically provide essential details about the counter-terror fatwas; they provide enough to perform independent searches in the native language to track down the fatwa document and translate it into English.

A factor that further contributes to missing counter-terror fatwas is that the dated URLs for the fatwa documents often no longer work. Counter-terror fatwas that were previously accessible, had become inaccessible by the time this research was compiled. I surmounted this issue by using the Google search engine to track down other webpages which had successfully documented the counter-terror fatwas.

In addition to the previous factors, sometimes the counter-terror fatwas were unavailable to the public. For example, Saudi Arabia's Shaykh Abd al-Aziz bin Abadallah Al Shaykh, the Grand Mufti of the Senior Ulema Council whose statement against suicide attacks has been discussed earlier in this section, is reported to have released a fatwa against terrorism in 2004. The Royal Embassy of Saudi Arabia,¹²⁴ which shares items to the English-speaking public, had at one point hosted a document titled, "Public Statements by Senior Saudi Officials Condemning

¹²⁴ Located in Washington, DC.

Extremism and Promoting Moderation,” that included this fatwa against terrorism.¹²⁵ However, it is no longer part of the website.¹²⁶ Thankfully, copies of the document are available via the internet, and Kurzman and other vigilant individuals have archived the document a total of 66 times.¹²⁷ It is entirely plausible that the Saudi Embassy webpage may have been revised and items, such as this document, may have been inadvertently discarded. This scenario seems quite unlikely, however, considering the embassy website continues to carry a long list of items published both before and after the document.

Another example of a counter-terror fatwa no longer available to the public involves Imam Syed Soharwardy, the founder of the Supreme Council of Canada. He has issued three counter-terror fatwas to date, yet only hosts two of them on his webpage, namely the fatwa on joining ISIS and the fatwa on terrorism in Canada and the US, issued in 2015 and 2010 respectively.¹²⁸ His fatwa on fighting against the Taliban, issued in 2009, is not there. In fact, I was unaware of the existence of this counter-terror fatwa and only learned about it through an interview with Soharwardy.¹²⁹ News articles covering this counter-terror fatwa are inaccessible.¹³⁰ Shortly after, this research author emailed Soharwardy asking why this particular

¹²⁵ It was supposed to be available here at this link:

https://www.saudiembassy.net/ReportLink/Report_Extremism_May04.pdf

¹²⁶ According to the following web archive link, it appears that the document disappeared from the Saudi Embassy website anywhere between February 10 to April 12, 2013:

https://web.archive.org/web/*/http://www.saudiembassy.net/ReportLink/Report_Extremism_May04.pdf/

¹²⁷ “Public Statements By Senior Saudi Officials Condemning Extremism and Promoting Moderation” (Washington, 2004),

https://web.archive.org/web/20050609030244/http://www.saudiembassy.net/ReportLink/Report_Extremism_May04.pdf/.

¹²⁸ Syed B. Soharwardy, “Islamic Edicts,” *Islamic Supreme Council of Canada*, accessed July 7, 2017,

<http://www.islamicsupremecouncil.com/islamic-edicts/>.

¹²⁹ Syed B. Soharwardy, telephone interview by author, April 2017.

¹³⁰ National Post’s article, “Calgary Imams Issue Fatwa against Taliban” and Canada.com’s article, “Well known Canadian imam issues fatwa against Taliban” are removed.

fatwa against Taliban is not on his webpage, but received no response. Subsequently this author purchased Soharwardy's book through Amazon to access the fatwa.¹³¹

Sometimes sources that make reference to the existence of counter-terror fatwas are themselves problematic. In his book *Warrant for Terror*, Bar discusses a group of opposition scholars who have issued a counter-terror fatwa in response to the terrorist attacks in Saudi Arabia in 2004, but only lists their names in the footnotes.¹³² I was unable to find this counter-terror fatwa, and, as a result, I contacted Bar through email asking for further elaboration on this fatwa, but received no response.

Analyzing Counter-Terror Fatwas

Up to this point, I have discussed which counter-terror fatwas were collected and how, as well as certain limitations that prevented me from developing a complete list of all counter-terror fatwas issued to date. Now, I examine how this list of counter-terror fatwas is analyzed. To reiterate, my paper's objective is to investigate why counter-terror fatwas have not been effective in deterring terrorism and terrorist organizations. I argue that counter-terror fatwas have not been effective because the fatwas' content is rarely sophisticated. At most, they cite verses that present Islam as a religion of peace to justify their positions, but still neglect to discuss or challenge the specific Qur'anic verses that endorse the violence used to justify Islamic terrorism. I also argue that counter-terror fatwas that are not sophisticated receive some news coverage, but sophisticated counter-terror fatwas receive little to none.

Although Shia fatwas are investigated, I intend to closely examine only Sunni fatwas. The authority of Sunni fatwas is derived partially from its persuasiveness, a stark contrast to Shia

¹³¹ Syed B. Soharwardy, *Defeating Hate: A Comprehensive Rebuttal of Taliban, Al-Qaeda, Daesh (ISIS) and Islamophobes* (Calgary: Islamic Supreme Council of Canada, 2016), 54–55.

¹³² Bar, *Warrant for Terror: Fatwas of Radical Islam and the Duty of Jihad*, 110.

fatwas, which derived their authority entirely from the issuer (this idea will be examined in more detail in Chapter 4). An excellent example of the authority of Shia fatwas being derived from the issuer is provided by Shaykh Shafiq Hudda, from the Islamic Humanitarian Service. He recounts the story of Ayatollah Mirza Shirazi, who issued a fatwa “a century ago, when the British were loading tobacco into the Middle East.” The fatwa was “just one line, [saying] that partaking or smoking tobacco is equivalent to fighting against the imam of the time, Imam Mahdi.”¹³³ Apparently, the authority of this fatwa was powerful enough that even the Shah of Iran was denied tobacco by his own wife.

As for analyzing the content of counter-terror fatwas, the task is relatively straightforward. The content of counter-terror fatwas is searched for mentions of the specific Qur’anic verses that endorse violence and are typically used to justify Islamist terrorism. Which specific Qur’anic verses endorse violence and are cited by Islamist terrorists? This question is answered by Donald Holbrook, a scholar of terrorism and political violence, in “Using the Qur’an to Justify Terrorist Violence: Analysing Selective Application of the Qur’an in English-Language Militant Islamist Discourse.”¹³⁴ In the article, he identifies specific Qur’anic verses that are invoked in a selection of popular radical Islamist publications. He affirms that the article focuses “only on Qur’anic verses explicitly endorsing violence or fighting, which militant Islamists have sought to use in their messaging to encourage consumers of this material to support violent

¹³³ Shafiq Hudda, interview by author, Kitchener, May 2017.

¹³⁴ Donald. Holbrook, “Using the Qur’an to Justify Terrorist Violence: Analysing Selective Application of the Qur’an in English-Language Militant Islamist Discourse,” *Perspectives on Terrorism* 4, no. 3 (2010), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/104/html>.

jihad.”¹³⁵ The popular radical Islamist literature he uses consists of 30 texts in total, which are either in English or translated into it.¹³⁶

Holbrook found the following Qur’anic verses used to justify and promote terrorism:

An-Nisā (4): 74-76 Those who barter the life of this world for the next should fight in the way of God. And we shall bestow on him who fights in the way of God, whether he is killed or is victorious, a glorious reward.

What has come upon you that you fight not in the cause of God and for the oppressed, men, women and children, who pray: "Get us out of this city, O Lord, whose people are oppressors; so send us a friend by Your will, and send us a helper."

Those who believe fight in the way of God; and those who do not, only fight for the powers of evil; so you should fight the allies of Satan. Surely the stratagem of Satan is ineffective. [Used in 9 of the texts]

An-Nisā (4): 84 So fight on in the way of God (irrespective of others). You cannot compel any one except your own self; but urge the believers to fight. It may well be that God will keep back the might of the infidels, for God's might is greater, and severe His punishment. [Used in 6 of the texts]

At-Taubah (9): 5 But when these months, prohibited (for fighting), are over, slay the idolaters wheresoever you find them, and take them captive or besiege them, and lie in wait for them at every likely place. But if they repent and fulfil their devotional obligations and

¹³⁵ Ibid.

¹³⁶ The following 30 texts were reviewed by Donald Holbrook: ‘Confronting the Ruler’ by Omar Abdur-Rahman; ‘The story of Ibn Al-Akwa/ Mashiri Al-Ashqaq’ by Anwar al-Awlaqi; *The Virtues of Jihad* by Moulana Mohammed Masood Azhar; *The Signs of Allah the Most Merciful Ar-Rahmaan in the Jihad of Afghanistan* by Abdullah Azzam; *The Lofty Mountain* (1st Edition) by Abdullah Azzam; *Join the Caravan* (2nd Edition) by Abdullah Azzam; *Defence of Muslim Lands: The First Obligation after Iman* by Abdullah Azzam; *Martyrs: The Building Blocks of Nations* by Abdullah Azzam; ‘In the Hearts of Green Birds: The Martyrs of Bosnia’ by Azzam Recordings/Publications; ‘Under the Shades of Swords’ by Azzam Recordings/Publications; ‘Cancers in the Body of the Umma’ by Abdullah Faisal; ‘Rejecting the Taghoot’ by Abdullah Faisal; ‘Shirk in Perspective’ by Abdullah Faisal; ‘Let the Scholars Beware’ by Abdullah Faisal; ‘Peak of the Matter’ by Abdullah Faisal; ‘Treachery from Within’ by Abdullah Faisal; *Jihad – The Absent Obligation: And Expel the Jews and Christians from the Arabian Peninsula* by Muhammad ‘Abdus Salam Faraj; *The Army of Medinah in Kashmir* by Esa al-Hndi (Dhiren Barot); *Khilafah Magazine* (November 2000) by Hizb ut-Tahrir; ‘The Wills of the Martyrs of the New York and Washington Battles’ by Usama bin Lade, Abdulaziz Alomari, Ahmed al-Haznawi, Adam Gadahn and others; ‘World Islamic Front against Jews and Crusaders – Fatwa’ by Usama Bin Laden, Ayman Al-Zawahiri, Abu-Yasir Rifa’I Ahmad Tah, Mir Hamzah, Fazlul Rahman; ‘Letter to the American People’ by Usama Bin Laden; *The Khawarij and Jihad* by Abu Hamza al-Masri, edited by Ibn Umar; ‘russian Hell’ parts 1, 2 and 3 by The Media Center of the Voice of the Caucasus; *Supporters of Shariah Magazine: September/October 1998 -1419H. Issue 5* by Sarmid, Nadeem, Mikail and Abu Hamza al-Masri; ‘The Religious and Moral Doctrine of Jihad’ by Ahmad Ibn Tamiyyah; ‘Contemporary Heroes of Islam Series 1: Khattab’ by ‘Waislamah News Newtork’; ‘The True Facts of Jihad and the Lies of Hypocrisy’ by Ayman al-Zawahiri; ‘Gaza Massacre and the Traitors Siege in the Name of Allah, the Most Gracious, the Most Merciful’ by Ayman Al-Zawahiri; and “The Sacrifices of Gaza... and Conspiracies” by Ayman Al-Zawahiri.

pay the zakat, then let them go their way, for God is forgiving and kind. [Used in 5 of the texts]

At-Taubah (9): 38-39 What happened to you, O believers, that when you are asked to set out in the cause of God your feet begin to drag? Do you find the life of the world so pleasing that you forget the life to come? Yet the profit of the life of this world is but meagre as compared to the life to come.

Unless you go out (to strive), God will inflict grievous punishment on you, and bring other people in your place, and you will not be able to harm Him in the least, for God has the power over all things. [Used in 5 of the texts]

At-Taubah (9): 111 God has verily bought the souls and possessions of the faithful in exchange for a promise of Paradise. They fight in the cause of God, and kill and are killed. This is a promise incumbent on Him, as in the Torah, so the Gospel and the Qur'an. And who is more true to his promise than God? So rejoice at the bargain you have made with Him; for this will be triumph supreme. [Used in 5 of the texts]

At-Taubah (9): 13-15 Will you not fight those who broke the pledge and plotted to banish the Apostle, and who were the first to attack you? Are you afraid of them? If you are believers you should fear God more.

Fight them so that God may punish them at your hands, and put them to shame, and help you against them, and heal the wounds of the hearts of believers,

And remove the anger from their breast; for God turns to whosoever desires. [Used in 5 of the texts]

Al-Baqarah (2): 190-191 Fight those in the way of God who fight you, but do not be aggressive: God does not like aggressors.

And fight those (who fight you) wheresoever you find them, and expel them from the place they had turned you out from. Oppression is worse than killing. Do not fight them by the Holy Mosque unless they fight you there. If they do, then slay them: Such is the requital for unbelievers. [Used in 4 of the texts]

Al-Baqarah (2): 216 Enjoined on you is fighting, and this you abhor. You may dislike a thing yet it may be good for you; or a thing may haply please you but may be bad for you. Only God has knowledge, and you do not know. [Used in 4 of the texts]

Al-Hajj (22): 39-40 Permission is granted those (to take up arms) who fight because they were oppressed. God is certainly able to give help to those

who were driven away from their homes for no other reason than they said: "Our Lord is God." And if God had not restrained some men through some others, monasteries, churches, synagogues and mosques, where the name of God is honoured most, would have

been razed. God will surely help those who help Him, - Verily God is all-powerful and all-mighty. [Used in 4 of the texts]

Al-Anfāl (8): 39 So, fight them till all opposition ends, and obedience is wholly God's. If they desist then verily God sees all they do. [Used in 3 of the texts]¹³⁷

The content of the counter-terror fatwas is examined to see if they mention any of the above Qur'anic verses, and if they discuss or challenge the interpretation of those verses.

Analyzing counter-terror fatwas for their digital news coverage is also straight forward. The Google search engine and the Google News database help show the existence of any online English news articles that cover the release of counter-terror fatwas. Because of its immense search capabilities, it is easy to discern which fatwas received news coverage online (with the minimum requirement of there being a single news article) and those that did not receive any.

A four-way typology is used to classify the counter-terror fatwas according to their content's levels of sophistication and degree of news exposure. Granted, these counter-terror fatwas can be analyzed using other variables, however, the two aspects of content sophistication and online news coverage provide useful analysis for understanding why counter-terror fatwas have been ineffective against Islamist terrorism.

Conducting Interviews

This research project also makes use of interviews with the counter-terror fatwa issuers. These are instrumental in providing clues about why counter-terror fatwas have not been effective against Islamist terrorism and terrorist organizations. I interviewed four counter-terror fatwa issuers and two individuals who are knowledgeable on the topic of fatwas. The contact information for all the individuals interviewed were found through their respective personal and

¹³⁷ Qur'anic translations by Ahmed Ali [*Al-Qur'ān*, Princeton: University Press (1993)] quoted in Ibid.

organizational websites or social media accounts, such as Twitter and Facebook. The format of the interviews differed slightly for the two groups. For counter-terror fatwa issuers, two types of procedures were used: semi-structured telephone interviews and email questionnaires. Semi-structured telephone interviews consist of a standard set of questions as well as an open-ended discussion to flesh out responses and discover new information. Typically, these interviews are approximately 45-60 minutes in length. If no phone number is listed or provided, a mail-back questionnaire is sent to the email address of the counter-terror fatwa issuer. For individuals with knowledge on the topic of fatwas, two types of procedures are used: semi-structured telephone interviews and semi-structured in-person interviews. The format for the semi-structured telephone interviews is identical to the ones used for counter-terror fatwa issuers. The format for semi-structured in-person interviews is similar to telephone interviews: they were 45-60 minutes in length, and consist of a standard set of questions as well as an open-ended discussion portion designed to collect more information. Semi-structured in-person interviews are preferred for individuals living nearby.

In terms of limitations there were a few regarding the interviews. While I intended to interview more counter-terror fatwa issuers, some of the counter-terror fatwa issuers were unable to speak English, so I could not communicate with them and gain the necessary information. Sometimes the counter-terror fatwa issuers' contact information could not be found; this could have been because the issuers intentionally made it unavailable to the public, or because the issuers simply do not interact with the public and have not created personal webpages and/or maintained an active presence on social media. Sometimes issuers would not respond to either email or phone requests to speak on the matter. Other times they would respond, showing initial interest, but ultimately were unable to do the interview at the arranged dates.

Chapter 3: Counter-Terror Fatwas Study Data

This research project identifies 52 counter-terror fatwas that have been issued between 1998 and 2017 from all across the world.¹³⁸ However, as explained in the Methodology section, Shia counter-terror fatwas are excluded from the research samples, and this decision brings the number of counter-terror fatwas down to 50. With that said, before proceeding with the examination of the content and the media coverage of Sunni counter-terror fatwas, I briefly investigate Shia counter-terror fatwas and examine how the particularities of this sect, namely its centralized authority, may actually help them counter terrorism more effectively.

Shia Counter-terror Fatwas

To date only two Shia counter-terror fatwas has been issued; however, the authenticity of one of the two is dubious.¹³⁹ This particular Shia counter-terror fatwa was covered by the Iranian newspaper Rooz Online in 2006.¹⁴⁰ The news article states, in the Farsi-language subheading, that Ayatollah Sanei issued a fatwa against suicide operations. According to the article, Ayatollah Yousef Sanei, who was being interviewed by Christiane Amanpour from CNN news, stated that killing humans is the greatest crime in Islam, and those who commit suicide bombing reside at the bottom of hell. While he cautions that the debate about killing in defence is different from the talk of terrorism, he emphasizes that the prohibition of suicide bombing is not up for debate. Issues that call into question the fatwa's authenticity begin with the fact that this

¹³⁸ The counter-terror fatwas were issued from Canada, Russia, Spain, Turkey, Britain, USA, Afghanistan, Bangladesh, Egypt, India, Iran, Pakistan, Somali, Nigeria and Saudi Arabia.

¹³⁹ Indeed, there is a problem with fake counter-terror fatwas. The most prominent example of which is the fake fatwa that surfaced on the internet in 2011 that made it seem as if the Saudi Arabian Council of Senior Ulema had decided to support Al-Qaeda. See more at "Saudi Grand Mufti Cries Foul over Fake Fatwa," *Asharq Al-Awsat*, February 17, 2011, <https://english.aawsat.com/theaawsat/news-middle-east/saudi-grand-mufti-cries-foul-over-fake-fatwa>.

¹⁴⁰ Sepid Abdi, "جهنم‌د قعر در ها تروریست," *Rooz Online*, February 6, 2007, <https://web.archive.org/web/20070208000146/http://www.roozonline.com/archives/2007/02/002139.php>.

information about the fatwa was gleaned from an archived version of the article, independent from the newspaper and the article no longer exists in Rooz Online itself. To make things more dubious, no record of this interview with CNN can be located. Moreover, the fact that no other media outlets provided coverage for a high-profile figure's statements on the topic of suicide terrorism warrants some scepticism. Finally, the statements attributed to Ayatollah Sanei puts him at odds with the highly-revered Grand Ayatollah Khomeini. Grand Ayatollah Khomeini had previously used his religious authority to distinguish praiseworthy acts of self-sacrifice from condemnable acts of suicide; based on this assertion, suicide attacks, such as suicide bombing are permissible and can become acts that guarantee entry into heaven.¹⁴¹

As for the second Shia counter-terror fatwa, it may have been effective in responding to terrorism. After consulting with the highest Shia authority in Iraq, Grand Ayatollah Ali Sistani, Shia leaders held a conference in Montreal to tell followers that "they are bound by a fatwa to respect the laws of Canada."¹⁴² This was in response to the failed terrorist bomb plot in Ontario by 17 people, whom prosecutors at the time had alleged were inspired by Al-Qaeda and its attacks in the West.¹⁴³ News articles unanimously report the fatwa stating the following: "Muslims have undertaken to obey the laws of the country of their residence and thus they must be faithful to that undertaking."¹⁴⁴ I tried to locate the actual counter-terror fatwa document in a bid to ensure there was nothing more involved. Since Sayed Nabil Abbas, the Canadian delegate of Ali Sistani, sought this advice from Sistani's representatives,¹⁴⁵ I tried to contact him for a

¹⁴¹ Ami Pedahzur, *Suicide Terrorism* (Cambridge: Polity Press, 2005), 161.

¹⁴² Ingrid Peritz, "Muslim Clerics Decry Violence," *The Globe and Mail*, 2006, <https://www.theglobeandmail.com/news/national/muslim-clerics-decry-violence/article18165756/>.

¹⁴³ "Obey Your Country's Laws, Iraqi Cleric Urges Muslims," *CBC News*, July 14, 2006, <http://www.cbc.ca/news/canada/obey-your-country-s-laws-iraqi-cleric-urges-muslims-1.581599>.

¹⁴⁴ Peritz, "Muslim Clerics Decry Violence"; "Obey Your Country's Laws, Iraqi Cleric Urges Muslims."

¹⁴⁵ Peritz, "Muslim Clerics Decry Violence."

copy and an interview. Both were promised, but I was ultimately unsuccessful in securing either. However, I did manage to find a similar fatwa on Ali Sistani's official website, particularly in its wording that dictates Shia Muslim interaction with laws in non-Muslim countries.¹⁴⁶ Prompted by a follower's question on whether it is necessary to abide by the laws of a non-Muslim country if someone has been granted a visa with them, the fatwa states:

If he has given an undertaking—even if indirectly [as is implied in the immigration documents]—to abide by the laws of that country, it is necessary for him to fulfill his commitment in issues that are not contrary to the sacred laws [of Islam]. As for example, it is necessary to obey traffic regulations regardless [of the fact whether you have given a commitment or not], if not obeying those rules could eventually lead to harming people's lives and properties which are sacrosanct [In Islamic laws].¹⁴⁷

Here we can see the content of the counter-terror fatwa to be brief and unsophisticated, and merely dictates to Shia Muslims the proper interaction with laws in non-Muslim countries. As mentioned in the previous chapter, it is not uncommon for Shia fatwas to be short, for they derive their authority from the issuer, which in this case is the Grand Ayatollah Ali Sistani.

But what truly differentiates the Shia sect from Sunni in reference to fatwas, and what does this mean for Ayatollah Sistani's fatwa above? Shaykh Shafiq Hudda of the Islamic Humanitarian Service answers these questions in an interview. While fatwas remain the same for both the Sunni and Shia sects of Islam, the question of who may issue one differentiates the two sects. In the case of Sunni Islam, they can be issued by any Islamic scholar. In Shia Islam, however, "it is not something that just anybody can issue."¹⁴⁸ "Any scholar, any minister of religion, imam, sheikh, syed who is a qualified scholar, can issue naseeha, which means advice, a

¹⁴⁶ "Dealing with Laws in Non-Muslim Countries," *The Official Website of the Office of His Eminence Al-Sayyid Ali Al-Husseini Al-Sistani*, accessed July 7, 2017, <http://www.sistani.org/english/book/46/2051/>.

¹⁴⁷ Ibid.

¹⁴⁸ Shafiq Hudda, interview by author, Kitchener, May 2017.

recommendation”, but they cannot issue fatwas. He explains the sharp difference between imams and ayatollahs in reference to the issuing of fatwas:

Only senior scholars whom we refer to as ayatollah or a grand or mujtahid or Grand Ayatollah, and they’re the only ones entitled to issue a fatwa, a fatwa that would be a binding ruling on their followers, so this is where we see the difference between a normal and ordinary scholar or an imam in a respective city or situation has his limitations, whereas a Grand Ayatollah, or somebody who has done ijtehad, which is the study of Islamic sciences, to a senior level where they can deduce Islamic law, that process of ijtehad makes one a mujtahid or as you would see in the media referred to as Ayatollah, so you’ve got Ayatollah Khamenei, the current ruler of Iran, you have Ayatollah Sistani, a very influential force in Najaf in Iraq, and there’s about eight, seven or eight, very well-known prominent mujtahids who are qualified to issue fatawah’s, which is the plural of fatwa.¹⁴⁹

Essentially, in Shia Islam, only the central authority, such as the grand ayatollah, is permitted to issue fatwas. According to Shaykh Hudda, this system works to limit the power wielded by the common man because “If you start decentralizing, giving everybody authority to issue fatwas and to make their own, you know, decisions,” he says, “you can imagine the chaos that the society, the community, would have.”¹⁵⁰

What does this mean for Grand Ayatollah Sistani’s fatwa? As it turns out, the sects’ central control of fatwas, namely the grand ayatollahs whom Shia Muslims are supposed to follow, may well contribute to their greater effectiveness in responding to terrorism. According to Shaykh Shafiq Hudda, Ayatollah Sistani’s fatwa “played a very important role in basically differentiating the Shia community from the others.”¹⁵¹ He added in the interview that this particular fatwa “has been a very important part of our [their] own community’s fabric here in North America and in Europe and that’s why you will never have a Shia cleric or a Shia Imam ever telling anybody to go and hurt or blow up or kill anybody who doesn’t agree with you.”¹⁵²

¹⁴⁹ Shafiq Hudda, interview by author, Kitchener, May 2017.

¹⁵⁰ Shafiq Hudda, interview by author, Kitchener, May 2017.

¹⁵¹ Shafiq Hudda, interview by author, Kitchener, May 2017.

¹⁵² Shafiq Hudda, interview by author, Kitchener, May 2017.

Ayatollah Ali Sistani's fatwa may very well have prevented terrorist attacks by Shia Muslims in the US and Canada. Certainly, no such attacks have taken place since the fatwa was issued.

Sunni Counter-terror Fatwas

Sunni counter-terror fatwas are now closely examined. Out of the 50 Sunni counter-terror fatwas I have identified, only 36 fatwa documents could be found.¹⁵³ A four-way typology is used to classify the available fatwas in reference to their content's levels of sophistication and degree of news exposure (see Figure 1). While these counter-terror fatwas can be analyzed using other variables, the two aspects of content sophistication and online news coverage provide useful analysis for understanding why counter-terror fatwas have ineffective against Islamist terrorism. In this four-way typology, counter-terror fatwas are categorized into one of the following categories: quadrant 1, counter-terror fatwas that discuss and challenge at least one of the specific Qur'anic verses invoked to justify Islamic terrorism, and which also receive some news coverage (with at least one news article that reported on the fatwa); quadrant 2, counter-terror fatwas that cite verses that present Islam as a religion of peace to justify their position, and also receive some news coverage (with at least one news article that reported on the fatwa); quadrant 3, counter-terror fatwas that discuss and challenge at least one of the specific Qur'anic verses invoked to justify Islamic terrorism, and which receive no news coverage (with no news articles that reported on the fatwa); and quadrant 4, counter-terror fatwas that cite verses that present Islam as a religion of peace to justify their position, and which receive no news coverage (with no news articles that reported on the fatwa). The findings of this research show the lopsided distribution of the 36 counter-terror fatwas: quadrant 1 had 0 counter-terror fatwas;

¹⁵³ Among the 36 are two newspaper articles that have quoted copiously and extensively of the fatwa content, the document of which unfortunately I was unable to find.

quadrant 2 had 28 counter-terror fatwas; quadrant 3 had 5 counter-terror fatwas; and, quadrant 4 had 3 counter-terror fatwas (see Figure 2).

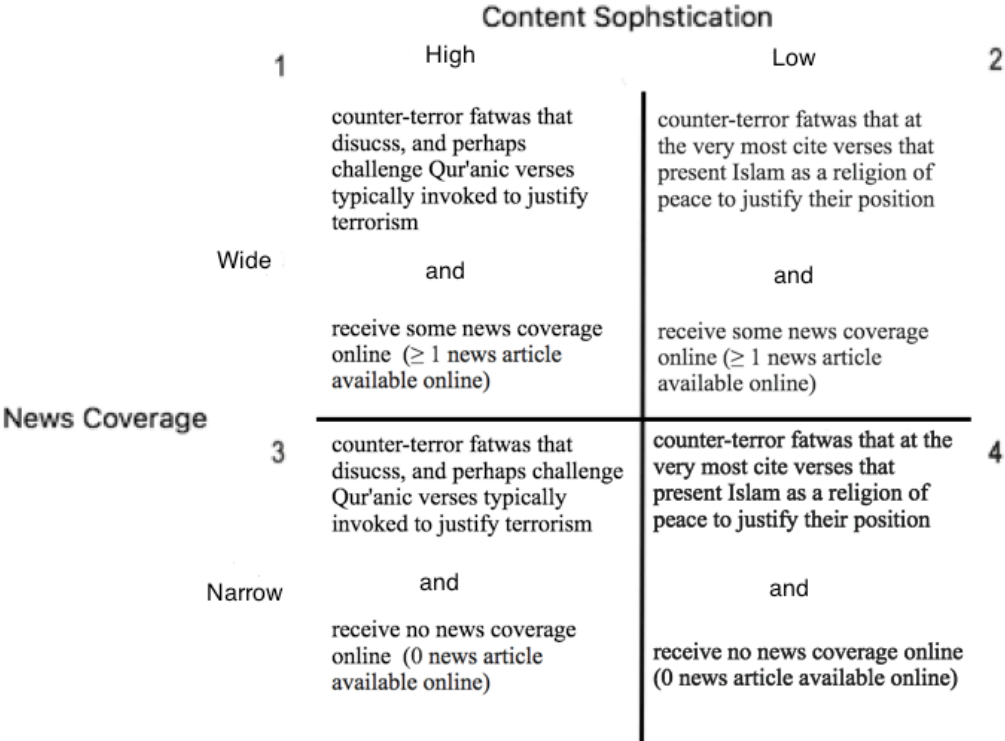


Figure 1. Typology classifying counter-terror fatwas based on the sophistication of its content and its news coverage online.

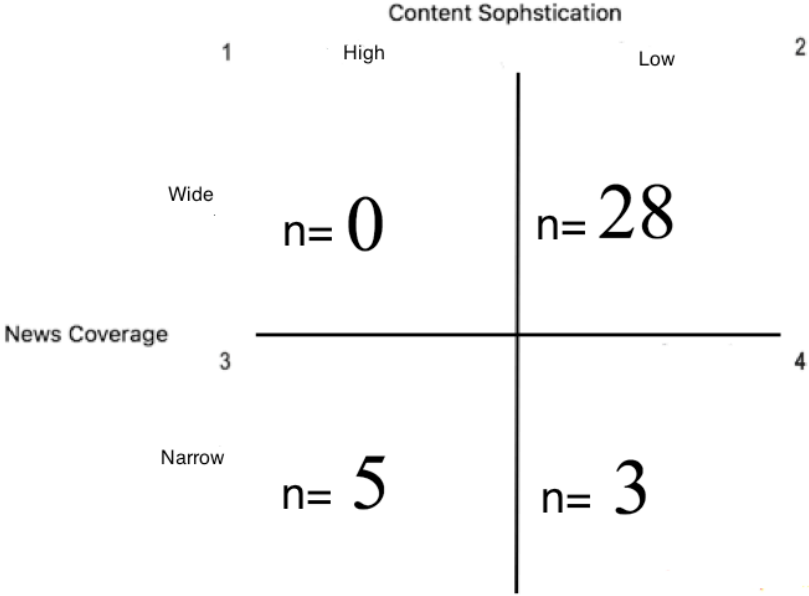


Figure 2. Visual representation of how many fatwas were found that belong to each of the four types identified.

A counter-terror fatwa is examined to illustrate each fatwas category. I start with a descriptive review of the fatwa, then proceed to analyze its content and level of media coverage. This examination is complemented by interview data that explains the lopsided distribution of counter-terror fatwas among the categories.

Quadrant 1 (Widely Disseminated and Sophisticated Counter-Terror Fatwas)

Out of the 36 counter terror fatwa documents examined, this research found 0 counter-terror fatwas that discussed or challenged at least one of the specific Qur’anic verses endorsing violence that are typically invoked to justify Islamist terrorism, and also received some news coverage.

Quadrant 2 (Widely Disseminated and Unsophisticated Counter-Terror Fatwas)

Out of the 36 counter-terror fatwas examined, 28 cited verses that present Islam as a religion of peace to justify their position and received some news coverage, with at least one news article that reported on the fatwa. An excellent example of a counter-terror fatwa in this category was issued in 2010 by the Pakistani Islamic scholar Dr. Muhammad Tahir-ul-Qadri, the founder of Minhaj-ul-Quran International, an Islamic movement from the Sufi tradition spanning 90 countries.¹⁵⁴ In a news conference held in London, England, Qadri discussed his 600-page fatwa¹⁵⁵, named *Fatwa on Terrorism and Suicide Bombings*, with an audience comprised of “Muslims, clergy, MPs, police officers and other security officials.”¹⁵⁶ At the conference, he

¹⁵⁴ Kiran Khalid, “Some Experts See Fatwa as Significant Blow to Terrorist Recruiting,” *CNN News*, March 3, 2010, <http://www.cnn.com/2010/WORLD/asiapcf/03/03/terror.fatwa.analysis/index.html>.

¹⁵⁵ The English translation is 475 pages, which was released shortly after the news conference.

¹⁵⁶ Dominic Casciani, “Islamic Scholar Tahir Ul-Qadri Issues Terrorism Fatwa,” *BBC News*, March 2, 2010, http://news.bbc.co.uk/2/hi/uk_news/8544531.stm.

stated that his fatwa unequivocally denounced terrorism and suicide bombings committed in the name of Islam.¹⁵⁷ He stated, “Terrorism is terrorism, violence is violence, and it has no place in Islamic teaching, and no justification can be provided for it, or any kind of excuses or ifs or buts. Good intentions cannot convert a wrong into good; they cannot convert an evil into good.”¹⁵⁸ He adds, “they [terrorists] can’t claim that their suicide bombings are martyrdom operations and that they become the heroes of the Muslim Umma [global brotherhood]. No, they become heroes of hellfire, and they are leading towards hellfire.”¹⁵⁹

Qadri publicly differentiates his counter-terror fatwa from others issued in the past, saying that while they may be similar, his fatwa omits the “ifs and buts” that are commonly found in other fatwas.¹⁶⁰ He also claims that his counter-terror fatwa offers a “theological rebuttal of every argument used by al-Qaeda inspired recruiters.”¹⁶¹ In a telephone interview with CNN, he adds, “Until now, scholars who were condemning terrorism were conditional and qualified what they said. I didn’t leave a single, minor aspect that, in the mind of radicals or extremists, can take them to the direction of martyrdom.”¹⁶²

Not only did this counter-terror fatwa get publicized at a media conference and receive copious media coverage from prominent news outlets, it also received powerful praise. According to the London-based Quilliam counter-extremism think tank, “this fatwa has the potential to be a highly significant step towards eradicating Islamist terrorism.”¹⁶³ Others praised

¹⁵⁷ Khalid, “Some Experts See Fatwa as Significant Blow to Terrorist Recruiting.”

¹⁵⁸ Nicholas Krlev, “Muslim Leader’s Edict Decries Terrorism,” *The Washington Times*, March 3, 2010, <http://www.washingtontimes.com/news/2010/mar/03/muslim-leaders-edict-decries-terrorism/>.

¹⁵⁹ Casciani, “Islamic Scholar Tahir Ul-Qadri Issues Terrorism Fatwa.”

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Khalid, “Some Experts See Fatwa as Significant Blow to Terrorist Recruiting.”

¹⁶³ Ibid.

the fatwa for the “sophistication” of its content. Manan Ahmed, assistant professor of Islam in South and Southeast Asia at the Institute for Islamic Studies in Berlin, said this about the counter-terror fatwa:

This is a landmark theological study – a careful and systematic treatment of a thousand years of legal tradition dealing with armed resistance against the state, rules of engagement, aspects. The fatwa itself [...] is categorically and comprehensively against terrorism in any form and for any cause.¹⁶⁴

Professor John L. Esposito, professor of Religion and International Affairs and of Islamic Studies at Georgetown University, remarked that “Qadri’s fatwa is an exhaustive, systematic, theological and legal study of the Islamic tradition’s teachings on the use of force and armed resistance to support an absolute condemnation of any form of terrorism for any cause.”¹⁶⁵ There are even more praises for this fatwa, too many to list.

In many words, Qadri and others have praised the *Fatwa on Terrorism and Suicide Bombings* for its thoroughness in condemning terrorism. From an academic point of view, I must ask, how does it hold up in terms of discussing or challenging specific Qur’anic verses that endorse violence and are invoked to justify Islamic terrorism? As it turns out—not well. The counter-terror fatwa does not mention any of these verses in their entirety (see Table 1).

¹⁶⁴ Muhammad Tahir-ul-Qadri, *Fatwa on Terrorism and Suicide Bombings* (London: Minhaj-ul-Quran International (UK), 2010), http://minhajbook.kortechx.netdna-cdn.com/images-books/Edict-Terrorism-Fitna-Khawarij/Edict-Terrorism-Fitna-Khawarij_1.pdf.

¹⁶⁵ Ibid.

Qur'anic Verses	Mentioned (✓) or Not Mentioned (X)
4:74-4:76	X
4:84	X
9:5	X
9:38-39	X
9:111	X
9:13-15	X
2:190-191	X (only mentions a part of verse 2:191)
2:216	X
22:39-40	X
8:39	X

Table 1. Identifying the Qur'anic verses typically invoked to justify terrorism in Muhammad Tahir-ul-Qadri's Fatwa on *Terrorism and Suicide Bombings*.

With regard to:

2:190-191 “Fight those in the way of God who fight you, but do not be aggressive: God does not like aggressors.

And fight those (who fight you) wheresoever you find them, and expel them from the place they had turned you out from. Oppression is worse than killing. Do not fight them by the Holy Mosque unless they fight you there. If they do, then slay them: Such is the requital for unbelievers.”

This counter-terror fatwa only mentions a part of verse 2:191, not the complete verse. It fails to mention the other part of the verse that says, “And fight those (who fight you) wheresoever you find them, and expel them from the place they turned you out from.”¹⁶⁶

Despite the high praise received by Qadri and other scholars for this fatwa's supposed complete condemnation of all forms of terrorism, it fails to challenge directly the jihadist interpretation of Qur'anic verses used to justify terrorism. And this crucial point is true for most counter-terror fatwas examined. They are similar to Qadri's fatwa, in that they do not discuss or challenge the specific Qur'anic verses that endorse violence invoked by Islamist terrorists.

¹⁶⁶ Ibid.

Quadrant 3 (Narrowly Disseminated and Sophisticated Counter-Terror Fatwas)

Out of the 36 counter terror fatwa documents examined, 5 counter-terror fatwas discussed or challenged at least one specific Qur’anic verse, and received no news coverage. An excellent example of a counter-terror fatwa that falls within this category was issued in 1998 by Lebanese-American Shaykh Muhammad Hisham Kabbani, the Chariman of the Islamic Supreme Council of America, and Shaykh Seraj Hendricks, the Head Mufti in Cape Town, South Africa. It was entitled, “Jihad: A Misunderstood Concept from Islam.”¹⁶⁷ This counter-terror fatwa provides the “context and circumstances of the Qur’anic revelations and the Hadith” to best understand the concept of jihad.¹⁶⁸ Like Qadri, Shaykh Hisham Kabbani is influential within a particular segment of the global Sufi community, allegedly serving as a spiritual guide for close to two million Muslims throughout the world, mostly from the United States, England, and Southeast Asia.¹⁶⁹ Again, we must ask, how does this counter-terror fatwa hold up in terms of discussing or challenging the specific Qur’anic verses that endorse violence and are invoked to justify Islamic terrorism? The threshold for this category is low; it must mention only one of the Qur’anic verses to meet the criteria, and the counter-terror fatwa met these criteria remarkably well. As with Qadri’s fatwa, I searched for the relevant Qur’anic verses (see Table 2).

¹⁶⁷ Hisham Kabbani and Seraj Hendricks, “Jihad: A Judicial Ruling,” 1998, http://sunnah.org/fiqh/jihad_judicial_ruling.htm.

¹⁶⁸ Ibid.

¹⁶⁹ “About Us,” *The Islamic Supreme Council of America*, accessed July 7, 2017, <http://islamicsupremecouncil.org/home/about-us.html>.

Qur'anic Verses	Mentioned (✓) or Not Mentioned (X)
4:74-4:76	✓
4:84	X
9:5	✓
9:38-39	X
9:111	X
9:13-15	✓
2:190-191	✓
2:216	X
22:39-40	X
8:39	X

Table 2. Identifying the Qur'anic verses typically invoked to justify terrorism in Shaykh Muhammad Hisham Kabbani and Shaykh Seraj Hendricks' Fatwa, titled Jihad: A Misunderstood Concept from Islam.

With regard to:

4:74-76 “Those who barter the life of this world for the next should fight in the way of God. And we shall bestow on him who fights in the way of God, whether he is killed or is victorious, a glorious reward

What has come upon you that you fight not in the cause of God and for the oppressed, men, women and children, who pray: "Get us out of this city, O Lord, whose people are oppressors; so send us a friend by Your will, and send us a helper

Those who believe fight in the way of God; and those who do not, only fight for the powers of evil; so you should fight the allies of Satan. Surely the stratagem of Satan is ineffective.”

This counter-terror fatwa refers to 4:75 and discusses its context. The counter-terror fatwa admits that after Prophet Muhammad's time, the Muslims waged war “to establish the ‘Pax Islamica’ or Islamic Order.”¹⁷⁰ But the fatwa argues this was done because it guaranteed “the rights of every individual by keeping in check all the dark psychic tendencies of man and so preventing him from indulging in anti-social behaviors, from political aggression, right down to the commonest criminal act.”¹⁷¹ “It is for this,” the counter-terror fatwa argues, “that the Qur’an calls on the

¹⁷⁰ Kabbani and Hendricks, “Jihad: A Judicial Ruling.”

¹⁷¹ Ibid.

believers to go forth in defense of those whose rights and liberty have been trampled by the unbridled tyranny of oppressors and conquering armies, or who are prevented from freely hearing the word of Allah espoused to them by preachers and educators.”¹⁷² On a final note, he adds, “No reliable evidence exists that Muslims ever intended or attempted to impose the specific rites and beliefs of Islam. The histories of Spain, India and the Balkans are concrete proof of this.”¹⁷³

With regard to:

9:5 “But when these months, prohibited (for fighting), are over, slay the idolaters wheresoever you find them, and take them captive or besiege them, and lie in wait for them at every likely place. But if they repent and fulfil their devotional obligations and pay the zakat, then let them go their way, for God is forgiving and kind.”

This counter-terror fatwa does more than mention this verse; it explains that unlike the majority opinion of the jurists, only Imam Shafi¹⁷⁴ held that this verse supports jihad until all non-Muslims convert to Islam or pay pay jiyza (poll tax).¹⁷⁵ The counter-terror fatwa states that the majority of the jurists disagree with Shafi’s position, all relying on the succeeding verses as proof, such as 9:6, 9:7, and 9:8. These jurists cite verse 9:6, ““and if anyone of the polytheists seeks your protection grant him protection...”” to argue that, as long as the polytheists “are submissive and willing to live peacefully among the believers,” Muslims are obligated to “treat them peacefully, despite their denial of Islam.”¹⁷⁶ The fatwa further states the following verse 9:7 is an “instruction to keep treaty obligations with meticulous care, and not to break them

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Shafi is the scholar who developed an approach within Islamic jurisprudence with its own interpretation of the Qur’an and verification of the Hadiths. The Shafi school was named after him, and is one of the four major schools of Sunni law. It is the second largest tradition, mainly found in Southeast Asia. See more at Abdullah Saeed, *The Qur’an: An Introduction* (London: Routledge, 2008), 17.

¹⁷⁵ Kabbani and Hendricks, “Jihad: A Judicial Ruling.”

¹⁷⁶ Ibid.

unless the unbelievers break them first”, which is also reiterated in the next verse 9:8 “in which Allah orders us not to make a treaty with unbelieving enemies who break their oaths and whose intention is to overpower the Muslims.”¹⁷⁷ The counter-terror fatwa adds rhetorically, “Had jihad’s objective been to fight all unbelievers, then there would have been no need for treaties and no differentiation between polytheists who remain loyal and faithful to their word and those who are treacherous.”¹⁷⁸ Altogether, the counter-terror fatwa concludes, in response to verse 9:5, that fighting with the unbelievers should only occur in instances of broken agreements and aggression against Muslim territory. The fatwa stipulates: “Based on these arguments of the scholars, the majority concluded that physical fighting is not a permanent condition against unbelievers, but only when treaties are broken or aggression has been made against Muslim territory (dar al-Islam) by unbelievers.”¹⁷⁹

With regard to:

9:13-15 “Will you not fight those who broke the pledge and plotted to banish the Apostle, and who were the first to attack you? Are you afraid of them? If you are believers you should fear God more.

Fight them so that God may punish them at your hands, and put them to shame, and help you against them, and heal the wounds of the hearts of believers,

And remove the anger from their breast; for God turns to whosoever desires.”

This counter-terror fatwa mentions verse 9:13 and even discusses it, listing it as among the conditions needed to be satisfied in order to engage in violent jihad.¹⁸⁰

With regard to:

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ <http://islamicsupremecouncil.org/understanding-islam/legal-rulings/5-jihad-a-misunderstood-concept-from-islam.html?showall=1>

2:190-191 “Fight those in the way of God who fight you, but do not be aggressive: God does not like aggressors.

And fight those (who fight you) wheresoever you find them, and expel them from the place they had turned you out from. Oppression is worse than killing. Do not fight them by the Holy Mosque unless they fight you there. If they do, then slay them: Such is the requital for unbelievers.”

This counter-terror fatwa mentions 2:190 and even discusses it, listing it as among the conditions that must be satisfied to engage in violent jihad.¹⁸¹

Shaykhs Kabbani and Hendricks’s counter-terror fatwa was successful in mentioning at least one specific Qur’anic verse that endorses violence invoked to justify Islamic terrorism. It more than met the criteria, addressing and discussing four of the above verses—and yet, this fatwa received no media coverage online. This unusual juxtaposition of the fatwa’s sophistication, particularly its persuasiveness, and its lack of media exposure reflects the same fate of four other counter-terror fatwas.

Quadrant 4 (Narrowly Disseminated and Unsophisticated Counter-Terror Fatwas)

Out of the 36 counter-terror fatwas examined in this study, 3 cited verses that present Islam as a religion of peace to justify their position, and received no news coverage, with no news article that reported on the fatwa. An example of this type of counter-terror fatwa was issued by Darul Uloom Deoband, in India. This counter-terror fatwa is too short to search for the specific Qur’anic verses that endorse violence and are invoked to justify Islamic terrorism. Moreover, the counter-terror fatwa barely answers the question that prompted its issuance in the first place. The question is as follows: “What does the holy Qur’an say regarding the terrorists who in the name of Islam are spreading terror and killing innocent people and also waging a war

¹⁸¹ Ibid.

against our own country. How should they be treated? What should the general Muslims do if they have any information on such kind of people.”¹⁸² The fatwa simply answers, “Allah says in the Holy Qur’an: Take not life, which Allah hath made sacred. In Islam, it is haram to take the life of an innocent.”¹⁸³ Setting the fact aside that the fatwa makes no reference to any of the specific Qur’anic verses that endorse violence, it does not deign to answer the questioner’s query regarding how terrorists should be treated, and what Muslims should do if they have information on these terrorists. Furthermore, the fatwa neglects to define what they deem an innocent life. This counter-terror fatwa did not have any media coverage.

Citing Qur’anic Verses that Present Islam as a Religion of Peace

Counter-terror fatwas tend to cite popular Qur’anic verses that present Islam as a religion of peace to justify their position. However, even these verses that present Islam as a religion of peace have conditions and limitations. A good example of a counter-terror fatwa that relies on such verses is Qadri’s *Fatwa on Terrorism and Suicide Bombings*. Qadri’s counter-terror fatwa maintains the position that Islam does not permit any killings: “Islam not only outlaws the mass killings of Muslims but the whole of humanity, without any discrimination on the basis of caste, colour, race or religion.”¹⁸⁴ To this end, he justifies his claim by citing Qur’anic verse 5:32, which equates the killing of a human with the killing of the human race: “Whoever kills a person [unjustly], except as a punishment for murder or [as prescribed punishment for bloodshed, robbery and spreading] disorder in the land, it is as if he killed all humanity.”¹⁸⁵ However, Ibn

¹⁸² Darul Ifta, “Halal & Haram,” *Darul Uloom Deoband*, 2008, <http://www.darulifta-deoband.com/home/en/Halal--Haram/5677>.

¹⁸³ Ibid.

¹⁸⁴ Tahir-ul-Qadri, *Fatwa on Terrorism and Suicide Bombings*, 62.

¹⁸⁵ Ibid., 62–63.

Warraq has previously argued that such words are quoted out of context. He provides the complete quote by citing Qur'anic verse 5:32 and 5:33:

That was why We laid it down for the Israelites that whoever killed a human being, except as a punishment for murder or other villainy in the land, shall be looked upon as though he had killed all mankind: and that whoever saved a human life shall be regarded as though he had saved all mankind. [5:32]
Our apostles brought them veritable proofs: yet it was not long before many of them committed great evils in the land.

Those that make war against God and His apostle and spread disorder shall be put to death or crucified or have their hands and feet cut off on alternate sides, or be banished from the country.¹⁸⁶ [5:33]

According to Warraq, “the supposedly noble sentiments are in fact a warning to Jews. ‘Behave, or else’ is the message. Far from abjuring violence, these verses aggressively point out that anyone opposing the Prophet will be killed, crucified, mutilated, and banished!”¹⁸⁷

In another example, Qadri claims that “Islam gives complete religious freedom to all non-Muslim citizens to adhere to their respective faith traditions and to freely practise their teachings.”¹⁸⁸ To this end, he cites Qur'anic verse 2:256:

There is no compulsion in religion. Surely, right guidance is clearly distinguished from error.¹⁸⁹

However, according to Warraq, this verse is only applicable to Christians and Jews, and not Muslims and people of other religions.¹⁹⁰

As can be seen from the above examples, Qur'anic verses that present Islam as a religion of peace come with conditions and limitations. These verses are not unequivocal in their

¹⁸⁶ Ibn Warraq, ed., *Leaving Islam: Apostates Speak Out* (Amherst: Prometheus, 2003), 401.

¹⁸⁷ Ibid.

¹⁸⁸ Tahir-ul-Qadri, *Fatwa on Terrorism and Suicide Bombings*, 59.

¹⁸⁹ Ibid.

¹⁹⁰ Abul Kasem, “Islamic Terrorism and the Genocide in Bangladesh,” in *Leaving Islam: Apostates Speak Out*, ed. Ibn Warraq (Amherst: Prometheus Books, 2003), 198–99.

presenting of Islam as a religion of peace. This makes counter-terror fatwas that rely on such verses and their loopholes unable even to challenge Islamist terrorism indirectly because they do not contradict the Qur’anic verses endorsing violence that are typically used by terrorists to justify their actions.

Why Are There Not More Sophisticated Counter-Terror Fatwas?

As argued earlier in this thesis, counter-terror fatwas could be more effective against Islamist terrorism if they discussed or challenged the specific Qur’anic verses that endorse violence and are typically invoked to justify Islamic terrorism. The *adab al-mufti*, which is the code of conduct for fatwa issuers (muftis),¹⁹¹ states that while the content of fatwas can be “concise and informal”, they can also be “a fuller technical discussion.”¹⁹² Considering that a fatwa’s authority is based partially on the “persuasiveness” of its content,¹⁹³ it stands to reason that a counter-terror fatwa with sophisticated content would be better received and adhered to, and by extension, hold more authority than a counter-terror fatwa lacking sophisticated content. Moreover, it stands to reason that a counter-terror fatwa that discusses and challenges the specific Qur’anic verses would be more sophisticated than a counter-terror fatwa that cites verses that present Islam as a religion of peace. This case gains strength when these verses have conditions and limitations, and are neither unequivocal nor absolute pronouncements of peace. By citing only Qur’anic verses that present Islam as a religion of peace, the counter-terror fatwa is unable to challenge directly, and ultimately disrupt, the ideological core of Islamist terrorism. Instead, by challenging the Qur’anic verses endorsing violence that is used to justify Islamist

¹⁹¹ Masud, “Moral Conduct and Authority: The Place of Adab in South Asian Islam,” 130.

¹⁹² Masud, Messick, and Powers, “Muftis, Fatwas, and Islamic Legal Interpretation,” 24.

¹⁹³ Esposito, *What Everyone Needs to Know about Islam*, 166–67.

terrorism, the counter-terror fatwa can best create doubt in the minds of potential Islamist terrorists inspired by such verses. According to Ed Husain, Quilliam’s Co-Founder and Co-Director, “where there is doubt, in Islamic religious behavior, there is avoidance,” and since Islamist terrorists “currently kill because they have certainty (yaaqeen) of being rewarded in the next life (akhirah),” counter-terror fatwas citing Islamic texts can remove this certainty through doubt and ultimately prevent attacks from happening.¹⁹⁴

So why do most counter-terror fatwas not discuss at least one of the specific Qur’anic verses that endorse violence and are invoked to justify Islamic terrorism? Interviews with four issuers—three issuers of unsophisticated counter-terror fatwas with some news coverage and one issuer of a sophisticated counter-terror fatwa with no media coverage—help offer clues.

One issuer explains that he deliberately designed short counter-terror fatwas because long counter-terror fatwas hold the interest of fewer people. Upon asking Syed Soharwardy, the president of the Islamic Supreme Council of Canada, why his fatwas – fatwa on joining ISIS¹⁹⁵ (2015) fatwa on Terrorism in Canada and the US¹⁹⁶ (2010) and fatwa on the Taliban¹⁹⁷ (2009) – did not address those specific Qur’anic verses that endorse violence, he responded “we have done few¹⁹⁸ because there are several verses for the Qur’an which people do misinterpret and so fatwa should not be a book, you know, because it will lose its effectiveness to be read by common people because if it becomes a book then only few people who will buy those books

¹⁹⁴ Husain, “Fatwas Can Be a Force for Good.”

¹⁹⁵ Syed B. Soharwardy, “Historic Islamic Edict (Fatwa) on Joining ISIS/ISIL,” *Islamic Supreme Council of Canada*, 2015, <http://www.islamicsupremecouncil.com/historic-islamic-edict-fatwa-on-joining-isis-isil/>.

¹⁹⁶ Syed B. Soharwardy, “Fatwa on Terrorism in Canada and the U.S.,” *Islamic Supreme Council of Canada*, 2010, <http://www.islamicsupremecouncil.com/fatwa-on-terrorism-in-canada-and-the-u-s/>.

¹⁹⁷ Soharwardy, *Defeating Hate: A Comprehensive Rebuttal of Taliban, Al-Qaeda, Daesh (ISIS) and Islamophobes*, 54–55.

¹⁹⁸ This research found that none of his three counter-terror fatwas mentioned any of the specific Qur’anic verses endorsing violence.

read the entire book so that's why we wanted to keep it few pages with the two-three pages, four pages maximum, and so it can be read within a few minutes by the people who are trying to read." "In fatwa making it a very large book it won't be that effective, we want people to read it easily."¹⁹⁹

Soharwardy mentions, however, that he has challenged those specific Qur'anic verses that endorse violence, though not through fatwas. Referring to his book, *Defeating Hate: A Comprehensive Rebuttal to Taliban, Al-Qaeda, Daesh (ISIS), & Islamaphobes*, he states: "in this book I have responded to every verse that these terrorists use, saying Islam says go and kill all the Jews and Christians, Islam says go and kill, Qur'an says go and kill all the infidels, I have taken all those verses and explained to them that the interpretation or the translation of the extremists and Islamophobes both is not correct translation and neither correct interpretation."²⁰⁰ However, as shown in Appendix A, this book only discusses 5 out of the 17 specific Qur'anic verses that endorse violence and are typically used to justify Islamic terrorism.

A different issuer argues there must be a counter-terror fatwa that challenges the specific Qur'anic verses that endorse violence, but he cannot issue one himself because it would be too long. Upon asking Usama Hasan, the head of Islamic Studies at Quilliam, why the fatwa on ISIS²⁰¹ he issued did not discuss or challenge the specific Qur'anic verses that endorse violence, he said, "Right. Good question. That needs to be done, what you just alluded to. But, if I recorded it, that analysis, and we could have tried to do that to the fatwa I suppose, but it would

¹⁹⁹ Syed B. Sohwardy, telephone interview by author, April 2017.

²⁰⁰ Syed B. Sohwardy, telephone interview by author, April 2017.

²⁰¹ Usama Hasan, "Fatwa on the So-Called 'Islamic State' (Formerly 'Islamic State in Iraq & Syria')," 2014, <http://karimia.com/wp-content/uploads/2014/09/Fatwa-on-ISIS-final.pdf>.

have been very long. It would have been a good five or ten pages if you try to address most of the bigger issues.”²⁰²

Hassan designed the counter-terror fatwa to be short in nature to have it disseminated to a wider audience. According to Hasan, “The idea was to keep the message short and sharp and not some long drawn out thing.” In comparing his fatwa to the statement Letter to Al-Baghdadi issued in the US in 2014, which he notes as being more theologically rigorous when it came to the jihadi verses (and which Appendix C has shown to have only discussed 5 out of the 17 specific Qur’anic verses that endorse violence and are used to justify Islamic terrorism), Hasan says, “The purpose of ours was a different one, towards for mass consumption, that’s why we only limited it into one page and even the Qur’anic references were supposed to be kind of media-friendly, kind of bite-size ones. For example, the Qur’anic reference on non-compulsion of religion, it’s quite well-known across the world now because of this kind of approach.”²⁰³

Hassan argues that designing a counter-terror fatwa that challenges the specific Qur’anic verses that endorse violence by Islamic terrorists is a large task. He says, “Scripture is very difficult to deal with, we’ve had so many meetings on so much historical references. So it was simply not the place in terms of brevity, because if you get to grapple with some of the jihadist scripture arguments, you have to deal with all of it basically or the equally-related ones.” To address those specific Qur’anic verses he opined, “in my view, to do it properly does mean something like a hundred, two hundred-page book, because of the serious issues of those verses: what do they mean, what’s the context of those verses, what are they historically and scripturally based on, all the different connotations that said, how are the jihadist groups using, how justified

²⁰² Usama Hasan, telephone interview by author, April 2017.

²⁰³ Usama Hasan, telephone interview by author, April 2017.

are they or how unjustified are they, how do you explain or refute the way they use those verses.” He argues, “All of those are the very kind of detailed issues of theology and jurisprudence which need a proper background in Qur’an, hadith study, and everything else. That’s a big project.”²⁰⁴

Hasan also mentions that Quilliam is working on a project that challenges some of the specific Qur’anic verses that endorse violence used to justify terrorism; however, like Soharwardy’s similar project examined above, this is not a fatwa. Specifically, the 200-page book will have comprehensive responses to the jihadist theological arguments used by ISIS. In supporting his previous point regarding the type of task required to design a theologically-rigorous counter-terror fatwa, Hasan compares the soon-to-be-published book and the already-issued counter-terror fatwa to illustrate the difference in time required by the two projects: “To give you an idea, we’ve spent this entire year working on the project we’re about to publish. So that’s a complete different scale, if you like, the scale of work required to get rather than the one or two weeks which was involved in our fatwa.”²⁰⁵

Another issuer explained that their counter-terror fatwa was intended to be short because people would be unable to comprehend or would not be interested in a long counter-terror fatwa. Upon asking Jamal Badawi, a member of the FIQH Council of North America²⁰⁶ who helped draft a fatwa against terrorism in 2005 (reissued in 2007), why the counter-terror fatwa did not address the specific Qur’anic verses, he refers to the constraints on informing the public: “Of course, there are limits when you are advising the public with limited knowledge in Islam.” In demonstrating this point, like Hasan, he praises the Letter to Baghdadi, which the FIQH Council

²⁰⁴ Usama Hasan, telephone interview by author, April 2017.

²⁰⁵ Usama Hasan, telephone interview by author, April 2017.

²⁰⁶ Serves as an advisory role for Muslims in the US

had signed (and which Appendix C has shown to have only discussed 5 out of the 17 specific Qur’anic verses that endorse violence and are typically used to justify Islamic terrorism), and while he regards the statement as “highly scholarly”, he says that comprehending its sophisticated arguments would be “very difficult for people who are very unaware of what Islam is teaching.” He lists an example to show the extent of the public’s unfamiliarity with the religion: “I’ve seen some on TV asking them what is Islam, somebody said back, ‘oh yeah, this is a kind of sport.’” Badawi argues that the counter-terror fatwa by the FIQH Council was “intended for the public or otherwise we get lost in the scholarly discourse.” Fatwas, he adds, have “to be brief to reach everybody ... If you go into details, you can write a book. But how much patience would people have?”²⁰⁷

In fact, Badawi argues that their counter-terror fatwa’s strategy of citing verses that present Islam as a religion of peace to justify their position is actually a superior response to the Islamist terrorist narrative. Initially, he commented that the counter-terror fatwa challenges some of the specific Qur’anic verses that endorse violence and are typically used to justify Islamic terrorism²⁰⁸: “they say the verse say that, when we say no that doesn’t mean that, that’s one part.” However, he argues that the verses that present Islam as a religion of peace is ultimately used to justify their position since it is better than directly challenging the specific Qur’anic verses that endorse violence: “But the other part which is even more important than just correcting the source and misunderstanding is the positive side [of Islam]. What are the values? What does Islam teach about ... the underpinning values of mercy, of justice, of the best basic rules quoted from the Qur’an.” According to Badawi, this reliance on verses that present Islam as

²⁰⁷ Jamal Badawi, telephone interview by author, May 2017.

²⁰⁸ This research found that this fatwa did not do this.

a religion of peace works because the verses are “clearly a response to those [Islamist terrorists] who say these are kuffars [nonbelievers] and these are infidels [unbelievers].”²⁰⁹

In a similar vein to Hassan, Badawi notes it is a large task to create counter-terror fatwas that challenge specific Qur’anic verses that endorse violence used by Islamist terrorists. He emphasizes that sophisticated counter-terror fatwas require more preparation: “Because if you start dealing with the misquotations and details, then either you give the full details so that there be no misunderstanding it, or do harm in fact, if you give a half-cooked type of answer.”²¹⁰

Stepping away from fatwas for a moment, Badawi mentions he has authored a project that challenges some of the specific Qur’anic verses that endorse violence used to justify terrorism, but like Soharwardy and Hassan, his project was not a fatwa. Specifically, Badawi wrote a scholarly paper that he says directly tackles Qur’anic verses that endorse the killing of unbelievers. He adds, “Things that are taken out of historical and textual context, cut and paste approach, cherry picking, so it touched on that briefly but that’s what I elaborated in the paper which has been, by the way, quite, quite popular.”²¹¹ To see how this scholarly paper addressed the specific Qur’anic verses that endorse violence and are typically used to justify Islamic terrorism, see Appendix B (it only discusses 4 out of the 17 specific Qur’anic verses).

Altogether, the three counter-terror fatwas issuers did not address the specific Qur’anic verses that endorse violence typically used by Islamist terrorists, chiefly because they designed their fatwas to be short. They avoided designing long, sophisticated counter-terror fatwas for several reasons. The two most cited reasons were that people would be disinclined to read it because of the length—one interviewee even stated that most people lacked enough basic

²⁰⁹ Jamal Badawi, telephone interview by author, May 2017.

²¹⁰ Jamal Badawi, telephone interview by author, May 2017.

²¹¹ Jamal Badawi, telephone interview by author, May 2017.

knowledge in Islam to comprehend it—and that designing one is a large endeavor. Other reasons for making a short, unsophisticated counter-terror fatwa were that one issuer had intended to physically disseminate it to a larger audience, and another issuer preferred to cite verses that present Islam as a religion of peace because they considered this the superior strategy for deterring Islamist terrorism. However, these listed reasons raise questions about the plausibility of their approach.

With regard to the assumption that people are not interested in reading a long, sophisticated counter-terror fatwa, why is this assumption held? If the fatwa is designed with the public in mind, and not just Muslims, this explanation makes sense. However, this raises a further question: why are counter-terror fatwas designed for the public when fatwas are only applicable to Muslims? Fatwas do not carry authority for people of other faiths (or lack thereof). And if counter-terror fatwas were designed for a Muslim audience, why do the issuers neglect to recognize the extent of the audience's religiosity and presume they would not be interested in reading a long, sophisticated counter-terror fatwa? Surely the religiosity of Muslims is not low enough to discount their interest in reading an authoritative ruling that thoroughly refutes Islamist terrorist justification because of the ruling's length and rigour. In fact, if anything, studies have reported a marked increase in religiosity in individuals prior to partaking in the jihad.²¹²

With regard to the reason that creating a long, sophisticated counter-terror fatwa would be a big task, why is it then that the 3 issuers and/or their respective organizations have released or are planning on releasing lengthy statements that do directly challenge some of these specific

²¹² Marc Sageman, *Understanding Terror Networks* (Philadelphia: University of Pennsylvania Press, 2004), 93; Edwin Bakker, "Jihadi Terrorists in Europe: Their Characteristics and the Circumstances in Which They Joined the Jihad: An Exploratory Study," 2006, 49, https://www.clingendael.nl/sites/default/files/20061200_cscp_csp_bakker.pdf.

Qur'anic verses endorsing violence?²¹³ After all, fatwas can be made long. Muhammad Khalid Masud, who has published extensively on Islamic law and is currently the acting Director General of the Islamic Research Institute in Islamabad, affirms that fatwas can be made longer when dealing with a contentious topic. “No length has been specified as a requirement,” he says. “Argumentative fatwas are naturally longer than those where the matter is simple.”²¹⁴ Granted, some of the issuers said that creating a sophisticated counter-terror fatwa requires extensive preparation, but so do their lengthy statements. One of the issuers notes that their short counter-terror fatwa took 1-2 weeks to create; a stark contrast with their statement, which they have been working on for close to a year. This suggests that the counter-terror fatwa issuers prefer a lengthy statement over a lengthy fatwa. A possible explanation could be that the issuers may be dissuaded by the higher standard of quality in place for fatwas, where the stakes are higher for mistakes. Creating a long, sophisticated counter-terror fatwa without any mistakes can certainly be overwhelming for a small team of theologians (let alone one). However, the Letter to Baghdadi, a lengthy point-by-point refutation of ISIS ideology, which also was praised by some of the issuers above for its theological sophistication, will be used to challenge the plausibility of this explanation. If this 28-page letter was issued by over 120 Islamic scholars worldwide, “many of them leading Muslim voices in their own country,” then the content must have been reliable enough to be issued as a fatwa.

With regard to the assertion that a counter-terror fatwa must be made deliberately short to physically disseminate it to a large audience, why do the creators assume that a long counter-terror fatwa could not be disseminated just as successfully? Qadri's *Fatwa on Terrorism and*

²¹³ Even the lengthy Letter to Baghdadi, which was cited by some of the issuers above for its theological sophistication, was not issued as a fatwa.

²¹⁴ Muhammad Khalid Masud, email interview by author, May 2017.

Suicide Bombings is the longest counter-terror fatwa (512 pages long), and yet, it is one of the most widely disseminated counter-terror fatwas to date and has received considerable coverage through major news outlets and TV news station from around the world.²¹⁵ Moreover, this fatwa was discussed by at least 3200 web links in the very year it was issued.²¹⁶ While it is intuitive to believe that a short counter-terror fatwa would help it be disseminated more easily, the notion neglects to consider important factors that are key to a fatwa’s successful dissemination, such as having the financial capability to fund a press release and to promote it. Indeed, Qadri’s organization’s backing and promotion of the press conference event for his 2010 counterterror fatwa were cited by the British press reports as reasons for successfully drawing “much more media and public attention that it would have received otherwise.”²¹⁷

With regard to the argument that counter-terror fatwas should cite verses that present Islam as a religion of peace because they create a superior response to deter Islamist terrorism—how does this make sense? The thesis earlier found that the popular verses frequently cited to present Islam as a religion of peace had certain conditions and limitations. For example, while one Qur’anic verse states that there is no compulsion in religion, and this may sound promising, its application is limited to only some groups. If such a counter-terror fatwa relies solely on such verses, it is hardly convincing to non-Muslims, and it cannot sway ardent jihadists who are steeped in Islamist literature.

²¹⁵ “Fatwa Against Terrorism and Suicide Bombings: Global Media Coverage,” 2010, http://www.minhaj.org/downloads/Fatwa_Global-Media-Coverage_English_volume-01.pdf; “Fatwa Against Terrorism and Suicide Bombings: Global Media Coverage. Vol. 2,” 2010, http://www.minhaj.org/downloads/Fatwa_Global-Media-Coverage_English_Volume-02.pdf.

²¹⁶ “Fatwa Against Terrorism and Suicide Bombings: Global Media Coverage. Vol. 2,” 76–199.

²¹⁷ Kralev, “Muslim Leader’s Edict Decries Terrorism.”

Perhaps there are theological constraints that prevent issuers from challenging the Qur'anic verses that endorse violence through fatwas. Maybe counter-terror fatwas that challenge these specific Qur'anic verses that endorse violence can only be issued by moderate Muslims. An interview with Moiz Amjad, the then-editor of *Understanding Islam*²¹⁸, about his 2001 “academic” fatwa, which challenged the specific Qur'anic verses endorsing violence that were invoked by Bin Laden in his 1998 terror fatwa, helped shed some light on this matter.²¹⁹ When asked why he is among the few issuers of fatwas who actually discusses and challenges the specific Qur'anic verses that endorse violence typically invoked to justify Islamic terrorism, he replied, “really honestly it is because of my line of reasoning.”²²⁰ He explains that it is a moderate “line of reasoning”, as opposed to a conservative one, that is instrumental when issuing counter-terror fatwas with sophisticated content:

Basically, my line of reasoning was very different ... [the] line of reasoning of Bin Laden's fatwa and those who tried to counter that was no different. They had the same line of reasoning. My line of reasoning and my principles of understanding the religion and principles of interpreting the Qur'an were completely pulled apart from all others and that is why I think that my answers ... would have been construed as being unique ... my line of reasoning ... my principles of understanding religion were quite different from almost all the others. If anybody issued, have issued any counter narratives or counter fatwa they would have only given a rhetorical response rather than a counter interpretation of the verses involved, but because of my own interpretation of the Qur'an is quite different from the others, and I obviously understand that to be the correct one, therefore I think it was not at all difficult for me to just write down the interpretations that I consider to be great.²²¹

But what does a moderate line of reasoning like Amjad's entail? When asked to elaborate on his line of reasoning, Amjad offered some highlights:

the first thing is ... according to my principles of interpreting the Qur'an, which I have learned from my teacher, the Qur'an is absolute. I mean the Qur'anic interpretation has to

²¹⁸ A website for explaining, and answering questions on, Islam.

²¹⁹ Moiz Amjad, “The Alleged Fatwa of Osama Bin Laden,” *Understanding Islam*, 2001, <http://www.understanding-islam.com/the-alleged-fatwa-of-osama-bin-laden/>.

²²⁰ Moiz Amjad, video interview by author, April 2017.

²²¹ Moiz Amjad, video interview by author, April 2017.

be supreme. I mean if there is a narrative, if there is a Hadith that has been quoted and it does not fit in our interpretation of the Qur'an we cannot accept that hadith to be correct because Hadith is not something that he prophet has said, Hadith is something that the prophet is ascribed to have said, and this description could be wrong so even if the hadith is correct and every person in that chain of four narratives is reliable and intelligent and has a good memory still we could have misunderstood something and therefore we would never put hadith over the Qur'anic interpretation and adjust our Qur'anic interpretation according to that hadith, so one of the primary differences is that for me hadith ... is the supportive source of religious interpretation, it is not a primary source of religious interpretation. Number one.

Number two: I believe that the Qur'anic interpretations must, without any exceptions, adhere to the context ... If you look at my writing in this particular, you know, reply which you're referring to, I keep on referring to the context of the verse quoted by the alleged fatwa of Bin Laden and I keep telling that you know the context does not support that interpretation."²²²

Basically, Amjad's moderate line of reasoning places heavier emphasis on the Qur'an over the hadith, which describes the action and sayings of the Prophet, as sources of religious interpretation, which is different from most of the schools of Islamic thought where the Qur'an and the hadith are both primary sources. In fact, since the hadith is "often used as the lens through which to interpret the Koran", it is considered by many Muslim jurists as "an even greater authority on the practice of Islam."²²³ The hadith does however present some problems when it comes to challenging the specific Qur'anic verses that endorse violence. Since the hadith is "vital in understanding and contextualising" the stories and commandments in the Qur'an, it restricts the Qur'anic verses, such as those endorsing violence, to specific interpretations.²²⁴

This becomes particularly problematic when the hadith supports and reinforces such verses endorsing violence in undeniably clearer terms. Moreover, since the hadith settles matters of

²²² Moiz Amjad, video interview by author, April 2017.

²²³ Sam Harris, *The End of Faith: Religion, Terror, and the Future of Reason* (New York: W. W. Norton & Company, 2005), 116, as quoted in M. Ruthven, *Islam in the World*, 2d ed. (Oxford: Oxford Univ. Press, 2000), 137.

²²⁴ Saif Rahman, *The Islamist Delusion: From Islamist to Cultural Muslim Humanist* (Charleston: CreateSpace, 2012), 48.

abrogation^{225, 226} it has some of the verses that present Islam as a religion of peace superseded by the verses endorsing violence.²²⁷ In fact, according to the principle of abrogation, the “verse of the sword” (Qur’an 9:5) supersedes 124 verses that present Islam as a religion of peace.²²⁸ This marked shift in militancy corresponds to the notion that God commanded Prophet Muhammad and his followers “to fight an aggressive war against polytheists and later monotheists like the Jews of Khaybar in Mecca” much later than the commands for non-aggression in Medina and beyond.²²⁹ Suffice to say, when Amjad’s moderate line of reasoning has the hadith downgraded from a primary source of religious interpretation to a supportive one, Amjad is able to avoid the obstacles outlined above and exercise more freedom in interpreting and challenging the Qur’anic verses as he sees fit.

His moderate line of interpretation also allows him to contextualize Qur’anic verses without exception, and helps to dismiss the applicability of some the Qur’anic verses that endorse violence used to justify Islamic terrorism. The context that he uses “can be in the words of the Qur’an, in the sentences, sometimes it will be in the paragraphs, and sometimes it will be in the environment.”²³⁰ Amjad’s following example illustrates how his environmental contextualization works: when it comes to the verse of the sword (Qur’an 9:5), he contextualizes that verse to its respective “environment”, which at the time was an organized Islamic state in Medina under the leadership of the Prophet waging war against the pagans. He does this in

²²⁵ According to the principle of abrogation, which is noted in both the Qur’an and the Hadith, when two passages in the Qur’an contradict with one another, the one written later supersedes and nullifies the one written earlier. Since the Qur’an isn’t written in chronological order, the hadith is used to determine which verses have been abrogated or not.

²²⁶ Ibid.

²²⁷ Ibid., 27.

²²⁸ David Bukay, “Peace or Jihad? Abrogation in Islam,” *Middle East Quarterly* 14, no. 4 (2007): 3–11.

²²⁹ Ibid.

²³⁰ Moiz Amjad, video interview by author, April 2017.

response to the interpretation that the verse is “directing all individual Muslims to declare war against all pagans of the world.”²³¹ Amjad’s unconditional contextualization of all Qur’anic verses is at odds with the mainstream view that the Qur’an and, by extension, its verses are timeless.²³²

Altogether, Moiz Amjad’s explanation provides clues about the lack of sophistication in most counter-terror fatwas’ content. Perhaps a moderate line of reasoning is required to issue a counter-terror fatwa that challenges the specific Qur’anic verses that endorse violence and are typically used to justify Islamic terrorism, as opposed to issuing counter-terror fatwas that merely cite Qur’anic verses that present Islam as a religion of peace.

Why Do Some Counter-Terror Fatwas Receive Media Coverage and Not Others?

What accounts for the polarizing levels of online media coverage surrounding the counter-terror fatwas? This discrepancy may partly hinge on the fatwa issuer’s wealth, which can certainly be instrumental in drawing more media coverage. According to British press reports, this was certainly the case for Qadri’s fatwa: “The foundation’s backing and promotion of Tuesday’s event drew much more media and public attention than it would have received otherwise.”²³³ However, this point does not quite adequately explain the discrepancy in media coverage between counter-terror fatwas that are sophisticated and counter-terror fatwas that are not sophisticated, in which the former group has received absolutely no media coverage, while most of the latter have experienced some. To delve deeper, I rely on interview data, which happen to offer clues on the matter. I will first go over the responses by the 3 individuals who

²³¹ Moiz Amjad, video interview by author, April 2017.

²³² Mona Siddiqui, *How to Read the Qur’an* (New York: WW Norton & Co, 2008).

²³³ Kralev, “Muslim Leader’s Edict Decries Terrorism.”

have issued unsophisticated counter-terror fatwa – Syed Soharwardy, Usama Hasan, and Jamal Badawi -- then examine the response of the issuer behind the sophisticated counter-terror fatwa – Moiz Amjad.

Syed Soharwardy and his organization, the Islamic Supreme Council of Canada, have received a lot of media coverage for their counter-terror fatwas. Soharwardy elaborates on the availability and extent of this media coverage:

We disseminated it to the public through the media that we have available to us. It was many. All three fatwas, by the way, were covered by the Canadian media quite well and in fact the international media also covered all these fatwas. The United States and the European newspapers, Russian television. I have done interviews to the international media in the Middle East [and] was covered in Muslim countries in Malaysia, Indonesia, those people covered these fatwas so through internet, through media, and through emails. We did reach out to the broader humanity around the world.²³⁴

It can be seen that media from around the world were available to Soharwardy in publicizing these fatwas. Suffice to say, Soharwardy was quite pleased with the coverage he received. In fact, when asked what kind of support he received for his counter-terror fatwas, he first listed the media as being the primary support: “I mean the best support I got is from the media [and] the media was coming, they covered it very well, and that’s what we wanted because we wanted to reach out to as many people as we could, so without the media support we could not have done that.”²³⁵ All in all, the media was certainly instrumental in proactively engaging and ultimately disseminating Soharwardy’s fatwa internationally.

The counter-terror fatwa issued by Quilliam’s head theologian, Usama Hasan, also received good media coverage. According to Hasan, mainstream media played a large role in its

²³⁴ Syed B. Soharwardy, telephone interview by author, April 2017.

²³⁵ Syed B. Soharwardy, telephone interview by author, April 2017.

dissemination. After all, his fatwa was presented on the front page of the Sunday Times, which, as he explains in the following, is advantageous in receiving even more coverage:

The front page is published on the Saturday night, so you have major mainstream media, for example the BBC and SKY that do a review of the papers on a Saturday night -- every night, but on Saturday night of course they review the Sunday morning papers. That's a good fifteen, half an hour to one hour in the other case, because Sky news did two half an hour programs on the Saturday night. There is plenty of exposure there. Then of course, throughout Sunday the major radio, TV discussion programs pick up on leading Sunday headlines and then do that for the rest of the week also. The kind of news cycle from Monday morning onward in Britain anyway is largely driven by the newspapers.²³⁶

Initial media coverage can bring the necessary level of awareness needed to spur even more coverage by other outlets. Like Soharwardy, Hasan was also pleased with the media coverage. When Hasan was asked about Quilliam's experience with the media, he said: "We were very pleased. I think we were lucky to get quite high levels of media publicity, largely because of the Sunday Times, that front page ... Even on the front page you have five or six stories, and this was the centerpiece front-page story ... we're very, very pleased with that." In fact, he cites the mainstream media as one of the primary examples of a positive response: "If you are familiar with the Sunday Times, for something to be on the front page, it needs the highest level of editorial support at the newspaper itself, who can of course have hundreds of the stories to look at." He added, towards the end of the interview, that if he had anything to change it would be to host a media conference: "The big thing I would have done differently was ... do something like a press release ... a physical launch of the actual text rather than simply the electronic media-based launch." At the time, Quilliam "didn't have the time or the resources in terms of money to do something like a press conference."²³⁷

²³⁶ Usama Hasan, telephone interview by author, April 2017.

²³⁷ Usama Hasan, telephone interview by author, April 2017.

The FIQH Council of North America fatwa wanted even greater media coverage for their counter-terror fatwa. According to Jamal Badawi, “it wasn’t really as big as we had expected.”²³⁸ He clarifies: “I’m not saying that it’s not covered at all, but it is not really proportionate to what happened.”²³⁹ However, I did find extensive media coverage for this counter-terror fatwa, with mainstream media outlets from the US to China reporting on the fatwa. Moreover, the FIQH Council of North America had issued this counter-terror fatwa at a press conference in Washington.²⁴⁰ Regardless, Badawi and the FIQH Council were not pleased with the level of media coverage for their counter-terror fatwa.

To sum up, all three of the issuers did receive media coverage for their fatwas, which is corroborated by the findings of this study. Soharwardy from the Islamic Supreme Council of Canada and Hasan from Quilliam were quite pleased with the media coverage. According to Badawi, the FIQH Council of North America wanted more media exposure, though this research paper did find extensive media coverage reporting on the organizations’ fatwa.

Moiz Amjad, the then-founder of Understanding Islam and the issuer of a sophisticated counter-terror fatwa, confirmed during his interview that his counter-terror fatwa received no media coverage, which corresponds with the findings of this study. His explanation for this lack of coverage, however, offers clues about why counter-terror fatwas that challenge the specific Qur’anic verses endorsing violence typically used to justify terrorism by Islamist terrorists rarely seem to receive any media coverage. What Amjad had encountered was a physical limitation that prevented his counter-terror fatwa from being fully covered by the media: “Yeah in fact this

²³⁸ Jamal Badawi, telephone interview by author, May 2017.

²³⁹ Jamal Badawi, telephone interview by author, May 2017.

²⁴⁰ Caryle Murphy, “U.S. Muslim Scholars To Forbid Terrorism,” *The Washington Post*, July 28, 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/07/27/AR2005072702082.html>.

opinion that I have written over there [Understanding Islam] it was, actually it has been given on the media by a few of my colleagues, senior colleague, my teacher, and they had to go into an exile, self-imposed exile, because of that.” Essentially, Amjad’s counter-terror fatwa was met with such a hostile and threatening reaction by the public in Pakistan that those involved with the fatwa’s short-lived publicity were forced to go into exile. If Amjad’s experience serves as any indicator, it would seem that there are some very real obstacles preventing those with a moderate line of reasoning from going public with their counter-terror fatwas.²⁴¹

²⁴¹ Moiz Amjad, video interview by author, April 2017.

Chapter 4: Why Counter-Terror Fatwas Can Be Effective

To understand why counter-terror fatwas could be an effective response to terrorism and Islamist terrorist organisations, it is important to first understand what fatwas are and their function in Islam. Associating religious edicts with fatwas, while accurate, does not adequately capture the nuances of the concept. It is important to consider the influence that religious ideas can have over people. For pious Muslims preoccupied with attaining paradise, fatwas can be immensely influential in guiding them on their path. It is here that counter-terror fatwas can play an integral role in deterring Islamist terrorism. In this chapter, I begin with a review of fatwas and their role in Islam, I then examine and expand on the influence of religious ideas, and finally, examine how counter-terror fatwas can be made more effective.

Fatwas and their Role in Islam

What is a fatwa? What role do fatwas play in Islam? To answer the first question is simple: a fatwa is a “formal, legal opinion based on a mufti’s (legal scholar’s) interpretation of the law.”²⁴² To answer the second question, however, certain religious particularities must be understood in order to learn and ultimately appreciate the role of fatwas.

Islam is not merely a monotheistic religion; it is a political system.²⁴³ Since the time of the Prophet, Islam has been “associated in the minds and memories of Muslims with the exercise of political and military power.”²⁴⁴ This assumption that religion and politics are inseparable is rooted in all of classical Islamic literature.²⁴⁵ Throughout history there have been several

²⁴² Esposito, *What Everyone Needs to Know about Islam*, 166–67.

²⁴³ S. G. Vesey-Fitzgerald, “Nature and Sources of the Shari’a,” in *Law in the Middle East, Vol. 1, Origin and Development of Islamic Law* (Washington: The Middle East Institute, 1955), 85.

²⁴⁴ Bernard Lewis, *The Crisis of Islam* (New York: The Modern Library, n.d.), 20.

²⁴⁵ Vesey-Fitzgerald, “Nature and Sources of the Shari’a,” 85.

instances of legal systems being attached to religion, but the Islamic legal system is arguably unique in the comprehensiveness of the laws determined to be commanded personally by God.

Islam provides government by sacrosanct law with a sophisticated legal code that directs human behavior.²⁴⁶ The Islamic legal code, also known as Shar'iah in Arabic, is the "Whole Duty of Man", and it regulates all aspects of human behaviors, such as:

Moral and pastoral theology and ethics; high spiritual aspiration and the detailed ritualistic and formal observance which to some minds is a vehicle for such aspiration and to others a substitute for it; all aspects of law; public and private hygiene; and even courtesy and good manners.²⁴⁷

Not only are Muslims required to demonstrate correct belief, but they are required to display correct practice that strictly adheres to the Islamic legal code.²⁴⁸ The ultimate purpose of Islamic law is for the Muslim to be accepted into paradise in the hereafter.²⁴⁹

The term Shar'iah was originally defined in Arabic as the path used to bring camels to watering grounds, but it was later adapted in Islam to mean the sacred path for Muslims to achieve salvation.²⁵⁰ This "straight path" is dictated by the sources of Shar'iah, and both the Qur'an and the hadiths (which recounts the action and sayings of the Prophet).²⁵¹ These two sources of Shar'iah are used through casuistic analysis to work out religious issues and provide prescription of actions with reference to right and wrong.²⁵² The five moral categories of actions are classified as obligatory (wajib), recommended (mandub), permissible (mubah), disapproved

²⁴⁶ Bar, "Jihad Ideology in Light of Contemporary Fatwas," 1.

²⁴⁷ Vesey-Fitzgerald, "Nature and Sources of the Shari'a," 85.

²⁴⁸ Bar, Jihad Ideology pg 1

²⁴⁹ Andrew Rippin, *Muslims: Their Religious Beliefs and Practices*, Vol 1, *The Formative Period* (1990; reprint, London: Routledge, 1991), 83.

²⁵⁰ Vesey-Fitzgerald, "Nature and Sources of the Shari'a," 86.

²⁵¹ Bar, *Warrant for Terror: Fatwas of Radical Islam and the Duty of Jihad*, 2.

²⁵² Bar, "Jihad Ideology in Light of Contemporary Fatwas," 1.

(makruh), or forbidden (haram).²⁵³ Generally speaking, those who perform obligatory actions are rewarded in the hereafter, and those who do not, face punishment; conversely, those who perform forbidden actions will receive punishment in the hereafter, and those who do not, are rewarded. Most actions are permissible, and performing them has no bearing in the hereafter.

Who determines which actions are obligatory and which actions are forbidden and ultimately disseminates them to the public? It is not the laity, for they have neither the time, the training, nor arguably the capacity, to investigate Islamic law.²⁵⁴ Rather, the jurists determine the five moral categories of actions.²⁵⁵ Thus, the laity is responsible to imitate the jurists, which is known as performing taqlid.²⁵⁶ Muftis are qualified jurists.²⁵⁷ In the following, Bar neatly explains how the Muftis' determinations are conveyed to the Muslim community:

The mechanism by which the scholar brings the principles of shari'ah to bear in the practical world is fiqh—Islamic jurisprudence, and its product is the fatwa—a written legal opinion or ruling on a specific subject, which dispels uncertainty and shows the clear path for behavior on the chosen subject. A fatwa can only be given by a scholar with wide enough knowledge of shar'ia to be considered a mufti. The classic fatwa consists of a question (istifta'), posed by a petitioner (mustafti pl. mustatifun), and a response (jawab). A fatwa must be based on the sources (usul) or fiqh: these includes the Qur'an, the Sunna, logical analogy (qiyas) and consensus of the "uluma." However, most fatwas make little use of these tools and instead very often cite precedents from decisions by the mujtahidun of early Islam and the codex of existing fatwas.²⁵⁸

²⁵³ Rippin, *Muslims: Their Religious Beliefs and Practices, Vol 1, The Formative Period*, 82.

²⁵⁴ Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (2001; reprint, Oxford: Oneworld Publications, 2010), 51.

²⁵⁵ Rippin, *Muslims: Their Religious Beliefs and Practices, Vol 1, The Formative Period*, 82.

²⁵⁶ Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women*, 51.

²⁵⁷ H. A. R. Gibb, *Mohammedanism: An Historical Survey*, 2nd ed. (1949; reprint, Galaxy Book, 1966), 105.

²⁵⁸ Bar, "Jihad Ideology in Light of Contemporary Fatwas," 1.

The role Muftis play here is very important. It is not without reason that a mufti is seen as “the heir of the prophets”, “the signatory for God Almighty” and one who stands “between God Almighty and His creatures.”²⁵⁹

Throughout the history of Islam, millions of fatwas have been issued, mostly to address issues encountered by followers, such as marriage customs, financial proceedings, and moral inquiries.²⁶⁰ Generally, they are given in response to questions posed by followers or courts.²⁶¹ According to the *adab al mufti* treatises, the classical guidelines for fatwas, for the followers fatwas are typically concise, informal; for the courts “a fuller technical discussion” is generally required.²⁶² However, while fatwas can be as short as one-word answers, the emphasis is for them to be clear and correct.²⁶³ When it comes to a complicated matter, “argumentative fatwas are naturally longer than those where the matter is simple.”²⁶⁴

Generally, fatwas are non-binding for the largest sect of Islam. Sunni Muslims do not have to accept the scholar’s ruling. In fact, they may seek another opinion. But even then, as Bar makes clear, often a follower can anticipate in advance how the fatwa will turn out “because he is strongly affiliated with a certain scholar and shares his general religious worldview.”²⁶⁵

However, fatwas become binding for fundamentalist or radical movements. They become binding because the members from these movements, typically lay Muslims, are subordinated to the mufti’s authority. The members’ acceptance of the authority of leaders in these movements is

²⁵⁹ Jamal al-Din al-Qasimi, *al-Fatwa fi’l-Islam* (Beirut: Dar al-Kutub al-Ilmiyya, 1986) 44, quoted in Masud, Messick, and Powers, “Muftis, Fatwas, and Islamic Legal Interpretation,” 16.

²⁶⁰ Weimann, “Cyber-Fatwas and Terrorism,” 766.

²⁶¹ Esposito, *What Everyone Needs to Know about Islam*, 166–67.

²⁶² Masud, Messick, and Powers, “Muftis, Fatwas, and Islamic Legal Interpretation,” 24.

²⁶³ *Ibid.*, 25.

²⁶⁴ Muhammad Khalid Masud, email interview by author, May 2017.

²⁶⁵ Bar, *Warrant for Terror: Fatwas of Radical Islam and the Duty of Jihad*, 8.

reflected by the prestigious titles ascribed to such leaders, such as Commander (Amir), Overseer (Moraqib), Guide (Murshid) and Messiah (Mahdi). These members often commit pledges of allegiance to these leaders, effectively signifying they accept the leader as their spiritual guide. It is in this context that fatwas can act as “operational diktats.”²⁶⁶

As for the Shiite Muslims, fatwas can be binding. Shiites must follow the highest authority, the marja al-Taqlid,²⁶⁷ which in English is translated as ‘model of emulation’. A Shiite Muslim should follow only one Majra, even though there are a number of them from different Muslim countries in the Shiite population. When one Majra passes away, the follower must follow another.²⁶⁸

The Influence of Religious Ideas

Although fatwas are binding for certain segments of the Muslim population, but less so for others, fatwas are influential for all Muslims, if they are concerned with attaining paradise in the hereafter. Devote Muslims view fatwas as guiding them on the straight path to heaven. Muslims that perform obligatory actions are rewarded in the hereafter, those who perform forbidden actions receive punishment. Shaykh Shafiq Hudda from the Islamic Humanitarian Service states that a fatwa is “some guideline that one needs to follow or act upon [...] and primarily it refers to acts of worship, acts of one’s obedience to God, to Almighty Allah.”²⁶⁹ When asked about the extent of influence that fatwas have over Muslims, he responded, “fatwas definitely do have a significant influence on the life of a Muslim whether it’s a Shia or Sunni ...

²⁶⁶ Bar, “Jihad Ideology in Light of Contemporary Fatwas,” 2.

²⁶⁷ Typically, these are Grand Ayatollahs.

²⁶⁸ Bar, *Warrant for Terror: Fatwas of Radical Islam and the Duty of Jihad*, 10.

²⁶⁹ Shaykh Shafiq Hudda, interview by author, Kitchener, May 2017.

It would have an influence or significant influence on all Muslims' lives because it is what guides us."²⁷⁰

To truly appreciate the effect that fatwas, and, by extension, counter-terror fatwas may have, we must understand the influence that religious ideas can have in general. Chris Parson's work on ideational explanations, a type of explanation of human action, is helpful in that regard. According to Parsons, "ideational elements' cause certain actions in ideational claims."²⁷¹ What are ideational elements? Ideational elements overlap with most of the definitions of the related term 'culture', such as "practices, symbols, norms, grammars, models, beliefs, ideas, and/or identities that carry meanings about the world."²⁷² Parsons says there is a short, direct connection between ideational elements and the core logic of ideational explanations: "When we say that people hold certain cultures or beliefs, we are not just making a descriptive statement that leaves open the causal dynamics. It makes little sense to call something a 'belief' unless we also mean that someone believes in it: that they use it to assign meaning and interpret the world around them."²⁷³ Thus, he maintains, the very concept of ideas, culture or beliefs is directly linked to the core logic of ideational explanation: "It explains actions as a result of people interpreting their world through certain ideational elements."²⁷⁴

There are different ideational explanations, and, by extension, different ideational schools of thought.²⁷⁵ The ideational schools of thought differ from one another based on the questions asked, methods used, and levels of analysis applied. However, their key difference has to do with

²⁷⁰ Shaykh Shafiq Hudda, interview by author, Kitchener, May 2017.

²⁷¹ Craig Parsons, *How to Map Arguments in Political Science* (New York: Oxford University Press, 2007), 95.

²⁷² *Ibid.*, 96.

²⁷³ *Ibid.*

²⁷⁴ *Ibid.*

²⁷⁵ *Ibid.*, 121.

the relationships between ideational elements and action, and these vary on a number of dimensions. The Ends versus Means dimension, specifically the ‘Ends’-focused arguments, is most pertinent to the scope of this thesis’ examination of counter-terror fatwas. Parsons elaborates on what the ends-focused arguments entail:

Ideational elements might cause action by defining end goals, indirectly leading people to choose certain actions, or by defining courses of action directly as conceivable or appropriate. ‘Ends’-focused arguments suggest a somewhat higher degree of awareness of the objective world. They imply that once people have their goals, they choose the means to pursue them in a fairly unconstrained, instrumental fashion. The most famous example is Weber’s argument in *The Protestant Ethic and the Spirit of Capitalism*, in which certain beliefs about salvation made it rational for Protestants to become intensely capitalistic in this life.²⁷⁶ Once religious beliefs defined their end goal, Protestants figured out concrete ways to get there.²⁷⁷

The ‘ends’-focused argument is quite relevant to Muslim belief about paradise and following of the path of Shar’iah, guided by fatwas, to get there.

As discussed, shar’iah, also known as the Islamic legal code, is critically important for pious Muslims. Its ultimate purpose is to help Muslims to achieve paradise.²⁷⁸ As Khadduri argues, “The practical importance of the sacred law for the pious Muslim is much greater than that of any secular legal system for the ordinary law-abiding citizen. Islamic law [...] tells him what his religious duties are, what makes him ritually clean or unclean, what he may eat or drink, how to dress and how to treat his family, and generally what he may with good conscience regard in the widest sense as lawful acts and possessions.”²⁷⁹ It is Islamic law that identifies actions with reference to right and wrong,²⁸⁰ and it is the responsibility of the jurist to determine the five moral categories of actions—obligatory (*wajib*), recommended (*mandub*), permissible

²⁷⁶ Ibid., 122.

²⁷⁷ Ibid.

²⁷⁸ Rippin, *Muslims: Their Religious Beliefs and Practices, Vol 1, The Formative Period*, 83.

²⁷⁹ Vesey-Fitzgerald, “Nature and Sources of the Shari’a,” 75.

²⁸⁰ Bar, “Jihad Ideology in Light of Contemporary Fatwas,” 1.

(mubab), disapproved (makrub), or forbidden (haram).²⁸¹ Obligatory actions are followed with a reward in the hereafter, and forbidden actions are followed with eternal punishment. Islamic jurisprudence and its product, fatwas, is the mechanism through which principles of Shar'iah are brought to the attention of Muslims.²⁸² Thus, fatwas help clear the path to salvation, where for Muslim puritans “the straight path (al-sirat al-mustawim) is fixed [...] by a system of divine laws (shari'a) that trump any moral considerations or ethical values that are not fully codified in the law.”²⁸³ The ideational element in this is the Islamic belief in salvation, which causes pious Muslims to adhere to fatwas and ultimately Islamic law.

When it comes to Islamist terrorism, the influence that fatwas and Islamic law have on pious Muslims must not be neglected. Studies have shown a marked increase in religiosity in individuals prior to partaking in the jihad. Sageman affirms that “there was a definite shift in degree of devotion to Islam in adulthood by the mujahedin, preceding their recruitment into the jihad.”²⁸⁴ Bakker's study also corroborated Sageman's findings: “before joining the jihad and getting involved in terrorist activities most people become more religious.”²⁸⁵ In fact, according to the New America Foundation report, from 9/11 through to the end of 2016, the majority of jihadists behind terrorist plots and attacks in the US were all converts.²⁸⁶ With increased religiosity comes a more fervent subscription to religious ideas. Dawson and Amarsingam's study of foreign fighters, involving interviews with 20 jihadists in Syria, found that the ultimate

²⁸¹ Rippin, *Muslims: Their Religious Beliefs and Practices, Vol 1, The Formative Period*, 82.

²⁸² Bar, “Jihad Ideology in Light of Contemporary Fatwas,” 1.

²⁸³ Khaled Abou El Fadl, “The Place of Tolerance in Islam,” in *The Place of Tolerance in Islam*, ed. Joshua Cohen and Ian Lague (Boston: Beacon Press, 2002), 4.

²⁸⁴ Sageman, *Understanding Terror Networks*, 93.

²⁸⁵ Bakker, “Jihadi Terrorists in Europe: Their Characteristics and the Circumstances in Which They Joined the Jihad: An Exploratory Study,” 49.

²⁸⁶ Peter Bergen et al., “Terrorism in America After 9/11,” 2017, <https://www.newamerica.org/in-depth/terrorism-in-america/>.

purpose for most was to attain paradise, and to achieve this end they believed they were required to commit their lives to jihad and martyrdom.²⁸⁷ For this pool of Islamist terrorists who wages jihad to secure paradise in the hereafter, terror fatwas can certainly be influential. It is through terror fatwas that radical scholars establish jihad as an obligatory action of the Muslim community, and Muslims and converts who have experienced a sharp increase in religiosity prior to becoming Islamist terrorists, can be compelled to carry out such actions to attain paradise in the hereafter.

Several examples clearly demonstrate the terror fatwas' crucial role in inciting violence and terrorist attacks. One prominent example is an interview with Muhammad Abd Al-Hadi Muhammad, a Libyan terrorist arrested in Iraq, that was aired on Al-Fayhaa TV (Iraq) on January 24, 2005. Muhammad explains in the dialogue with the interviewer that a terror fatwa incited him and other group members to "fight for the Iraqis":

Interviewer: Muhammad, do you pray?

Muhammad Abd Al-Hadi Muhammad: Yes, I pray.

Interviewer: If you pray, you are supposed to act according to religious law. According to religious law, you should have gone to a sheik or a religious authority and asked him.

Muhammad Abd Al-Hadi Muhammad: I did ask.

Interviewer: Who did you ask?

Muhammad Abd Al-Hadi Muhammad: I asked a sheik in Libya.

Interviewer: Who?

Muhammad Abd Al-Hadi Muhammad: A sheik in Banghazi.

Interviewer: What is this sheik's name?

²⁸⁷ Lorne L. Dawson and Amarnath Amarasingam, "Talking to Foreign Fighters: Insights into the Motivations for Hijrah to Syria and Iraq," *Studies in Conflict & Terrorism* 40, no. 3 (2017): 199.

Muhammad Abd Al-Hadi Muhammad: It's a group, not only one.

Interviewer: A group of sheiks?

Muhammad Abd Al-Hadi Muhammad: Yes. I asked a few sheiks.

Interviewer: What are their names? What mosques are they from?

Muhammad Abd Al-Hadi Muhammad: Mosques in Banghazi.

Interviewer: But there are lots of mosques in Banghazi.

Muhammad Abd Al-Hadi Muhammad: They all issued a fatwa, not just one sheik.

Interviewer: What does the fatwa say?

Muhammad Abd Al-Hadi Muhammad: The fatwa deals with Jihad in Iraq.

Interviewer: You personally heard from the sheiks in the mosques of Banghazi, who said that...

Muhammad Abd Al-Hadi Muhammad: No, in sermons.

Interviewer: through the sermons, they issued a fatwa that one should go on Jihad in Iraq?

Muhammad Abd Al-Hadi Muhammad: Yes.

Interviewer: And on the basis of the Banghazi sheiks' fatwa, you decided to go on Jihad in Iraq?

Muhammad Abd Al-Hadi Muhammad: Yes.

We did not come to kill innocent Iraqis.²⁸⁸

It is easy to see that the terror fatwa issued by some sheiks in Libya had incited Muhammad to wage jihad in Iraq.

Another salient example involves the interrogation of Talal Ra'ad Sleiman Yasin, an Iraqi terrorist, which aired on March 9, 2005 on Al-Iraqiya TV, a news channel in Iraq. This

²⁸⁸ “#505 - Libyan Terrorist Arrested in Iraq: On Al-Jazeera and Al-Arabiya They Said Car Bombs in Iraq Were Put by the Americans,” *MEMRI*, 2005, <https://www.memri.org/tv/libyan-terrorist-arrested-iraq-al-jazeera-and-al-arabiya-they-said-car-bombs-iraq-were-put>.

example focuses on a Saudi-sanctioned fatwa permitting the slaughter of policemen and National Guard personnel, effectively showing the very real consequences terror fatwas can cause:

Interviewer: During our conversation you talked about policemen and National Guard personnel being slaughtered. Can you tell us about this, and about the basis of such fatwas in Islamic law?

Yasin: Actually, Islamic law is not my field. But after the People of the Hadith Association was established in Mosul...

Interviewer: When?

Yasin: This association was established after the fall of the regime and was headed by Nidham Al-Din Haddad, who was a cleric.

Interviewer: Was he an Iraqi?

Yasin: Yes, from Mosul. These clerics discussed the Koran and the Sunna and Islamic legal argumentation. After this association was established they issued a ruling that prohibited killing policemen and National Guard personnel. Later, Nidham went on a pilgrimage to Mecca - as Allah is my witness - and when he returned from his pilgrimage, one of his students asked him about killing policemen, and he permitted this.

Interviewer: Who was Nidham working for, and who financed him?

Yasin: The association preaches the Salafi approach - but moderate Salafism, and not the Salafism that accuses others of heresy. But when he went to Saudi Arabia, he met with clerics or with the Council of Senior 'Ulama in Saudi Arabia.

Interviewer: Who did he meet in Saudi Arabia?

Yasin: I think..... According to what was said, he met with the Mufti of Saudi Arabia, Saleh... Excuse me, 'Abd Al-'Aziz Aal Al-Sheik and with Sheik Saleh Al-Fawzan.

Interviewer: Then the fatwa came from Saudi Arabia?

Yasin: Yes, he said this when he came back.

Interviewer: What fatwas were issued when he came returned from his pilgrimage?

Yasin: The fatwa concerning attacks on the Americans and their supporters. When he was asked about police stations and policemen, he said: "They must be killed."

Interviewer: When an operation is carried out in Saudi Arabia they call it "a terrorist attack" but when a terrorist attack takes place in Iraq they call it "Jihad." Hasn't this occurred to you?

Yasin: I don't believe what they say about the Jihad in Iraq, but Satan tempted me. I generally follow the path of moderation and not of accusations of heresy. In this case I was wrong.²⁸⁹

Later in the conversation Yasin admitted that he carried out the operations because of this fatwa.

Another example was examined during an interview with ‘Abd Al-Rahim bin Muhammad bin ‘Abdallah Al Muteiri, a Saudi Terrorist captured in Iraq that aired on March 31, 2005 on Al-Iraqiya TV. In the interview, Muteiri explains he waged jihad in Iraq because of two separate terror fatwas:

Muteri: I hadn't thought of coming to Iraq, but I had fatwas (calling for Jihad).

Interview: Fatwas from senior clerics or minor ones?

Muteri: I read the communiqué of the 26 clerics [287], and (I heard) some lectures and sermons from "For you, Baghdad," as well as Sheik Al-‘Anzi and other doctors who appear on TV, like Dr. Yousuf Al-Qaradhawi, who issued (a fatwa) ruling that any American in Iraq must be killed.²⁹⁰

We can clearly see that the two terror fatwas had incited Muteri to wage jihad in Iraq.

There are other examples of terror fatwas playing crucial roles in inciting terrorist actions and attempts. Majed Shabib Al-Uteibi accused the 26 signatories of the communiqué,²⁹¹ also

²⁸⁹ "#602 - Iraqi Terrorist Talal Ra'ad Sleiman Yasin: Saudi-Sanctioned Fatwa Permits Killing Iraqi Security Personnel," *Memri*, 2005, <https://www.memri.org/tv/iraqi-terrorist-talal-raad-sleiman-yasin-saudi-sanctioned-fatwa-permits-killing-iraqi-security>.

²⁹⁰ "#629 - Saudi Terrorist: I Waged Jihad In Iraq Because of the Communique of the 26 Clerics and Because of Dr. Yousuf Al-Qaradhawi's Fatwa That Any American in Iraq Should Be Killed," *MEMRI*, 2005, <https://www.memri.org/tv/saudi-terrorist-i-waged-jihad-iraq-because-communique-26-clerics-and-because-dr-yousuf-al>.

²⁹¹ On November 5, 2004, twenty-six Saudi clerics, mostly lecturers of Islamic Studies at colleges and universities in Saudi Arabia, signed a communiqué that jihad against the occupiers (the coalition forces) in Iraq is an Islamic duty, which they affirm to be obligatory for any able-bodied person. See more at "Reactions and Counter-Reactions to the Saudi Clerics' Communiqué Calling for Jihad in Iraq," 2005, https://www.memri.org/reports/reactions-and-counter-reactions-saudi-clerics-communique-calling-jihad-iraq#_ednref4.

known as a terror fatwa, of causing the death of his son who left to wage jihad in Iraq based on the fatwa's instructions.²⁹² Another more recent example can be found in the trial of a terrorist cell, accused by the Saudi government of being involved in the Riyadh Compound Bombings. Of the 85 members held for trial, six defendants were accused of being members of Al Qaeda and traveling to Afghanistan. These six all stated that the fatwas issued by the Saudi clerics incited them to travel to Afghanistan.²⁹³

Rushdie was able to survive Grand Ayatollah Khomeini's death fatwa, but the same cannot be said for the Egyptian secularist Farag Foda, whose murder in 1992 was attributed to an Egyptian fatwa condemning secularist writers as enemies of Islam, which was adopted by some of the establishment scholars from Al-Azhar.²⁹⁴ The terrorists on trial claimed this fatwa by Al-Azhar prompted them to carry out the murder of Foda.

There was even a manifesto published in 2004, named "Fatwas are a Primary Cause of Terrorism," written by Arab liberals – a Al-Nabulsi, Jordanian writer and researcher, Lafif Lakhdar, a Tunisian intellectual, and Dr. Jawad Hashem, the previous Iraqi Minister of Planning.²⁹⁵ It was published through liberal Arab websites, and petitioned the United Nations to create an international tribunal that would prosecute any individual or group involved with terrorist activities, directly or indirectly, including issuing fatwas that incite Muslims to carry out terrorist acts. The authors of this manifesto clearly explain the causal role of fatwas in terrorism:

By these fatwas all terrorists have died, or will die, fully convinced that they will immediately enter Paradise. Of course, we are not excluding other causes for committing

²⁹² Ibid.

²⁹³ "Fatwas Inspired Us to Go to Afghanistan -- Saudi Terror Defendant," *Asharq Al-Awsat*, February 15, 2012, <https://english.aawsat.com/theaawsat/news-middle-east/fatwas-inspired-us-to-go-to-afghanistan-saudi-terror-defendant>.

²⁹⁴ Bar, *Warrant for Terror: Fatwas of Radical Islam and the Duty of Jihad*, 16.

²⁹⁵ "Arab Liberals Petition the U.N. to Establish an International Tribunal for the Prosecution of Terrorists," 2004, <https://www.memri.org/reports/arab-liberals-petition-un-establish-international-tribunal-prosecution-terrorists>.

terrorist acts, such as the ticking-bomb of population explosion with its resultant illiteracy, poverty, unemployment, backwardness in education systems, reactionary religious teaching, and above all, living under dictatorial systems of governments in almost all Arab countries. But despite the above causes, certain religious fatwas remain the pivotal cause of terrorist acts – fatwas which clothe such terrorist acts with legitimacy as being one of the sacred tenets of Muslim faith.²⁹⁶

It is clear that terror fatwas play a role in causing terrorist actions. But what effect can counter-terror fatwas have when trying to achieve the reverse? As examined earlier in the Counter-Terror Fatwa Study Data section, Ayatollah Sistani's counter-terror fatwa in 2006 may well be the reason that no distinctly Shia-related terrorist incidents have occurred in Canada and the United States. However, there is a chance that the lack of Shia terrorist attacks in the US and Canada merely coincides with the fatwa. Fortunately, there is a better example, and while this example is not exactly a counter-terror fatwa, it is quite close and was also issued by Ayatollah Sistani.

Ayatollah Sistani issued a fatwa in 2014 that called for Iraqis to defend their country. This was issued in response to ISIS's territorial gains in Iraq, steadily encroaching on Baghdad.²⁹⁷ This fatwa was recorded to have caused a sizable reaction from the young males in the Shia communities: "Across Iraq, young men from Shia communities have, in response to Sistani's fatwa, begun to mobilize."²⁹⁸ The fatwa was even successful in causing Shiite volunteers to confront ISIS: "Heeding the call to arms by Ayatollah Sistani, Shiite volunteers rushed to the front lines, reinforcing defenses of the holy city of Samarra 70 miles north of Baghdad, and helping thwart attacks by Sunni fighters of the radical Islamic State of Iraq and

²⁹⁶ Ibid.

²⁹⁷ "Iraq Conflict: Shia Cleric Sistani Issues Call to Arms," *BBC News*, June 13, 2014, <http://www.bbc.com/news/world-middle-east-27834462>.

²⁹⁸ Matt Schiavenza, "Why Ayatollah Al-Sistani's Iraq Fatwa Is So Important," *International Business Times*, June 13, 2014, <http://www.ibtimes.com/why-ayatollah-al-sistanis-iraq-fatwa-so-important-1600926>.

Syria in some small cities to the east.”²⁹⁹ In fact, this fatwa was so successful that it caused an enormous response from the Shia Muslims beyond the Iraqi border. Amir Taki of Ahl-ul-Bayt, a Shia TV channel in London, commented: “Within an hour [of Sistani’s broadcast] I got a phone call to say that people were already booking flights to Iraq. People were calling the station to ask if they should go to fight.”³⁰⁰ The huge reaction in Britain alone prompted a clarification by an English-speaking official that Sistani’s fatwa was intended for Iraqi citizens who were currently residing in Iraq and that this was not a call for jihad against ISIS.³⁰¹ One year after Sistani issued his fatwa, the Middle East analyst for NewsBeat Social, Ali Al-Mshakheel, shared the thoughts of some Iraqi journalists on the effects of the fatwa. The journalists all attested to the fatwa’s significant impact on the country. One journalist cited it as preventing the possible collapse of the country, stopping the fall of Baghdad to ISIS, and mobilizing the masses in record time. Another journalist cited it as the key element in mobilizing the masses against ISIS and securing the balance needed to win the battle against ISIS. One even cited the fatwa for providing the confidence needed by Iraqis to fight against ISIS.³⁰² Even the Iraqi premier thanked Ayatollah Sistani for this fatwa, saying that it helped “save Iraq and paved the way for victory” over ISIS.³⁰³

²⁹⁹ Alissa J. Rubin, Suadad Al-Salhy, and Rick Gladstone, “Iraqi Shiite Cleric Issues Call to Arms,” *The New York Times*, June 13, 2004, https://www.nytimes.com/2014/06/14/world/middleeast/iraq.html?_r=0.

³⁰⁰ Shiv Malik, “Shia Cleric Tells British Muslims Not to Join Fight against Isis in Iraq,” *The Guardian*, June 15, 2014, <https://www.theguardian.com/world/2014/jun/15/shia-british-muslims-fight-isis-iraq>.

³⁰¹ Ibid.

³⁰² Molly Riehl and Ali Al-Mshakheel, “Anniversary of Ayatollah Sistani’s Fatwa Against ISIS,” *NewsBeat Social*, June 12, 2015, <https://www.youtube.com/watch?v=9nUFR4KKGT4>.

³⁰³ “Iraqi PM Hails Top Shia Cleric Ayatollah Sistani’s Role in Terror Fight,” *PressTV*, July 1, 2017, <http://www.presstv.ir/Detail/2017/07/01/527062/Iraq-Mosul-Ali-Sistani-Haider-Abadi>.

Making Counter-Terror Fatwas More Effective

Can counter-terror fatwas be effective against terrorism and terrorist organizations?

According to a 2010 study from the Sanford School of Public Policy at Duke University, titled, “Anti-Terror Lessons of Muslim-Americans,” such denunciations play a key role in deterring terrorism: “We have found that an important anti-radicalization activity of Muslim-American communities since 9/11 has been the active denunciation of terrorist violence.”³⁰⁴

Although minimal levels of academic research exist on the topic of fatwas in counter-terrorism, a brief surge of popular interest in the topic surfaced around the time of Qadri’s 2010 counter-terror fatwa. This popular commentary offers broad yet salient points pertaining to the question of whether counter-terror fatwas are effective. Douglas Murray, the Director of the Center for Social Cohesion, identifies how counter-terror fatwas can produce important long-term effects against terrorism:

A single fatwa will not change the level of denial and lack of self-criticism inherent in so much of modern Islam. Nor will it stop every fevered young radical eager to kill and maim. But the trickle-down effect is important. The most violent interpretations of Islam have been trickled down to terrorists via learned scholars. The clean-up operation will have to be dealt with by the same means.³⁰⁵

Ed Husain, Quilliam’s Co-Founder and Co-Director, describes three things that a prominent counter-terror fatwa citing scripture can do:

First, it emboldens other Muslim thought leaders to amplify their voices against extremism. Secondly, it prevents activist Muslims from considering suicide bombers as “martyrs”, and thus removes the hero status currently attached to murderers. And finally, a fatwa challenging perceived “martyrdom operations” will inject doubt into the minds of potential suicide bombers. Where there is doubt, in Islamic religious behavior, there is avoidance.

³⁰⁴ David Schanzer, Charles Kurzman, and Ebrahim Moosa, “Anti-Terror Lessons of Muslim-Americans,” 2010, <https://fds.duke.edu/db/attachment/1255>.

³⁰⁵ Allegra Mostyn-Owen, “Is This a Triumph for the Islamic Peacemakers?,” *London Evening Standard*, February 26, 2010, <https://web.archive.org/web/20120122104015/http://www.thisislondon.co.uk:80/standard/article-23810140-is-this-a-triumph-for-the-islamic-peacemakers.do>.

Suicide bombers currently kill because they have certainty (yaqeen) of being rewarded in the next life (akhirah).³⁰⁶

Murray and Hussein made their comments in light of Qadri's counter-terror fatwa, issued in 2010. However, seven years later, Islamist terrorism still remains, and suicide bombings continue unabated. There are a few issues at play that may have prevented Qadri's counter-terror fatwa from becoming fully realized. One possible issue lies with the issuer's status in the community; an example of this is expressed by a British Muslim convert who argues that Qadri, a Sufi, "is not by any means a universally accepted figure in the Muslim community, either here [Britain] or in Pakistan."³⁰⁷ His lack of status can compromise the reach and impact of the counter-terror fatwa. Additionally, beyond the issuer's status within the community, the authority of a fatwa also rests on the education of the issuer,³⁰⁸ which in Qadri's case presents another issue. Instead of studying at one of the prominent schools of Islamic thought (madhab), Qadri studied at the University of Punjab, where he received his M.A. in Islamic Studies, and his Ph.D in Islamic law.³⁰⁹ Qadri's lack of education credentials from an established school of Islamic thought can also compromise the reach and impact of his counter-terror fatwa. The fatwa's authority is also based, however, on the third and final factor: the persuasiveness of the fatwa. As this study has shown, Qadri's counter-terror fatwa lacked persuasiveness. Moreover, this study has found that the vast majority of the examined counter-terror fatwas lacked persuasiveness as well. The problem of persuasiveness in counter-terror fatwas is nothing new. Regarding Quilliam's counter-terror fatwa, issued against ISIS in 2010, Sam Harris questioned Majid

³⁰⁶ Husain, "Fatwas Can Be a Force for Good."

³⁰⁷ Matthew Smith, "Qadri's Fatwa Breaks No New Ground," 2010, http://www.blogistan.co.uk/blog/mt.php/2010/02/27/qadris_fatwa_breaks_no_new_ground.

³⁰⁸ Esposito, *What Everyone Needs to Know about Islam*, 166–67.

³⁰⁹ Matthew Clarke and Anna Halafoff, *Religion and Development in the Asia-Pacific* (Oxon, New York: Routledge, 2017), 50.

Nawaaz, the Founding Chariman of Quilliam, on its lack of persuasiveness: “what struck me about it was how tenuous its basis in Islamic doctrine seems. It comes down to honoring covenants and treaties – a duty that I can’t imagine any serious Muslim believes will trump the obligation to defend the faith.”³¹⁰ Tufail Ahmad, an ex-BBC journalist and the Executive Director of the Open Source Institute, also made a similar observation: “Islamic scholars must realize that issuing fatwas against terrorism will be inconsequential unless key areas in the Sharia which allow the jihadis to thrive are attacked.”³¹¹

This study has focused on the fatwa’s persuasiveness, which in addition to the issuers’ education and status in community, contributes to its authority. Considering that a fatwa’s authority is based partially on the persuasiveness of its content, the study reasons that a counter-terror fatwa with sophisticated content would be more persuasive, and by extension, hold more authority than a counter-terror fatwa without sophisticated content. Moreover, the study reasons that a counter-terror fatwa that discusses or challenges specific Qur’anic verses that endorse violence are more sophisticated than a counter-terror fatwa that cites verses that present Islam as a religion of peace (and hold conditions and limitations). This case gains strength when these verses have conditions and limitations, and are neither unequivocal nor absolute pronouncements of peace. By citing Qur’anic verses that only present Islam as a religion of peace, the counter-terror fatwa is unable to challenge directly, and ultimately disrupt, the ideological core of Islamist terrorism. Instead, by challenging the Qur’anic verses endorsing violence that is used to justify Islamist terrorism, the counter-terror fatwa can best create doubt in the minds of potential

³¹⁰ Sam Harris and Maajid Nawaz, *Islam and the Future of Tolerance* (Cambridge: Harvard University Press, 2015), 105–6.

³¹¹ Tufail Ahmad, “My Six-Point Fatwa Against Jihad,” *Swarajya Mag*, December 2015, <https://swarajyamag.com/ideas/my-six-point-fatwa-against-jihad>.

Islamist terrorists inspired by such verses. According to Ed Husain, Quilliam's Co-Founder and Co-Director, "where there is doubt, in Islamic religious behavior, there is avoidance," and since Islamist terrorists "currently kill because they have certainty (yaaqeen) of being rewarded in the next life (akhirah)," counter-terror fatwas citing Islamic texts can remove this certainty through doubt and ultimately prevent attacks from happening.³¹² Unfortunately, this study found that the vast majority of the counter-terror fatwa did not challenge the specific Qur'anic verses that endorse violence.

This is not to say fatwas must remain ineffective. Counter-terror fatwas can be made more effective in deterring Islamist terrorism by improving this factor of persuasiveness, namely making the content of the counter-terror fatwa more sophisticated and challenging the specific Quranic verses that endorse violence. When fatwas help guide pious Muslims on the straight path towards heaven by delineating the obligatory (wajib) and forbidden (haram) actions in modern times, counter-terror fatwas play an important role in deterring Islamist terrorism and serve as an excellent addition to other types of counter-narrative initiatives.

³¹² Husain, "Fatwas Can Be a Force for Good."

Chapter 5: Conclusion

There are instances in history where terror fatwas were carried out as intended. One prominent example was Khomeini's terror fatwa against Salman Rushdie that resulted in Muslim violence on a world scale, where those affiliated with the book, such as translators, were harmed or killed, and publishers and stores carrying the book were firebombed. Another famous terror fatwa was issued by Osama Bin Laden, and effectively expanded the scope of terrorist attacks from the Middle East to the West. Of course, there are many more examples as well. While terror fatwas have been effective in inciting terrorist actions, counter-terror fatwas that seek to do the reverse lag behind in terms of efficacy. This research partially examined some of the reasons why counter-terror fatwas are not effective in responding to terrorism and terrorist organisations. The study argues that counter-terror fatwas are not as effective because the contents of the fatwa documents lacked sophistication. The authority of fatwas is derived partly from the persuasiveness of the content, and based on this fact, the thesis reasons that counter-terror fatwas that challenge the specific Qur'anic verses that endorse violence and are typically invoked to justify Islamic terrorism would be more persuasive than those that do not. By challenging these verses, the counter-terror fatwa can best create doubt in the minds of potential Islamist terrorists inspired by such verses. According to Ed Husain, Quilliam's Co-Founder and Co-Director, "where there is doubt, in Islamic religious behavior, there is avoidance," and since Islamist terrorists "currently kill because they have certainty (yaqeen) of being rewarded in the next life (akhirah)," counter-terror fatwas citing Islamic texts can remove this certainty through doubt and ultimately prevent attacks from happening.³¹³ However, as this research has found, after examining counter-terror fatwas, the vast majority only cite Qur'anic verses that only present

³¹³ Ibid.

Islam as a religion of peace to justify their position. Yet, these Qur’anic verses that present Islam as a religion of peace have conditions and limitations, and are neither unequivocal or absolute pronouncements of peace. Moreover, the counter-terror fatwas never mention, and do not challenge, the specific Qur’anic verses that endorse violence. Because of this omission, these counter-terror fatwas are unable to challenge directly, and hence potentially disrupt, the ideological core of Islamist terrorism. Furthermore, the thesis found that the few counter-terror fatwas that challenge specific Qur’anic verses that endorse violence received little to no media coverage. This starkly contrasts with most of the counter-terror fatwas that are far less sophisticated and do not question the interpretation of specific verses.

The interviews with the counter-terror fatwa issuers offered some clues as to why a significant disparity in publicity exists between unsophisticated counter-terror fatwas and sophisticated counter-terror fatwas. The explanations offered, though, were not terribly convincing. The issuers of unsophisticated counter-terror fatwas stated they were intentionally short and indirect as this would enable them to connect with a broader audience. The most often cited reasons behind this decision were that people would be disinterested in reading long counter-terror fatwas, and that creating long counter-terror fatwas is a time-consuming and cumbersome undertaking. Other reasons mentioned included: ensuring it could be physically disseminated to a broader audience in terms, and that citing verses that presented Islam as a religion of peace was the superior strategy in deterring Islamist terrorism. None of these reasons held up to scrutiny, as can be seen in Chapter 2. There may be a constraint that prevents more sophisticated counter-terror fatwas from being issued. One issuer of a sophisticated counter-terror fatwa that I interviewed attributes this constraint to a matter of what he calls a “line of reasoning.” According to him, a moderate line of reasoning is needed to issue sophisticated

counter-terror fatwas. He explains that his moderate line of reasoning departs from that of a more conventional one in two fundamental ways: 1) it downgrades the hadith from a primary source of interpretation to a secondary one; and 2) he freely contextualizes Qur'anic verses, such as those endorsing violence, to either their text or their "environment." Altogether, these changes allow Amjad to challenge the Qur'anic verses endorsing violence, which is explained in greater detail in Chapter 2. He argues that the other issuers are unable to make a sophisticated counter-terror fatwa because the issuers use the very same line of reasoning as those who issue terror fatwas. He added that the counter-terror fatwas we see today are merely rhetorical responses.

The interviews provided clues about why a significant disparity exists between the media coverage given to unsophisticated counter-terror fatwas and sophisticated counter-terror fatwas. Most issuers of unsophisticated counter-terror fatwas paint the media as an ally, and list it as the primary source for positive support and responses (see Chapter 2). The issuer of the sophisticated counter-terror fatwa disclosed an attempt by those close to him to bring the fatwa to the attention of the country's media, but this resulted in their exile.

This research is important because it is the first of its kind, examining exclusively fatwas and the role they play in countering Islamist terrorism. Fatwas are authoritative religious edicts that, although not binding for most Muslims, influence large segments of the Muslim community that are preoccupied with attaining Paradise in the hereafter. Fatwas matter because they are the medium through which Jurists, namely Muftis, apply the principles of Shar'iah to the practical world, effectively determining for Muslims the five moral categories of actions in current times. While proactive militaristic measures have been largely utilized for the past few decades in the fight against Islamist terrorism with no substantive gains (a strategy which one prominent study has proven to be especially ineffective against religious terrorist groups), counter-terror fatwas

serve as a welcome addition to the relatively-recent counter-narratives that seek to tackle the ideology of Islamist terrorism. In fact, as this thesis is the first to argue, counter-terror fatwas would be the most authoritative form of counter-narrative available. With studies repeatedly affirming a marked increase in religiosity prior to Islamist terrorists partaking in jihad, the influence of counter-terror fatwas would be unparalleled, as it appeals directly to the religious ideas taken up by the terrorists, especially with regard to securing entry to heaven. However, to become more effective in deterring Islamist terrorism, counter-terror fatwas must do more than cite Qur'anic verse that present Islam as a religion of peace. As this thesis has shown, these verses have conditions and limitations, and cannot be unequivocal in their presentation of Islam as a religion of peace. If counter-terror fatwas are permitted to challenge Qur'anic verses that endorse violence, only then can the ideological core of Islamist terrorism be directly confronted. By challenging the Qur'anic verses endorsing violence that is used to justify Islamist terrorism, the counter-terror fatwa can best create doubt in the minds of potential Islamist terrorists inspired by such verses. This builds on Hussein's argument that "where there is doubt, in Islamic religious behavior, there is avoidance," and since Islamist terrorists "currently kill because they have certainty (yaqeen) of being rewarded in the next life (akhirah)," counter-terror fatwas citing Islamic texts can remove this certainty through doubt and ultimately prevent future attacks.³¹⁴

This thesis is not without limitations. The first limitation concerns the number of counter-terror fatwas that I have selected for my study. As had been stated earlier, out of the 50 Sunni counter-terror fatwas that I have identified, only 36 fatwa documents could be found and examined. Needless to say, the 14 remaining counter-terror fatwa documents very well could have an impact on the study findings. However, I would maintain that such an impact would very

³¹⁴ Ibid.

likely be minor. If we are to deduce from the current polarizing trajectories of the four-way typology, which was used to classify the available fatwas in reference to their content's levels of sophistication and degree of online news exposure, then it would seem that the impact from the addition of the 14 outstanding counter-terror fatwas would very likely be negligible. The second limitation concerns the number of counter-terror fatwa issuers I have interviewed. My thesis could obviously have benefited from interviewing more issuers. However, I would argue that since many of the explanations issued by the issuers converged in some key ways, it would seem unlikely that more interview data would have made any significant difference.

A possible avenue for future research could involve a broader survey of other types of developed counter-narratives (outside of counter-terror fatwas) in order to examine and ultimately determine how many of them mention or challenge the scriptural core of Islamic terrorist ideology, and more importantly, to what extent. As previously mentioned, the issuers of unsophisticated counter-terror fatwas have stated that they or their organization have released or are releasing an article or book that refutes the specific Qur'anic verses that endorse violence that and are typically used to justify Islamic terrorism, but as this thesis examines in Appendix A and Appendix B, the released documents discuss only 5 out of 17 and 4 out of 17 specific Qur'anic passages that promote and justify terrorism, respectively. The popular Letter to Baghdadi, praised by the interviewed issuers for its theological rigor in refuting ISIS, only discusses 5 out of the 17 specific Qur'anic verses that endorse violence (as shown in Appendix C).

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Appendix A

Syed B. Soharwardy’s *Defeating Hate: A Comprehensive Rebuttal to Taliban Al-Qaeda Daesh (ISIS) and Islamophobes* is examined to see if it discusses or challenges the specific Qur’anic verses that endorse violence and are typically used to justify Islamic terrorism.³¹⁵ The specific Qur’anic verses used to promote and justify terrorism³¹⁶ were searched for in Soharwardy’s book (see Table 3).

Qur’anic Verses	Mentioned (✓) or Not Mentioned (X)
4:74-4:76	X
4:84	X
9:5	✓
9:38-39	X
9:111	✓
9:13-15	X
2:190-191	✓
2:216	X
22:39-40	X
8:39	✓

Table 3. Identifying the Qur’anic verses typically invoked to justify terrorism in Syed B. Soharwardy’s *Defeating Hate: A Comprehensive Rebuttal to Taliban Al-Qaeda Daesh (ISIS) and Islamophobes*.

With regard to:

9:5 But when these months, prohibited (for fighting), are over, slay the idolaters wheresoever you find them, and take them captive or besiege them, and lie in wait for them at every likely place. But if they repent and fulfil their devotional obligations and pay the zakat, then let them go their way, for God is forgiving and kind.

This verse is discussed in the book. He states that after Mecca came under Muslim rule, Muslims were commanded to abide by agreements with pagan groups, and that Muslims neither looted, nor exhibited any violence after securing a victorious takeover of Mecca—and they didn’t force

³¹⁵ Soharwardy, *Defeating Hate: A Comprehensive Rebuttal of Taliban, Al-Qaeda, Daesh (ISIS) and Islamophobes*.

³¹⁶ Holbrook, “Using the Qur’an to Justify Terrorist Violence: Analysing Selective Application of the Qur’an in English-Language Militant Islamist Discourse.”

any conversions. However, he argues, the above verse was just a “precautionary guidance to Muslims that if someone attacks you, you do have the right to defend yourself and fight back.”³¹⁷ He adds, “As a point of fact, no violence took place after Muslims got their victory. The few people who were executed, were not punished in this way because they were non-Muslims, but because they had been fugitives, and hiding in Makkah. They had murdered innocent people, and their families were looking for justice.”³¹⁸

With regard to:

9:111 God has verily bought the souls and possessions of the faithful in exchange for a promise of Paradise. They fight in the cause of God, and kill and are killed. This is a promise incumbent on Him, as in the Torah, so the Gospel and the Qur’an. And who is more true to his promise than God? So rejoice at the bargain you have made with Him; for this will be triumph supreme.

This verse is discussed in the book. He argues that this verse and others that advocate jihad are all “very specific for the Muslim army facing wars.”³¹⁹ These verses are not meant to target civilians and call for them to take up arms because “the civilians of the (original) Muslim State never acted as soldiers and fought against the enemy.”³²⁰ The only way civilians could join the conflict was to join the army. He argues that this reasoning “proves that the terrorism and violence against civilians is absolutely un-Islamic, unjust, criminal and punishable under Islamic law.”³²¹ He adds, “Just as every army rewards and honours its soldiers due to their bravery and courage, Allah says the same: that the soldiers of a Muslim country will be honoured and rewarded with Heaven when they fight back and defend their country.”³²²

³¹⁷ Soharwardy, *Defeating Hate: A Comprehensive Rebuttal of Taliban, Al-Qaeda, Daesh (ISIS) and Islamophobes*, 40.

³¹⁸ Ibid.

³¹⁹ Ibid., 43.

³²⁰ Ibid., 44.

³²¹ Ibid.

³²² Ibid.

With regard to:

2:190-191 “Fight those in the way of God who fight you, but do not be aggressive: God does not like aggressors.

And fight those (who fight you) wheresoever you find them, and expel them from the place they had turned you out from. Oppression is worse than killing. Do not fight them by the Holy Mosque unless they fight you there. If they do, then slay them: Such is the requital for unbelievers.”

These verses are discussed in the book. He argues these verses and the two that follow merely stipulate the laws of jihad and affirm that they cannot be used to hurt civilians, irrespective of whether they are Muslim. According to him, these verses “only apply to a combat situation of two opposing armies facing each other on the battlefield, and specifically refer to the enemy combatants who were expected to attack Muslim pilgrims on their way to perform the Hajj.”³²³

He situates the verse within a specific historical context, a time period when Pagans controlled Mecca and, according to Soharwardy, were “brutally murdering Muslims for the past two decades,” repeatedly launching attacks on Medina.³²⁴ Thus, Muslims that wanted to perform the pilgrimage (Hajj)—a journey which requires them to travel unarmed—feared they may be killed by these Pagans, and so the Companions of the Prophet Muhammad asked him for guidance on this particular matter, to which Allah, according to Soharwardy, “responded with the above verse, telling Muslims to defend themselves if and only if they were attacked by the pagans first.”³²⁵

With regard to:

8: 39 So, fight them till all opposition ends, and obedience is wholly God’s. If they desist then verily God sees all they do.

³²³ Ibid., 36.

³²⁴ Ibid.

³²⁵ Ibid.

This verse is discussed among the other Qur’anic verses that endorse jihad. He argues that the statement made here “does not differ from what any army would do when their country is under attack.”³²⁶ He adds that, when compared to the United States and other Western countries, “these Qur’anic verses are much softer and more lenient towards the combatants of an enemy army.”³²⁷ As do all countries that participate in war, a Muslim country also desires victory, and “therefore, the verses in question are not about supremacy of Islam, but about victory in a war. No army will engage itself in a war it does not want to win.”³²⁸

Altogether, this book discusses only 5 out of the 17 specific Qur’anic verses that endorse violence and are typically used to justify terrorism by Islamist terrorists.

³²⁶ Ibid., 38.

³²⁷ Ibid.

³²⁸ Ibid.

Appendix B

Jamal Badawi’s article, “Muslim / Non-Muslim Relations: Reflections on Some Qur’anic Texts,” is examined to see if it discusses or challenges specific Qur’anic verses that endorse violence and are typically used to justify Islamic terrorism.³²⁹The-specific Qur’anic verses used to promote and justify terrorism³³⁰ were searched for in Badawi’s article (see Table 4):

Qur’anic Verses	Mentioned (✓) or Not Mentioned (X)
4:74-4:76	X
4:84	X
9:5	✓
9:38-39	X
9:111	X
9:13-15	X
2:190-191	✓
2:216	✓
22:39-40	X
8:39	X

Table 4. Identifying Qur’anic verses typically invoked to justify terrorism in Jamal Badawi’s article Muslim / Non-Muslim Relations: Reflections on Some Qur’anic Texts.

With regard to:

9:5 But when these months, prohibited (for fighting), are over, slay the idolaters wheresoever you find them, and take them captive or besiege them, and lie in wait for them at every likely place. But if they repent and fulfil their devotional obligations and pay the zakat, then let them go their way, for God is forgiving and kind.

This verse is discussed in the article. Badawi fully explains the verse, making several important points. He first points out that this verse does not affect the People of the Book, such as the Jews and Christians, and emphasizes this critical distinction between them and other non-Muslims.

³²⁹ Jamal Badawi, “Muslim / Non-Muslim Relations: Reflections on Some Qur’anic Texts” (Islamic Information Foundaiton, Canada, 2015), <http://icnacampaign.com/wp-content/uploads/2014/08/DrBadawiBook.pdf>.

³³⁰ Holbrook, “Using the Qur’an to Justify Terrorist Violence: Analysing Selective Application of the Qur’an in English-Language Militant Islamist Discourse.”

According to him, “all these and similar verses have sometimes been misconstrued and taken out of their textual and historical context.”³³¹ He adds that “All of these verses, without exception, if studied carefully, address aggression and oppression committed against Muslims at the time of the Prophet [P], whether by idolatrous Arabs, some of the Jewish tribes in Madinah, or by some Christians.”³³² He then describes how each of these groups exhibit aggression against Muslims and sought to oppress them, and concludes his analysis of this verse by stating that “the issue is not religion, but rather injustice, oppression and aggression” and offers three points in support of this final point: 1) Many Qur’anic verses state that coexistence is possible between non-Muslims and Muslims, if the former acts justly and peacefully; 2) Throughout the 1400 years of Muslim history, religious minorities not only survived but thrived, and were free to practice their faiths; 3) The Qur’an allows Muslim men to marry Christian or Jewish women.³³³

With regard to:

2:190-191 “Fight those in the way of God who fight you, but do not be aggressive: God does not like aggressors.

And fight those (who fight you) wheresoever you find them, and expel them from the place they had turned you out from. Oppression is worse than killing. Do not fight them by the Holy Mosque unless they fight you there. If they do, then slay them: Such is the requital for unbelievers.”

These verses are discussed in the article, and acknowledge that they describe militant jihad.

However, according to him, “it is obvious from these key verses that the only two justifications of the combative-type of Jihad are to stop aggression and severe oppression. The condition for ceasing hostilities is not acceptance of Islam, but halt to aggression and oppression.”³³⁴

³³¹ Badawi, “Muslim / Non-Muslim Relations: Reflections on Some Qur’anic Texts,” 30.

³³² Ibid.

³³³ Ibid.

³³⁴ Ibid., 27–28.

With regard to:

2: 216 Enjoined on you is fighting, and this you abhor. You may dislike a thing yet it may be good for you; or a thing may haply please you but may be bad for you. Only God has knowledge, and you do not know.

This verse is discussed in the article. He states that this verse proves that defensive war is described as if it is something “inherently hated. However, as a last resort, it may be better than doing nothing in the face of aggression or oppression.”³³⁵

Altogether, this article discusses only 4 out of the 17 specific Qur’anic verses that endorse violence and are typically used to justify Islamist terrorism.

³³⁵ Ibid., 26.

Appendix C

The “Letter to Baghdadi” is examined to see if it discusses or challenges specific Qur’anic verses that endorse violence and are typically used to justify Islamic terrorism.³³⁶ This letter was released in September 2014 and was signed by more than 120 Muslim leaders and scholars.³³⁷

The specific Qur’anic verses used to promote and justify terrorism³³⁸ were searched for in the letter (see Table 5).

Qur’anic Verses	Mentioned (✓) or Not Mentioned (X)
4:74-4:76	✓ (only mentions 4:75)
4:84	X
9:5	X
9:38-39	✓ (only mentions 9:38)
9:111	X
9:13-15	X
2:190-191	✓ (only mentions 2:190)
2:216	X
22:39-40	✓
8:39	X

Table 5. Identifying Qur’anic verses typically invoked to justify terrorism in the *Letter to Baghdadi*

With regard to:

4:74-76 “Those who barter the life of this world for the next should fight in the way of God. And we shall bestow on him who fights in the way of God, whether he is killed or is victorious, a glorious reward

³³⁶ “Open Letter to Dr. Ibrahim Awwad Al-Badri, Alias ‘Abu Bakr Al-Baghdadi’ and to the Fighters and Followers of the Self-Declared ‘Islamic State,’” 2014,

http://issuu.com/openlettertobaghdadi/docs/arabic_english_open_letter_to_baghd?e=14632537/10405725. For more critical analysis of this letter, please see Ella Landau-Tasserou, “Delegitimizing ISIS on Islamic Grounds: Criticism of Abu Bakr Al-Baghdadi by Muslim Scholars,” MEMRI, 2015,

https://www.memri.org/publicdocs/MEMRI_IA_1205_Delegitimizing_ISIS_On_Islamic_Grounds-FINAL.pdf.

³³⁷ Filipa Ioannou, “Scholars’ Open Letter Adds to Chorus of Muslim Leaders Condemning ISIS,” Slate, September 25, 2014,

http://www.slate.com/blogs/the_slatest/2014/09/25/muslims_scholars_open_letter_to_isis_baghdadi_caliphate_s_actions_against.html.

³³⁸ Holbrook, “Using the Qur’an to Justify Terrorist Violence: Analysing Selective Application of the Qur’an in English-Language Militant Islamist Discourse.”

What has come upon you that you fight not in the cause of God and for the oppressed, men, women and children, who pray: "Get us out of this city, O Lord, whose people are oppressors; so send us a friend by Your will, and send us a helper

Those who believe fight in the way of God; and those who do not, only fight for the powers of evil; so you should fight the allies of Satan. Surely the stratagem of Satan is ineffective.”

Only Qur’anic verse 4:75 is discussed in this letter. The letter states that Muslims should protect the weak, such as children; this stance effectively challenges ISIS for employing children as part of their war campaign: “You have made children engage in war and killing. Some are taking up arms and others are playing with the severed heads of your victims. Some children have been thrown into the fray of combat and are killing and being killed. In your schools some children are tortured and coerced into doing your bidding and others are being executed.”³³⁹ The letter concludes that “these are crimes against innocents who are so young they are not even morally accountable.”³⁴⁰

With regard to:

9:38-39 What happened to you, O believers, that when you are asked to set out in the cause of God your feet begin to drag? Do you find the life of the world so pleasing that you forget the life to come? Yet the profit of the life of this world is but meagre as compared to the life to come.

Unless you go out (to strive), God will inflict grievous punishment on you, and bring other people in your place, and you will not be able to harm Him in the least, for God has the power over all things.

Both verses 9:38 and 2:190 are discussed explicitly together in the letter’s section on jihad, however 9:39 and 2:191 are not mentioned. Using 9:38 and 2:90, they argue that “all Muslims

³³⁹ “Open Letter to Dr. Ibrahim Awwad Al-Badri, Alias ‘Abu Bakr Al-Baghdadi’ and to the Fighters and Followers of the Self-Declared ‘Islamic State.’”

³⁴⁰ Ibid.

see the great virtue in jihad.”³⁴¹ They add that prominent Imams of the four schools, and even all scholars, agree that jihad is only a communal obligation (fard kifayah), not an individual obligation (fard ayn). They argue that jihad cannot be used against other Muslims, “The word ‘jihad’ is an Islamic term that cannot be applied to armed conflict against any other Muslim; this much is a firmly established principle.”³⁴² Additionally, they point out that scholars unanimously agree that “jihad is conditional upon the consent of one’s parents.”³⁴³ They also mention there are two kinds of jihad: greater jihad, which is the struggle against one’s ego, and lesser jihad, which is armed struggle against the enemy, and they emphasize the former over the latter.³⁴⁴

With regard to:

2:190-191 “Fight those in the way of God who fight you, but do not be aggressive: God does not like aggressors.

And fight those (who fight you) wheresoever you find them, and expel them from the place they had turned you out from. Oppression is worse than killing. Do not fight them by the Holy Mosque unless they fight you there. If they do, then slay them: Such is the requital for unbelievers.”

Verse 2:190 is mentioned in conjunction with 9:38; however, verses 2:191 and 9:39 are not mentioned. Please refer to the comment addressing 9:38 for further details.

With regard to:

22: 39-40 Permission is granted those (to take up arms) who fight because they were oppressed. God is certainly able to give help to those who were driven away from their homes for no other reason than they said: “Our Lord is God.” And if God had not restrained some men through some others, monasteries, churches, synagogues and mosques, where the name of God is honoured most, would have been razed. God will surely help those who help Him, - Verily God is all-powerful and all-mighty.

³⁴¹ Ibid.

³⁴² Ibid.

³⁴³ Ibid.

³⁴⁴ Ibid.

These verses are mentioned in the letter. This letter argues that the above verses affirm that jihad for Muslims is intended strictly for those who fight or transgress them and it is “tied to safety, freedom of religion, having been wronged, and eviction from one’s land.”³⁴⁵ They add following historical context to clarify these verses: “These two verses were revealed after the Prophet and his companions suffered torture, murder, and persecution for thirteen years at the hands of the idolaters. Hence, there is no such thing as offensive, aggressive jihad just because people have different religions or opinions.”³⁴⁶ This position, they argue, is held by “Abu Hanifa, the Imams Malik and Ahmad and all other scholars including Ibn Taymiyyah, with the exception of some scholars of the Shafi’i school.”³⁴⁷

Altogether, this book discusses only 5 out of the 17 specific Qur’anic verses that endorse violence and are typically used to justify Islamist terrorism.

³⁴⁵ Ibid.

³⁴⁶ Ibid.

³⁴⁷ Ibid.