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Part 1 of Book Review: Egyptian Islamist Leaders Fault Al-Qaida's Strategy

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Report by Abd-al-Latif al-Minawi in Cairo: "'The Stragey and Bombings of Al-Qa'ida (Part 1)'; Al-Sharq al-Awsat publishes new book by the leaders of the Egyptian Al-Jama'ah al-Islamiyah; the book criticizes Al-Qa'ida's strategy and bombings; Al-Qa'ida's goals are Afghan in nature and its leaders did not understand the concept of jihad; the bommbings in Riyadh and Casablanca revealed their flawed understanding of Islam"

(FBIS Translated Text)

The book entitled "The Strategy and Bombings of Al-Qa'ida: Errors and Perils" by the leaders of the Egyptian Al-Jama'ah Al-Islamiyah -- and for which Al-Sharq al-Awsat has exclusive publication rights -- comes to complement their previous four books to correct concepts. These books had been published following the initiative to end violence that was issued by the leaders of the group in 1997. In their most recent book, however, they focus on correcting what they consider as the jihadist concepts of Al-Qa'ida led by Usama Bin Ladin and his deputy Dr Ayman al-Zawahiri, the leader of the Egyptian Jama'at Al-Jihad. Karam Zuhdi, one of the co-authors who was recently released by the Egyptian authorities, argues that by analyzing the strategy of Al-Qa'ida, he does take the line taken by others who accuse Al-Qa'ida and its leaders of being agents of the United States or traitors to the homeland or mercenaries for a handful of dollars.

The leaders of the Al-Jama'ah al-Islamiyah -- the co-authors of the book, some of whom are still in jail -- admit that the recent bombings in Riyadh and Casablanca in May 2003 revealed a flaw in the strategy adopted by Al-Qa'ida. The bombings also revealed a flaw in Al-Qa'ida's understanding of jihad and the application of Shari'ah on jihad. This drove them to scrutinize and analyze Al-Qa'ida's vision in this book. The co-authors say that the book, which is intended to provide religious guidance and advice, is divided into a foreword and two chapters. The foreword tackles the concept based on two visions. The first vision is based on the initiative made by the Egyptian Al-Jama'ah Al-Islamiyah on 5 July 1997 in which it stopped acts of violence between it and the government and also stopped instigation against the government inside and outside Egypt. The second vision is that of Al-Qa'ida that was expressed in the proclamation of the Islamic World Front to Combat Christians, Jews, and Americans. Several Islamic groups in many countries joined this front under the leadership of Usama Bin Ladin. The leaders of the Egyptian Al-Jama'ah Al-Islamiyah list the reasons that drove them to launch their initiative. They argue that that their initiative was not to apply the principle of Al-Taqiyyah (piety) nor was it a tactical ploy because the Al-Jama'ah Al-Islamiyah proceeds from the Sunni school of thought. They also assert that the initiative reinforced the fact that jihad is a religious duty that will remain until the Day of Judgment. But it is a duty with checks that should be available if

it is to be carried out. These points contradict Al-Qa'idah's vision. Al-Qa'ida believes that jihad is the only correct response to face reality and gives precedence to the logic of defiance over the principle of calculations.

The difference between Al-Qa'ida's vision and that of the Al-Jamah Al-Islamiyah surfaces on several levels: the level of understanding of the provisions of Shari'ah and their application on reality; the level of understanding reality and its challenges; and the level of arranging the priorities. (We will deal in detail with these points in our future episodes.) The co-authors discuss the establishment of Al-Qa'ida, arguing that it was born from the womb of the Afghan struggle. Thus, they say, its goals are primarily Afghan goals. It is this fact that led to the emergence of a strong alliance between Al-Qa'ida and the Taliban movement that quickly imposed its control on 90 percent of Afghanistan. The co-authors divide the history of the establishment of Al-Qa'ida into two phases. The first phase precedes the Taliban's control on Afghanistan until the emergence of the world front to fight against the Jews, Christians, and Americans. The second phase covers the period between the proclamation of this front to date. The objectives of this second phase crystallized in forcing the United States to submit to Al-Qa'ida's demands in the Gulf, Chechnya, Kashmir, Daghestan, and Palestine.

Following a lengthy analysis of US strategy in dealing with the issues of the Muslim world, the leaders of the Al-Jama'ah Al-Islamiyah argue that the US strategy toward Afghanistan -- especially in the early 1990s -- did not justify the strategy that was adopted by Al-Qa'ida. We will cover these points in future episodes. The co-authors say that the leaders of Al-Qa'ida entangled the Muslim nation in a conflict that was beyond its power to wage, a conflict that it did not want. The authors note that the consequences that resulted from Al-Qa'ida's strategy did not serve the interests of the Muslim nation, but led to many negative results: 1. It led to the collapse of the young Muslim state in Afghanistan. 2. Al-Qa'ida and the Islamic movements were hunted down as part of security globalization. 3. Al-Qa'ida's strategy hurt the interests and issues of the Muslim minorities by deliberately confusing between terrorism and resistance movements against occupation. 4. It paved the way for the realization of Israel's objectives and designs.

The book analyzes the flaw in Al-Qa'ida's understanding of jihad from four angles: the significance of jihad; jihad as one of the religious duties in Islam; jihad as a means rather than an end; and jihad as one of the means to raise the banner of Islam. The authors refute the erroneous justifications given by the Al-Qa'ida leaders to justify their bombings from the events of 11 September to the events of Riyadh in 2003. The authors conclude with the fact that most of the victims of the bombings were Muslims or belonged to other untargeted nationalities that were not targeted. This led the countries where the bombings took place to unite and coalesce against not only against Al-Qa'ida but also Islamic movements in general. While everyone condemns these operations and their perpetrators, the authors of "The Strategy and Bombings of Al-Qa'ida" maintain that the perpetrators of the bombings intended to do good and uphold an interest. But, say the authors, they neither attained that good nor upheld that interest.

In their latest book, the leaders of Al-Jama'ah Al-Islamiyah evaluate these bombings through an objective discussion based on the provisions of Shari'ah in the holy Koran and the prophetic traditions. They also debate the special relationship between Muslim jurisprudence and the concept of jihad and its relationship with modern reality. They discuss the connecting relationship between jihad and Shari'ah and who may issue fatwas (Muslim religious rulings) in a contemporary reality. The authors say that these two axioms usually cause flaws in the understanding of reality. The authors pose the question: Is it right to target and kill a person based on his nationality? The authors answer their own question by pointing to the erroneous conclusions of the Al-Qa'ida leaders that it is permissible to kill

American civilians. We will discuss this point in detail in future episodes. The authors also discuss the erroneous conclusions of the Al-Qa'ida leaders in justifying their bombings. The error of applying the provisions of Shari'ah regarding the permissibility of shedding the blood of a Muslim who joins the ranks of the enemy. The permissibility of bombing civilian aircraft and detonating car bombs. The flaw in applying the rules of Al-Igharah (raid) and the error of acceding to the permissibility of resorting to indiscriminate bombings. The error of applying the special provisions pertaining to discarding the Turs (the shield) and the permissibility of resorting to the catapult to justify indiscriminate bombings. And the error of targeting foreigners and tourists based on the claim that the provisions of sanctuary do not apply to them. We will discuss these points in detail in our future episodes.

At the end of the book and following this long analysis, the authors pose an important question, namely, what is the alternative? The leaders of Al-Jama'ah al-Islamiyah argue that the alternative is a more just US policy, unity among the sons of the Ummah (Muslim nation) under an umbrella of freedom for all and participation for all, and capitalization on the latent energies for jihad and sacrifice that the sons of the ummah possess against unjust occupiers or sinful colonizers. The book was authored by the following eight leaders of the Egyptian Al-Jama'ah Al-Islamiyah: Karam Zuhdi, Najih Ibrahim, Ali al-Sharif, Usama Hafiz, Hamdi Abd-al-Rahman, Fu'ad al-Dawalibi, Asim Abd-al-Majid, and Isam Darbalah.

The 1997 initiative to cease violence (subhead)

In this chapter, the leaders of the Egyptian Al-Jama'ah Al-Islamiyah review and assess US strategy on the issues of the Muslim world in an attempt to answer several important questions necessitated by current world events: Did US strategy target the Muslim world or not? Are we in a state of self-defense that allows Al-Qa'ida to do what it wants? The authors argue that Al-Qa'idah's interpretation of the US strategy is not accurate but is characterized, as they say, with unfairness. The authors say that any observer of US strategy will find that the prime mover of this strategy is US interests rather than the religious factor. This explains many major events in which the United States appeared to be supportive of some Islamic issues, such as support for the Afghan jihad in 1979 against the Soviet presence. The leaders of the Al-Jama'ah Al-Islamiyah divide this US strategy into three phases. The first starts with the end of the First World War in 1945 until the end of the Cold War in December 1991 with the collapse of the Soviet Union. The second phase begins in 1991 until the proclamation of the World Front to Combat the Jews and the Crusaders and the start of operations against the United States. The third phase stretches from the 11 September 2001 events to date. At the end of their evaluation of the US strategy, the authors conclude that Al-Qa'ida's strategy was one of the most important factors that hastened the formulation of this US strategy that is negative toward the Muslim world.

The phases of US strategy toward the issues of the Muslim world from 1945 to 2003 (subhead)

When discussing the US strategy toward Islam and the issues of the Muslim world, accuracy and objectivity require us to distinguish between the various phases through which this strategy has passed based on developments both in the world or Muslim arenas or inside the United States. We can distinguish between various phases through which this strategy has passed over the passed 60 years, as follows:

The first phase: The phase of ensuring US interests in the Muslim world against the perils posed by communism (1945 - 1991). This containment of the communist peril primarily meant tightening the siege on the Soviet Union and preventing it from reaching the warm waters of the Indian Ocean or the

Arab Gulf or the Mediterranean Sea. This containment required the establishment of a cordon of countries that support the United States along the Soviet borders from the south, the east, and the west. A large number of countries that could play this role were in the Muslim world. This led to a meeting in goals between the US objectives to contain the communist peril and the Islamic understanding of Communism as an atheist movement. Proceeding from this premise, especially in light of the growing importance of the Gulf region that resulted from the oil discoveries there, the United States proposed to several Muslim countries to cooperate in order to contain the communist peril by forming alliances among countries in the region. The most renowned of these proposed alliances was the "Muslim alliance" that was proposed to some Muslim countries, like Pakistan, Iraq, Turkey, and Egypt. However, Egypt's rejection of such an alliance in the mid-1950s put a stop to this proposed plan. As the Cold War went on and as the US strategy relied more and more on Israel to prevent the Middle East region from falling in the hands of communism and acting as the faithful guardian of US interests in the region, it seemed as if the United States was taking a course hostile to Islam and its issues.

The second phase: 1991 - 11 September 2001: Searching for a new strategy to reciprocal escalation and pressures by the United States and Al-Qa'ida (subhead)

After the collapse of the Soviet Union, the world moved from the bipolar system based on two parallel poles to the US unipolar system. This led some people to call this age "the American Age".

The first period: The redrawing of strategy and the search for a new enemy (this period stretches from 1991 to 1996). At the beginning of this period, the United States found itself immersed in the Gulf region to end Saddam Husayn's venture of occupying Kuwait in August 1990 and to ensure its hegemony on oil as a strategic commodity. In the American logic, the US decision-makers had no choice but to intervene militarily. This intervention triggered the issue of a new US strategy and the United States began looking for a new enemy to replace the communist enemy. At that time, the US leadership under George Bush Senior was in a state of confusion resulting from the transformation to the unipolar system after the collapse of the Soviet Union. This was apparent in the US President's proclamation of a New World Order based on justice and freedom. The US President tried to translate his call by intervening in the Middle East and pushing the parties to the Arab-Israeli conflict to the negotiating table at the Madrid Peace Conference. He also intervened in Somalia to end the civil war. However, that ended in a humiliating withdrawal after the United States sustained heavy losses in lives.

As soon as Bill Clinton assumed power in 1992, the new Democratic Administration began to adopt a new strategy by way of responding to several theories put forward by a number of American thinkers. These theories can be referred by quickly reviewing three important books that were published in the United States in the 1990s. The first book, by former US President Richard Nixon, has been translated into Arabic under the title of "The Available Opportunity". The main thrust of this book is that the victory that the United States scored over the Soviet Union has generated an opportunity for US hegemony on the world, global sovereignty, and decisive victory over all rivals. As he drew up the potential dangers, Richard Nixon argued that in the Muslim world, the United States should differentiate between moderate Muslim governments -- with whom cooperation is possible -- and radical fundamentalist movements against whom firm action should be taken. He also maintained that room should be left open to come to agreements with any side if US interests require it. Nixon thus inaugurated the new strategic thinking for permanent and total victory if the available opportunity is seized.

The second contribution to this strategy was made by Francis Yokohama, professor of political economics at Hopkins University, in his book "The End of History". In his book, Yokohama described Islam as an absolute doctrine and that there are no democratic states in the Muslim world except in Turkey because it had openly given up its Muslim heritage. Yokohama thus places Islam in the corner of hostility to the superior concepts of liberalism. The third book was written by Samuel Huntington, a US political scholar and professor at Harvard University, and published in 1996 until the title of "The Clash of Civilizations". In his book, Huntington maintained that there are diverse civilizations in the world with basic differences that are irreconcilable. He argued that conflicts will occur at the lines dividing these civilizations from one another and that the champions of western civilization should not meddle in such conflicts unless they threaten vital national interests. Huntington said that Islam is the only civilization that has aroused the suspicions of the West in at least two cases. Huntington meant the initial Islamic conquests and the Ottoman conquests. He said that the real problem of Islam is not Islamic fundamentalism but Islam per se due to the problems it has with modernity. Thus, with the publication of these three books, the US decision-maker began to think of a strategy of decisive victory, sovereignty of democracy, and clash between civilizations. At this point, the concept of globalization began to replace the concept of the New World Order. This also means that the 1991-1997 period witnessed a major debate in the United States on the new strategy, the definition of the new enemy, and the assessment of the stand on Islam or what they call the green peril. The February 1993 bombing of the World Trade Center strongly contributed to the propagation of this issue.

However, the strategy of the United States did not turn into a total escalation against everything that is Islamic. This period witnessed several US stands that were in harmony with the pragmatic American character in serving US interests. The United States backed the efforts to grant the state of Bosnia and Herzegovina its right to independence from Yugoslavia and it intervened militarily to maintain security during the days of the rampant ethnic cleansing there. The US offer to help the Taliban regime in return for a strategic concord between them was another evidence that demonstrated the supremacy of the US self-serving logic on US strategy. It is this same self-serving US logic that contributed to the formulation of a negative US stand on Iran or the Sudanese regime. It also demonstrated the rejection of the United States of the Islamic trend of these two countries. This US logic prevailed until the start of the second period this phase that we will review now.

The second period from 1996 to 11 September 2001: "Escalation and Growing Pressures" (subhead)

This period witnessed the start of Al-Qa'ida operations in Saudi Arabia, the proclamation by the Al-Qa'ida leader of the World Front to combat Crusaders and Jews, and the issuance of fatwas on the killing of Americans everywhere and at any time. This was followed by several violent operations against US targets in Yemen, Saudi Arabia, Kenya, and Tanzania thus leading the peril of Al-Qa'ida to grow in unprecedented proportions. It led to strong US reactions and pressures on Sudan and Afghanistan. Several sites in Sudan were bombed with the United States claiming that they contained a factory to produce chemical weapons and that they belonged to Usama Bin Ladin. Several sites in Afghanistan were also bombed as the United States claimed that they were Al-Qa'ida training camps. The United States began to adopt the strategy of increasing pressures on the Taliban movement when it refused to hand over Usama Bin Ladin. These pressures ranged from economic sanctions through the United Nations to Security Council resolutions banning the Afghan Airline Company from operating to a ban on sending any weapons to the Taliban regime. As the US pressures grew -- either through Security Council resolutions or through Pakistan -- a clash seemed to be inevitable.

However, in this regard, we should not disregard the role of the fundamentalist Christian right in the

United States that began to grow and influence the internal and external trends of the Administration. An alliance emerged between the Jewish lobby and the fundamentalist Christian right. The influence of this alliance focused on the Arab-Israeli conflict and found a pretext to meddle in the internal affairs of various countries, especially Muslim countries, under the slogan of "backing persecuted minorities in the world". We will go into detail on this matter later.

The third phase: This phase of "Restoration of the Image and the Anticipation of Dangers" starts with the events of 11 September 2001 to date. It begins with the state of shock and bewilderment that beset the United States -- both politicians and public -- from the attack that was launched by several Al-Qa'ida cells on several targets on American soil. The attackers used several hijacked planes to hit the twin towers of the World Trade Center in New York and the US Department of Defense, the Pentagon. The attacks totally demolished the Twin Towers and caused heavy damage to the Pentagon building. These attacks came after the Republican Party assumed power in the wake of a dubious victory by its candidate George W. Bush who immediately stated "it is a new crusade". Later, he claimed that he did not mean that and that all he meant was that he will wage a just war on terrorism. The events of 11 September 2001 were indeed stunning and raised many questions on several levels. American soil had never been targeted with such a spectacular operation before. Even the Soviet Union did not dare take such an action in the height of the Cold War between it and the United States. Repercussions, reactions, analyses, and interpretations followed in succession. Let us read just one sample of the reactions and opinions that ensued from the 11 September events. Edward Koch, the former Mayor of New York, said: "I have not heard of any Jewish or Christian religion that rewards a killer with 72 virgins. The basic problem is in Islam and nowhere else."

The US Administration under George W. Bush that has close ties with the fundamentalist Christian right adopted a new strategy based on the following premises: The confrontation of terrorism and Al-Qa'idah is not conducted through medics and ambulances, meaning the treatment of the effects of any terrorist operations. Such a confrontation is conducted through the superior military capabilities of the United States. And, the world has to decide whether it is with us or against us. Anyone who is not with us is against us. The United States will confront potential future dangers -- whether emanating from terrorism or the countries of the axis of evil or the so-called rogue countries -- with a preventive war strategy or a pre-emptive war strategy, that is, the anticipation of dangers. It is thus that the United States has decided to confront potential enemies outside its borders.

The US organs defined their immediate and potential enemies as follows: 1. Terrorism: The United States drew up a list of groups that it considers as terrorist groups; Al-Qa'ida comes at the top of this list. 2. Rogue countries, "the axis of evil". This list includes Iran, Syria, North Korea, Libya, Sudan, Iraq, and Cuba. These countries were put in this category based on US claims that they sponsor terrorism or that they possess chemical or nuclear weapons of mass destruction. The United States proclaimed that to enforce its new strategy, it will act unilaterally to spread liberty and the values of democracy in the world or to confront terrorism and the potential dangers. This strategy was clearly and unequivocally enunciated in the document on "The National Security Strategy of the United States" that was signed by US President George W. Bush on 21 September 2002 a little more than one year after the events of 11 September. The dimensions of this strategy can be clearly seen in the words of Condoleezza Rice, the National Security Adviser in George W. Bush's Administration. Rice said: "After closing the Iraqi file, the United States will liberate the Muslim world in order to bring democracy and strengthen the march to freedom in the region. The US Administration has the military superiority that no other state in the world has ever had. This enables us to invest this superiority to create an environment where US values will thrive and prosper".

The features of the strategy of "liberating the Muslim world" to which Rice referred can be seen in the following points: 1. The crushing of the Taliban movement and depriving Al-Qa'ida of a safe haven. 2. The globalization of the persecution of Al-Qa'ida elements and any other Islamic organization that the United States considers as posing a threat to it, its interests, and its allies. 3. Pushing the countries of the Muslim world to propagate US and western values by liberating themselves from the values and traditions of the Muslim culture which, in their opinion, generate violence. This point requires a change on the current textbooks that encourage the culture of extremism. This point also reflects Fukuyama's theory in his article to which we referred above. 4. The Turkization, in the words of a senior member of the US Administration, of the Muslim world. In other words, the application of the Turkish model that allows the existence of an Islamic current in a political arena that is closer to secularism than to Islam. This approach provides a solution by giving the Turkish Islamists room to let off steam while pulling the rug from under the feet of the Islamic radicals. 5. Pressure on the governments in Muslim countries to adopt policies that allow the persecution of terrorism on one hand and that give a chance to Islamists to participate in political life on the other hand. 6. US contribution in solving some of the political problems in the Muslim world in a way that polishes the US image before Muslim public opinion but without jeopardizing US interests. Thus, the final stage of this US strategy aims at making drastic changes on the Islamic currents or in the Muslim identity and values. This strategy demonstrates how the United States is poking its nose in the affairs of the Muslim world under the pretext of defending democracy and the human rights of men, women, and children, and combating terrorism. All this is part of the strategy to impose US hegemony on the whole world.

Al-Qa'ida is the cause for America's actions (subhead)

From the above detailed review of the development of US strategy regarding the Muslim world and its issues, we can come to the following conclusions: 1. The US strategy toward the Muslim world and its issues is not always the same. It changes depending on the requirements of US interests. 2. US strategies over the past 60 years on the issues of the Muslim world have mostly been negative and unjust. 3. The wrong dealing with the US strategy in some cases made us lose valuable opportunities that could have been seized in favor of the interests of the Muslim countries and peoples. 4. Al-Qa'ida's strategy on America, the Christians, and the Jews contributed to hastening a US strategy that is more negative against it and against the Muslim world.

In summary, Al-Qa'ida's reliance on the negative aspects of the US strategy regarding the Muslim world and Muslim issues to justify its strategic option is not a sound or valid argument. In fact, Al-Qa'ida's strategy was the most important factor that hastened the formulation of that negative US strategy. Al-Qa'ida's strategy wasted the available opportunity to benefit from the facts of the international situation and the US strategy toward Central Asia. That US strategy would have realized the interests of Afghanistan instead of the adoption of a strategy that led to the downfall of the Taliban Islamic State.

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POWERED BY **Dialog****Part 2 of Book Review: Egyptian Islamist Leaders Fault Al-Qa'ida's Strategy***London Al-Sharq al-Awsat in Arabic 12 Jan 04 p10**AL-SHARQ AL-AWSAT**Monday, January 12, 2004***Journal Code:** 1431 **Language:** ENGLISH **Record Type:** FULLTEXT**Document Type:** Daily Report; News**Word Count:** 4,127

Book Review by Abd-al-Latif al-Minawi in Cairo: "The Strategy and Bombings of Al-Qa'ida' (2): Al-Qa'ida's path leads to blood; Usama Bin Ladin's talk of the canopy of faith versus th canopy of atheism reflects a flawed understanding of reality"

(FBIS Translated Text) In the following article (Part 2), Al-Sharq al-Awsat continues its review of the book "The Strategy and Bombings of Al-Qa'ida: Errors and Perils". In today's article, we will cover the assessment of the leaders of Al-Jama'ah of Al-Qa'ida's strategy in jihadist action by outlining its objectives, defining its dimensions, and reviewing the dangers and shortcomings of this strategy.

The authors proceed from the premise that the propagation for war between the Muslim nation and the Jews and Christians on a religious basis -- or on the basis of the canopy of faith versus the canopy of atheism, as Usama Bin Ladin puts it -- confirms that the leaders of Al-Qa'ida have a flawed understanding of reality and of the capabilities of the Muslim nation. Isam-al-Din Darbalah, one of the authors, ascribes this flaw to the defective understanding of the capabilities of the Ummah (Muslim nation) as well as of self-capabilities. The authors conclude that one of the most important factors behind this erroneous interpretation of reality is the misreading of the facts of this reality and its developments through a set of erroneous assumptions or notions that govern the thinking of many who operate not only inside Al-Qa'ida but also in the field of Islamic action in general. The authors of the book argue that Al-Qa'ida antagonized the whole world against it, which runs counter to the teachings of the prophet, and confused its priorities. It relied on rigidity when flexibility was required and embraced vague foggy goals or rather goals that are impossible to achieve. In this article, we read an evaluation by the leaders of the Al-Jama'ah Al-Islamiyah of the jihadist action of the Al-Qa'ida leaders.

1. The Strategy of Al-Qa'ida: "Flaws in Reading Reality". Al-Qa'ida's strategy was based on a clear misreading of the various aspects of reality. This flaw deprived it of seizing opportunities that availed themselves and drove it to choices founded on hopes and wishes more than on the facts of reality. Perhaps this is due to a number of wrong assumptions that governed the thinking of Al-Qa'ida's leaders at the time. To clarify the above, we say: The strategy of defiance and confrontation of America, the Jews, the Christians, and others cannot be envisioned except if we assume the prior existence of a flaw in interpreting reality and all its dimensions, both those related to the self or to others. The leaders of Al-Qa'ida ignored and underestimated the facts of international politics. Furthermore, the propagation for war between the Muslim nation and the Jews and Christians on a religious basis -- or on the basis of the canopy of faith versus the canopy of atheism, as Usama Bin Ladin puts it -- confirms a flaw on the part of the Al-Qa'ida leaders. It shows that they suffer from a

flawed understanding of reality and of the reality and capabilities of the Muslim nation at the current stage.

Flaws in interpreting the capabilities of the Muslim nation and self-capabilities (subhead)

Where are the capabilities of the Muslim nation today? How can it confront a strong alliance of Jews, Christians, and Americans that Al-Qa'ida itself helped form? Are Al-Qa'ida and such an alliance equal in terms of military, technological, and economic capabilities or in terms of the unity of the political decision? How can we proclaim that there is an opportunity to score victory? The Muslim nation today is unqualified or not ready or unwilling to embark on a confrontation based on religion. But is Al-Qa'ida or the World Front to combat the Jews, Christians, and Americans capable of doing so? In light of these facts, the pretension that there is an opportunity to score victory is like one who wants to triumph with a sword against an adversary armed with a rifle after this adversary discovered gunpowder. Embroiling the Muslim nation -- a backward, weak, and fragmented entity -- in a confrontation based on religion is a stand that lacks the minimal level of wisdom and realism. It would be unfair and unjust to entangle the Muslim nation and its sons in a battle waged with Kalashnikov machine guns against an adversary that wages battle with satellites, nuclear weapons, and transcontinental ballistic missiles. That is why it was natural for Al-Qa'ida's strategy not to be well received by the governments of the Muslim countries or not to be supported by the Islamic currents and movements. Instead, these governments hunted down and handed over the members of Al-Qa'ida.

It is true that Al-Qa'ida can win over some supporters who feel unjustly treated. It is also true that Al-Qa'ida can use such sympathizers to carry out certain roles, like offering material assistance and lives, because they believe that there is no other alternative or solution to the crisis through which the Muslim nation is passing today. This is all true. However, we have to keep in mind and be alert to the fact that this empathy is similar to that shown by the people of Iraq to Imam Al-Husayn. When Imam Al-Husayn asked Al-Farazdaq what the people of Iraq thought of him, Al-Farazdaq replied "their hearts are with you but their swords are aimed at you". What we mean is that such empathy cannot overcome the facts of reality or the differences in strength. It soon turns into concealed sympathy to censure to frustration when these sympathizers see the clouds of failure hovering over such a strategy and when they see that Al-Qa'ida's plans are heading toward defeat instead of victory. Hence, the flawed reading of self-capabilities and the capabilities of the adversary and the flawed reading of the capabilities of the Muslim nation and its readiness makes Al-Qa'ida's strategy similar to a seed that is planted in the air and before its time.

The strategy of Al-Qa'ida and the wrong assumptions (subhead)

Some of these assumptions may be correct in certain cases. However, the wrong supposition that assumptions are always correct leads to flawed understanding of the course of events and, consequently, to the appropriate position to take on such events. Following are samples of some hypothetical assumptions that are being used as axioms by Al-Qa'ida leaders in interpreting reality and in justifying their vision of reality:

The first assumption: The international scheme to root out Islam and Islamic movements is proceeding full speed ahead irrespective of what Al-Qa'ida or any other movement does to the United States and its allies. Since this is the case, we will not lose anything by attacking them in their backyards. In fact, such an assumed international scheme to crush Muslims in the world did not exist prior to the events of 11 September 2001. The truth is there were signs that showed that there was no international consensus on such a plan. The second assumption: US interests can never intersect with

Muslim interests. The hostility is ingrained and the clash is inevitable. If this assumption is true in some cases and at certain times, history and reality attest to the fact that it is not true in other cases. Perhaps some Al-Qa'ida leaders still remember the US support -- via Saudi Arabia, Pakistan, and the UAE -- for the Afghan mujahidin against the Russian army in Afghanistan in the 1980s. And perhaps the opportunity that became available to the Taliban regime to benefit from the US offer is another example -- that will be turn to later -- of the unsoundness and generalization of such an assumption. The official religion of the United States is its interests. The United States establishes its relations and decides on its stand based on its interests.

The third assumption: Reconciliation or negotiations or alliance with the United States is tantamount to treason and agency, and there is no choice but confrontation. This notion ignores the fact that Islam permitted any of these strategies without embarrassment. The prophet, may God's prayers and peace be upon him, concluded a truce with the pagans of Quraysh and formed an alliance with the Jews to defend the city. None of this was shameful. We will discuss this point in more detail below. The fourth assumption: In its conflict with Al-Qa'ida, the United States cannot absorb heavy human losses. Just as heavy human losses forced the United States to withdraw from Vietnam in the 1970s and from Somalia in the 1990s, it will also withdraw from the Gulf and Saudi Arabia for the same reason. Historically, this notion is not accurate in the cases mentioned above. The flaw lies in using these cases as a yardstick while ignoring the differences between the Somali case, the Vietnamese case, and the Gulf case. In the first case, the Vietnamese resistance relied on a superpower to exhaust the United States in Southeast Asia. However, the United States had other options, such as its presence in the Philippines, to offset Soviet influence in Southeast Asia. In the second case, Somalia did not have any wealth and there was no rivalry on spheres of influence that would tempt the United States to remain there. As for the third case, the situation is totally different in the Gulf. In that case, the United States deployed more than 500,000 soldiers to the Gulf in 1990 to force Iraq to withdraw from Kuwait. In addition to these troops, the United States sent 10,000 coffins to return the bodies of its dead soldiers. This shows that the United States was prepared to sustain heavy losses in lives to protect its strategic oil interests in the Gulf. The subsequent events confirmed this point when the United States deployed about 400,000 soldiers to topple the regime of Saddam Husayn and to tighten its grip on the oil wealth.

The fifth assumption: Another of the wrong premises on which a correct theory is built is when some say: We do not care if the whole world is against us and we not care about the difference in power between us and the United States. We are not fighting them with men and arms but we will triumph over them because we obey God. If God is with us, who can triumph over us? When the US bombing of Afghanistan began, Mulla Omar was asked in a rare press interview, "are you confident of victory?", his reply was "yes, because God is with us". We do not disagree that obedience to God is one of the factors of victory. But part of obedience to God is taking into account the factors that lead to such a victory. Part of obedience to God is abiding by His teachings that destinies are in His hands. In light of these wrong assumptions, reality cannot be read correctly thus leading to missing opportunities that may not recur. And this is what happened in 1997 when the Taliban had such an opportunity. Had they seized it, the course of events that ended with the fall of the Taliban regime would have been totally different. This missed opportunity requires a special pause.

2. The Strategy of Al-Qa'ida and wasting golden opportunities: (subhead)

As the Taliban movement -- with support from Pakistan -- rose to power in 1996 and gained control over more than 90 percent of Afghanistan, a golden opportunit

y loomed to bolster this newborn regime when the United States made an offer to the Taliban regime through Pakistan or other mediators. The United States offered the Taliban movement military and economic support in return for strategic compromise with the geo-strategic and economic US interests in Central Asia. It offered Afghanistan \$3 billion as a free grant and \$300 million annually in return for leasing the pipeline transporting natural gas from the Caspian Sea through Afghanistan, Pakistan, and the Indian Ocean to eventually reach the United States, Europe, and Japan. This strategic compromise gave many advantages to both sides. For Afghanistan, the offer provided the following:

1. Economic revenues from leasing the natural gas pipeline. These revenues could have been used to build a strong country.
2. Afghanistan could have gained military support that would have helped it in its struggle against the opposition Northern Alliance that continued to control about 10 percent of Afghanistan.
3. A strategic alliance with Pakistan could have been formed that would safeguard the future of the Taliban movement against the threats posed by its neighbors.

For the United States, the offer provided the following: 1. A strong Sunni Muslim force in Central Asia equal to the Shiite Muslim force in Iran. This would have enabled the United States to tighten its siege of Iran and to prevent it from thinking of expanding eastward. 3. The establishment of a defensive force to protect the depth of Pakistan, an important US ally in the region. 4. It would have put an end to Al-Qa'ida's presence in Afghanistan that posed a threat to the United States and that targeted its presence in the Gulf. The United States was prepared to proceed with this agreement without pre-conditions regarding the issue of the application of Shari'ah in Afghanistan. While we admit the chivalry of the Taliban movement's stand and its adherence to the provisions of Shari'ah, we believe that it could have found a solution that would have safeguarded the rights and safety of Al-Qa'ida and its own interests and prosperity of Afghanistan.

3. The strategy of Al-Qa'ida: Impossible goals and a vague, foggy strategy (subhead)

Strategists maintain that a successful strategy is one that is based on clear goals that can be realized and that are remote from vagueness and generalization. If we were to apply this philosophy on the goals on which Al-Qa'ida's strategy is based, we would find that it is the exact opposite. Some of Al-Qa'ida's goals are almost impossible to attain while others are vague and foggy. In light of the balance of forces between Al-Qa'ida and the United States, and in light of the paramount strategic importance of a US military presence in the Gulf for US interests in the world, Al-Qa'ida's goal of evicting the US forces from the Gulf is impossible to attain. The US presence in the Gulf is not a luxury for the United States but represents a crucial US choice. The United States considers the Gulf region as one of the most important regions for its supreme national interests. James Baker, the former US Secretary of State in George Bush Senior's Administration, was once asked why 500,000 American soldiers were sent to the scorching desert in the Gulf in August 1990 when Iraq occupied Kuwait. He answered, "we are there for only three letters -- oil." This answer was sufficient to gain the approval of the Congress to Operation Desert Storm to liberate Kuwait.

Some may say that the goal is to entangle the United States militarily in several hotspots in the Muslim world. This would exhaust it and drain on the human and economic levels and would lead to its collapse just as the Soviet Union collapsed after it became entangled in Afghanistan. We say: If this goal did exist, it means that Al-Qa'ida deliberately tried to drag the United States into intervening in Afghanistan even if such intervention would lead to the occupation of Afghanistan and the collapse of the Islamic regime there. I believe that even the leaders of Al-Qa'ida would not be happy with such a situation and neither would we be happy. What is closer to the truth is that this was not one of Al-Qa'ida's goals. Al-Qa'ida had thought that the strongest action that the United States would take

against its attacks -- even after 11 September -- would be to fire a few missiles on some positions and camps in Afghanistan. This is what happened in 1998 following the attacks on the US embassies in Kenya and Tanzania. However, there was no need to drag the United States to Afghanistan or anywhere else. The US presence that may be exploited to drain and exhaust the United States on the human and economic levels is present in many other parts of the world.

4. Al-Qa'ida's strategy and the art of antagonizing the enemy (subhead)

Al-Qa'ida resorted to an art that was not desirable and whose consequences it cannot withstand. This art is the art of enraging and antagonizing the enemy. Saying that Al-Qa'ida has proclaimed that its primary adversaries are America, the Christians, and the Jews does not invalidate what we are saying because the Jews, the Christians, and America constitute half the globe. Furthermore, Al-Qa'ida embroiled itself in conflicts with many countries. It backed many Islamic movements opposed to the regimes in power, as it did in Chechnya, Daghestan, Kashmir, the Philippines, and elsewhere. Al-Qa'ida also carried out operations against the United States on the soil of many countries. This undermined the image and security of these countries. It also led to victims from many other countries that became involved in the conflict. We strongly support any Islamic movement that seeks liberation from colonization. However, if the cost is the defeat of such movements and the exposure of the safety of a Muslim country to danger then we should have second thoughts.

In order to sense the magnitude of the unity among various countries in the world that Al-Qa'ida formed against it with its own actions, let us refer to the list of countries that Al-Qa'ida entangled, directly and indirectly, in a conflict against it. This list includes: The United States, a strong nuclear power; the Christians, the whole Christian world in Europe, the two Americas, Asia, and Africa; the Jews; the Russian federation -- another nuclear big power -- by backing the revolutionaries in Chechnya and Daghestan. The list also includes: India -- a major nuclear power in Asia -- by backing the Muslim revolutionaries in Kashmir. France, through the actions of some active Al-Qa'ida cells and the bombing of the French oil tanker near the Yemeni coast; Kenya and Tanzania, by blowing up the two US embassies there; and Australia, by killing Australian nationals in the bombing in Bali, Indonesia. The list also includes: The Philippines, by backing Abu-Sayyaf's group on the Island of Moro; and the Arab and Muslim countries that have been the scenes of Al-Qa'ida operations, such as Saudi Arabia, Yemen, Kuwait, Algeria, Morocco, Yemen, Indonesia, Pakistan, and Tajikistan. Finally, the list includes Iran, by backing the Taliban movement against Iran and the opposition Northern Alliance in Afghanistan led by Burhan-al-Din Rabbani. This is the list of enemies. Some may say that Al-Qa'ida did not mean that to happen. Our answer is the antagonization of the enemy in such a fashion is a fatal mistake whether it was intended or not intended.

Thus, a quick review of Al-Qa'ida's strategy shows that it accomplished the exact opposite. Instead of helping the Taliban movement to crush the internal opposition in the north, Al-Qa'ida rushed to conflicts that generated more enemies and more pressures on it and on the Taliban. Instead of backing the establishment of a strong Islamic state, Al-Qa'ida acted with the mentality and style of an underground movement in its goals and means. Instead of setting the priorities of confrontation, Al-Qa'ida rushed to engage many countries in the world, a confrontation that generated a hostile environment against it and against the Taliban movement. Instead of confining its struggle to one enemy against whom it may be able to score a victory, Al-Qa'ida -- an underground movement -- acted as if it had the capabilities of a big power. Al-Qa'ida rushed into confrontations against the United States that reached their peak when it struck at the United States in its own backyard. Not even the Soviet Union dared do such a thing during the Cold War. Al-Qa'ida rushed into conflicts with other countries by backing the Islamic movements in Chechnya, Kashmir, Daghestan, the Philippines, and

elsewhere. The question is where are the priorities? Where are the capabilities that would help it do such things? Al-Qa'ida built its strategy without a sound arrangement of the priorities and without taking into consideration the limitations of its capabilities. The consequences are bound to be tragic.

5. The Strategy of Al-Qa'ida: A strategy of rigidity (subhead)

An analysis of Al-Qa'ida's strategy shows it is based on choosing one road to resolve the conflicts in which it entangled itself. This road is that of force only. It does not come to an end except after shedding the last drop of blood of its followers. This rigid reliance on one single strategy does not bring the flexibility that is needed to attain the aspired goals. It does not help in reviewing the arrangement of priorities or in compromising between abilities and the effectiveness of strategies. Just as it ignored the teachings and guidance of the prophet, may God's prayers and peace be upon him, regarding planned strategies, Al-Qa'ida also ignored the need for flexibility in dealing with realities. Unfortunately, Al-Qa'ida could not do this because it adopted only one strategy, the strategy of conflict.

Signs that cast doubts that there is a war against Islam (subhead)

In the 1990s, the United States used its forces in several international conflicts. Its military interventions were in support of the Muslim side in such conflicts. Following are some examples: The United States helped Kuwait and Saudi Arabia on the military level against the Iraqi Ba'thist danger after the Iraqi forces occupied Kuwait on 2 August 1990. The US military intervention put a stop to the massacres that went on for four years and that were perpetrated by the Serbs against Muslims in Bosnia and Herzegovina. More than 250,000 Muslims perished in these massacres in 1995. The problem was resolved only after the US intervention and the signing of the Dayton Agreement in 1995. It was the US-led military intervention by NATO on 24 March 1999 and the 79-day air bombardment of Yugoslavia that put an end to the ethnic cleansing campaign in predominantly Muslim Kosovo. These US-led actions forced Yugoslavia to accept the agreement of Rambouilly (place name as transliterated) and to sign an agreement with NATO on 10 June 1999 after three hard years during which Europe and the Security Council failed to put an end to the crisis.

The claim of a religious Christian alliance under the banner of the crucifix is found only in the imagination of those who make such a claim. We should not fall in the trap of the clash of civilizations. (subhead)

The fact is that it is the strategy of Al-Qa'ida that strengthened the Christian currents that are hostile to Islam in the United States and the West. Al-Qa'ida's strategy strengthened the voice of those who call for all-out war against Islam. We do not believe that this crusader war actually existed. Some may say, "so what is wrong with igniting a war against America and the West on the basis of religion? This would mobilize the energies of the Muslim nation and nip these schemes in the bud". To this we say we disagree with this logic. We disagree not only because the Muslim nation is not ready for such an option. We disagree also because we believe that awakening the Muslim nation from its deep slumber and helping it to rejuvenate its civilization and bounty require us not to fall in the trap of clash of civilizations. What we need is a policy of interaction among civilizations while maintaining the Muslim identity and defending and struggling against any attack on the principles of Sharia'h and the supreme interests of our faith, homelands, and nation. We believe that Islam allows Muslims to interact with everyone and with all civilizations and cultures within the framework of cooperation for what is good and just for mankind. We will elaborate on this point that is raised in several places in the book.

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POWERED BY **Dialog****Part 3 of Book Review: Egyptian Islamist Leaders Fault Al-Qa'ida's Strategy***London Al-Sharq al-Awsat in Arabic 14 Jan 04 p 10**AL-SHARQ AL-AWSAT**Wednesday, January 14, 2004***Journal Code:** 1431 **Language:** ENGLISH **Record Type:** FULLTEXT**Document Type:** Daily Report; News**Word Count:** 4,196

Report by Abd-al-Latif alMinawi in Cairo: "The Strategy and Bombings of Al-Qa'ida (Part 3)"

(FBIS Translated Text)

"Al-Sharq al-Awsat" continues its publication of the book "The Strategy and Bombings of Al-Qa'ida: Errors and Perils" that was written by the leaders of the Egyptian Al-Jama'ah al-Islamiyah after four (previous) books have come out to correct (erroneous) concepts. This installment of the book is dedicated to responding to Al-Qa'ida's allegations with respect to "jihad" from the perspective of the Al-Jama'ah al-Islamiyah's way of thinking, which has renounced violence.

There is a discussion of the reasoning used by those belonging to the Al-Qa'ida organization to indicate the validity of the bombings attributed to them, beginning with the bombings of the US embassies in Kenya and Tanzania, continuing to the bombings of the twin towers of the World Trade Center in New York, and, last but not least, the bombings in Riyadh and Casablanca.

In this installment, the Al-Jama'ah al-Islamiyah discusses just two rulings from those that the Al-Qa'ida leaders use for support. We will round out the remaining rulings in coming editions. These two rulings are: Is it permissible for the Muslim to immerse himself in the ranks of the enemy in order to inflict harm on the enemy, or does the Muslim obtain martyrdom if doing so leads to his death? This is the ruling that is normally cited to justify a Muslim blowing himself up in a car bomb or hijacked aircraft. The second ruling is: Is it permissible to attack the idolaters at night or by surprise? This is especially relevant since this ruling is cited as evidence of the validity for embarking on these bombings without prior warning, even though that may lead to the killing of women and children among the idolaters. There is no fault or flaw in these rulings, as confirmed by the authors of the book. Rather, the flaw comes in who is applying these rulings to our reality of today since this application is tarnished by error. Prior to moving on from this point, the authors do not forget another, vital issue: it is the ruling for the martyrdom operations going on in Iraq and Palestine. So to what degree are they prohibited and to what degree are they exonerated?

The banned book of the Al-Jama'ah al-Islamiyah says: "Some today are relying on the permission of Islamic Law for the Muslim to immerse himself into the ranks of the enemy in order to fight them, even if doing so leads to him being killed. They are saying it is permitted for the Muslim to blow up the truck he is driving in a specific location or it is permitted to hijack an airplane and blow it up in the air or crash it into a ground target. They are justifying that on the fact that such an immersion serves to achieve several interests, chief among them being martyrdom. It also inflicts harm upon the enemy. They point to the rightness of what they believe by citing many statements by the ulema that

have been made in this regard. The truth is that the legitimate ruling that allows the Muslim to immerse himself into the ranks of the enemy as a fighter is because he is fighting for his own legitimate interest or that of Islam. That is something that is established in the Shari'ah and no one will dispute it. But the dispute begins when this ruling is applied to the real world in a manner where the rules established for it by the ulema are not adhered to.

"Before we discuss the validity of such a ruling in the aforementioned manner, we will first state the ulema's stipulation for this ruling and its rules:

"The ulema of the Shari'ah have allowed the Muslim to immerse himself in the ranks of the enemy as a fighter, even if it is likely that he will be killed. But by examining what they have said, we find that they have placed conditions upon this permission, represented in the following: 1. The rank that the Muslim will attack is an infidel rank or one that may be fought. 2. No one who may not be killed may be mixed in with this rank regardless of whether they are Muslims, People of the Covenant, or the like. 3. The achievement of a likely benefit is behind such an immersion and it will not result in an even worse situation. A number of ulema have cited examples of legitimate benefits as well as bad things that might occur that would prohibit the permission for such an immersion. We will state examples of what they mentioned for each case:

"As for the benefits that might result, they include: 1. The infliction of harm upon the enemy. 2. The disheartening of the enemy and the spreading of fear in their minds in a manner that facilitates their defeat. 3. Emboldening and encouraging the faithful and strengthening their hearts. 4. Achieving martyrdom in the cause of Allah.

"As for the bad things that may occur as a result of this immersion, they are: 1. When the faithful are disheartened when they see that nothing has happened and that what he did was irresponsible. 2. It has no effect that is advantageous to the Muslims and the mujahidin. It is unable to deliver them or to inflict harm on the enemy.

"The truth is that we have to examine the good and bad things enumerated by the ulema that might result from this act on the basis that a state of war does exist and it has ignited. This is because when engaging in these operations without there being a war that actually exists, many bad things will appear that might not come to pass if such an immersion occurs during wartime.

"What the ulema said in this regard of permitting the immersion into the ranks of the enemy is that it is something that is logical that meets the needs of victory in war or defending the country, if it is subject to occupation by an imperialist. But this does not mean that it should be embarked upon without the stated rules or with disregard for the bad things that could result from it.

"Let us pause with Imam Al-Shawkani and his interpretation of what Allah has said: 'Perish in the cause of Allah and do not surrender to danger. The right thing is to consider the totality of the expression, not the particularity of the reason. It has been confirmed that if there is danger in the religion and in the world, then he must enter into it. Ibn-Jarir al-Tabari said: 'In general, what comes under the scripture is that the man who rushes into war and attacks the army without being able to be saved and without having an effect

that will benefit the mujahidin and is not prevented from doing so by the disapproval of those who have refused to see the reason, it is because they believed that the scripture does not go beyond the reason while he thought he was motivated by the language of the Arabs.' Imam Al-Qartabi said: 'For he who knows it is probable that he will be killed, it is better for him, even though he knows it is

probable that he will be killed, that he cause harm, wreak havoc, or have an effect by which the Muslims benefit. Then this is also permitted.' Imam Al-Ghazali says: 'As for exposing oneself to danger without having any effect, there is no purpose to it. Rather, it should be prohibited.' The issue is not the immersion into the ranks of the enemy. Rather, it is the benefit that results from it."

The Legal Errors in the Bombings (subhead)

"If we were to apply the rules that have been established by the ulema to permit the immersion into the ranks of the enemy with respect to hijacking and blowing up airplanes or to a person blowing himself up at some target whether in a truck or by himself, then we will end up at the non-validity of this ruling being handed down in these two examples. The evidence of that is as follows:

- The aircraft's passengers do not represent a single rank whose blood may be shed. In truth, they are of various nationalities and various religions and various classifications of men, women, elderly people, and children. The aircraft is not without the existence of such classifications, or at least some of them who may not be killed.
- Those on board this aircraft do not represent a hostile army that is standing in confrontation with an army of Muslims. They are mostly civilians that have no role to play in their hearts even if they were in a state of war or confrontation. So how can there be such a ruling allowing such an immersion for a Muslim in this respect?
- Crashing the aircraft into a ground target always carries the possibility of killing those whose blood is protected, those who are not allowed to be killed, and destroying property that should not be destroyed. This is according to the type of ground target that is targeted. There is also the possibility of making a mistake in the set target and hitting something else.
- Hijacking an aircraft and then blowing it up entails a form of betrayal of the company that owns the aircraft, which gave the hijacker a ticket to use its aircraft on the condition that neither the safety of it nor its passengers would be exposed to any danger. It also entails a form of betrayal to the passengers, who have no connection to the hijacker's cause or that of his enemy, when they are surprised by their hijacking without having committed any crime or offense. It is not being said here that (this is a war trick) because, when this bombing is targeting the enemy during an existing war, saying so would be correct. But when such a trick is used with travelers where at least some of them are innocent and have done nothing wrong and there is no war between them and the hijacker, then there is no justification for it. It is a trick that is not permitted and a betrayal that is proscribed by law.
- When the Muslim immerses himself in the ranks of the enemy, his death will be at their hands, not by his action. But the death of one who bombs an aircraft is by his own action, not the action of someone else. Some ulema might include this as the prohibited killing of oneself.

"And if we were to shift to a discussion of whether it is permitted for an individual to blow up a truck that he is inside at some target, then we would find that this entails numerous errors when it results in a crime against protected people or property or the occurrence of numerous bad consequences. These are as follows:

- If the intended target of the bombing mostly does not represent a rank that deserves to be killed in its entirety. There might be various persons mixed in with the target of various nationalities, religions, kinds, and ages. This would forbid attacking this rank and becoming immersed in it, according to the aforementioned rules for this ruling established by the ulema.

"When Ali Amrun, one of those suspected of being responsible for the attacks that occurred in October 2002 in Bali, Indonesia that led to the deaths of 202 persons, was asked about his feelings of remorse for those attacks. He answered by saying: 'I am sorry.' When the reporters told him that the greatest number of killed were Australians and not Americans, he said: 'This is jihad.' This example reveals the extent of the error that is occurring in the personalities of those doing the targeting as well as the error in the concept of jihad that Ali Amrun expressed by saying: 'This is jihad.' Ali Amrun made a mistake in saying this. Jihad in the Shari'ah was never permission to shed the blood of innocent people or justification for showing contempt for the lives of others. In addition to this, the destruction of protected property, whether in the targeted location or the surrounding area, that might result from a truck bomb may incite the anger of broad sections of the citizenry against those responsible for the act. That will cost them the support necessary for their cause."

Sacrificial Operations, Martyrdom or Suicide? (subhead)

"One cannot be so rash as to discuss the bombings and immersing oneself in the ranks of the enemy until after one turns his attention to the sacrificial operations in which the individual blows himself up in a vehicle bomb or with an explosive belt, or the like. Is this act included under the killing of oneself that is proscribed by law? Or does it fall within the realm of what is permitted? Or, in other words, is it suicide or is it martyrdom? We will deal with this issue through the following points: 1. It must be said first that these bombings cannot be resorted to if there are restrictions and rules against them that have been established by the Shari'ah in this regard and they have been elucidated by the ulema, as we have stated previously. 2. After confirming the existence of the required restrictions and rules, there must be an examination of the desired benefits from them (i.e. the bombings) and the bad consequences that might result prior to saying that they are permissible. Care must be given to the accounting of benefits versus drawbacks that is subject to change from time to time. 3. The words of the contemporary ulema have differed over the characterization of this act. There are those who believe that it is not permissible because it represents a suicide that is forbidden. Others believe it is permissible under certain circumstances. But what is noteworthy is that the circle of those believing it is permissible does have one special characteristic, it expands when the bombing comes along in confrontation with a tyrannical imperialist. It expands so that today it has become more than a majority. 4. There is an important difference between one who undertakes such operations and one commits suicide by killing himself that should not be overlooked. Many have said, rightly so, that the purpose and intent of each one of them is different from the other. The one committing suicide wants to be free of his life and his objective is to flee from a hurt or a worry that is causing him pain. His mental state is overcome by despair, hopelessness, and anguish. He submits to suicide without any faith in a cause or defense of a principle. Meanwhile, one who embarks on these operations carries within himself a deep faith in a principle or religion. He is predominately cheerful, calm, and peaceful and he is aiming to support his faith or his homeland in order to achieve his objective of attaining martyrdom.

"In light of the existence of this distinction, it is not correct to characterize those engaging in this specific kind of operations as people who are committing suicide. This is because they are engaging in them legitimately under the restrictions established by the Shari'ah, seeking the face of Allah in His cause. Those people are seeking to achieve martyrdom and attain bliss. Then there are those who engage in them without satisfying the conditions of martyrdom or abiding by the established legal rules. They are not referred to as martyrs or suicides because they are excusably mistaken. Most of the time they are led into performing this act of theirs.

"Accordingly, it is possible to say that the legitimacy of these sacrificial operations depends on the

extent to which the rules set forth in the Shari'ah are adhered to, what benefits they will achieve, and what negative things might result."

Raiding the Enemy by Night (subhead)

"A discussion of the issue of bombings is not complete from its various legal aspects without touching on the evidence used by those engaging in these bombings, that the Shari'ah allows raiding the enemy at unexpected times and at night, in other words raiding them by night--even if this would lead to the killing of the women and children of those enemies. This is one of the most famous arguments that is circulated by some to justify the surprise bombings in which no precautions are taken against the killing of certain categories that are not permitted to be killed such as the infidels' women and children.

"They say in the course of the discussion: 'How can you deny that to us when the Prophet (may peace and the blessings of Allah be upon him) launched the raid against the Bani Mustalaq and they were taken by surprise. Ibn-Abbas related what Al-Sa'b Bin-Jathamah said: 'The Prophet (may peace and the blessings of Allah be upon him) passed by Al-Abwa or Budan and was asked about the idolater people of the land who were raided by night whose women and children were killed. He said: 'They are from them.' And I heard him say: 'There is no protection save Allah and His Prophet.'"

A Discussion of the Previous Reasonings and Their Refutation (subhead)

"First, anyone pondering the hadith of Al-Sa'b Bin-Jathamah or the raid of the Prophet (may peace and the blessings of Allah be upon him) on the Bani Mustalaq will realize that this evidence is being circulated out of its context. The demonstration of that is that the hadith of Al-Sa'b Bin-Jathamah is talking about idolaters being raided at night. One who would want to use this reasoning to permit (the killing) of Muslims or people where believers are mixed in with the unbelievers has made a big mistake. The case of the Bani Mustalaq, whom the Prophet (may peace and the blessings of Allah be upon him) raided, was that they were a nation of idolaters who were distinguishable in their land from the others. So how can that be deduced to allow bombings in a country of Islam where the majority of the population is Muslim and the non-Muslims are a minority among them?

"Second, the majority of the ulema have clarified that it is permissible to raid the idolaters by night even if that would lead to the killing of some of the women and children. But they have stipulated that the permissibility of that is only when the women and children are not killed deliberately.

"On this, Imam Bin-Qadamah says: 'It is permissible to raid the infidels by night and kill them when they are taken by surprise. Ahmad said: 'It is okay by night; did not the Romans invade only by night?' He said: 'We do not know of anyone who hated the enemy's hibernation.' Safyan read from Al-Zahri, from Abdallah, from Ibn-Abbas, from Al-Sa'b Bin-Jathamah, who said: 'I heard the Prophet of Allah (may peace and the blessings of Allah be upon him) be asked about the houses of the idolaters whom we had fallen upon by night and struck some of their women and children. He said: 'They are from them.' He said: 'It is said to be a good ascription: 'The Prophet (may peace and the blessings of Allah be upon him) has proscribed the killing of women and children. Tell us, is this (permission) to deliberately kill them?' Ahmad said: 'As for killing them deliberately, no.' He spoke the hadith of Al-Sa'b after his proscription on the killing of women because his proscription on the killing of women at the time was sent to Ibn-Abi-al-Hatiq. By connecting the two, it is possible to place the proscription on deliberate killing and allowing what is not deliberate.'

"Look at what was said by Imam Ahmad: 'As for deliberate killing (i.e. the women and children of the

idolaters), no.' It has been learned, then, that it is not permissible to raid the idolaters at night if that entails the deliberate killing of women and children. So what would Imam Ahmad have said to those who have reasoned that it is permissible to undertake a night raid by bombing in a country where the overwhelming majority of its population are Muslims and the targeted location of the bombing is known by those undertaking the attack to have a Muslim majority and a minority of foreigners who are targeted by this bomb?

"Imam Al-Shafi'i confirms what Imam Ahmad believed: not permitting the intentional killing of women and children in a night raid. He says: 'The narrator said: 'How can you permit the launching of the catapult and fire on the group of idolaters when there are children and women among them and their killing is proscribed?' It was said: 'We permitted it since the Prophet (may peace and the blessings of Allah be upon him) launched the raid against the Bani Mustalaq and they were caught unawares. He commanded the night raid and the burning. It is known that women and children are among them. That is because the land is a land of idolatry and it is not forbidden. However, it is proscribed to kill the women and children intentionally if their killers recognize them with their own eyes.'

"Turning our attention to what was said by Imam Al-Shafi'i: 'The land is a land of idolatry and it is not forbidden.' Compare this to those bombings that occurred in a land that is not a land of idolatry. He said: 'It is proscribed to kill the women and children intentionally if their killers recognize them with their own eyes.' Compare that to what happened in these bombings where those perpetrating them recognized the presence of Muslims with their own eyes at the targeted location. They might even have seen some of the non-Muslim women and children that were there with their own eyes. Then they went ahead with the bombings. This prohibition on intentionally killing the women and children of the idolaters (and of Muslims all the more so) in a night raid is the pronouncement of all the Islamic jurists.

"Imam Al-Ramli adds an important rule by saying: 'Launching a raid on them at night, unexpectedly,' for emphasis. He related the story of the two shaykhs: 'Yes, Al-Zarkashi, like Al-Balqini, discussed his hatred (of killing) when there was no need for it since he does not believe in killing a Muslim who he thought was an infidel!'

"Third, in a situation where the Muslim is mixed in with the infidels, it is not permissible to kill the Muslim by a night raid or otherwise. Allah has said: 'There were believing men and women (within the enemy camp) whom you did not know, and you were about to hurt them, unknowingly. Allah thus admits into His mercy whomever He wills. If they persist, He will requite those among them who disbelieve with a painful retribution (Al-Fatih:25).' Al-Qartabi says: 'These verses are evidence that deference must be given to the infidel because of the sacredness of the believer. Thus, the infidel cannot be harmed when the believer will be harmed.' Abu-Zayd said: 'I said to Ibn-al-Qasim: 'If I see a tribe of idolaters in one of their fortifications and they are surrounded by the people of Islam, but among them is a tribe of Muslims that is being held captive by their hand, should this fortification be set on fire or not?' He said: 'I listened as Malik was asked about a tribe of idolaters in their vessels. 'Do you not care that there is fire in their vessels while they have prisoners with them in their vessels?' Malik said: 'I do not see that. Allah told the people of Mecca: 'He will requite those among them who disbelieve with a painful retribution.'

So if an infidel is shielded by a Muslim, it is not permissible to shoot him. One who does so and kills one of the Muslims is responsible for payment of blood money and reparations. If they did not know (it was a Muslim), then there is no blood money and no reparations. That is because if they had

known, they would not have fired. If they did it, they have become murderers by mistake and the blood money is up to them.

So if they do not know, let them shoot. If the act is allowed, then it is not permissible for them to have any responsibility remaining on them."

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Part 4 of Book Review: Egyptian Islamist Leaders Fault Al-Qa'ida's Strategy*London Al-Sharq al-Awsat in Arabic 16 Jan 04 p10**AL-SHARQ AL-AWSAT**Friday, January 16, 2004***Journal Code:** 1431 **Language:** ENGLISH **Record Type:** FULLTEXT**Document Type:** Daily Report; News**Word Count:** 4,686

Book review by Abd-al-Latif al-Minawi in Cairo: "Islam rejects the killing of civilians; Islam set a precedent by putting an end to savagery during wars; Leaders of Al-Jama'ah al-Islamiyah in Egypt stress that Usama Bin Ladin's fatwa legitimizing the killing of Americans is not based on Shari'ah; our rejection of killing American civilians does not mean we condone the unjust policies of the United States"

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In this part (Part 4) of the book "The Strategy and Bombings of Al-Qa'ida: Errors and Perils", the leaders of the Egyptian Al-Jama'ah Al-Islamiyah pass judgment on Al-Qa'ida leader Usama Bin Ladin's fatwa (Muslim religious ruling) on fighting against Christians and Americans that he issued in 1998. By passing judgment on Bin Ladin's fatwa, they are also passing judgment on their own old ideas that they gave up following their initiative of 1997 to stop violence. One of the results of this initiative is the issuance of this book that Al-Sharq al-Awsat is serializing exclusively. This episode discusses several important issues in this regard: What are the provisions in Shari'ah that Al-Qa'ida is using to justify its bombings in the United States or in Riyadh? Is it right to target and kill a person based on his nationality? Do noble goals justify the killing of innocent lives? Is there any evidence in Shari'ah that justifies such operations? Since those who justify such bombings and the killing of American civilians always rely on provisions in Shari'ah and on the sayings of the prophet, the leaders of the Egyptian Al-Jama'ah Al-Islamiyah respond in this episode by giving other firm and solid evidence that confirms that dialogue using arms does not bring results but brings only blood and destruction. Therefore, dialogue is necessary.

The fatwa on killing Americans (subhead)

No doubt, the position of Islam on the killing of civilians is the first issue that is raised by the fatwa on killing American civilians. Bin Ladin's fatwa has cast doubts and suspicions on Islam's distinctive position on this issue although Islam took the precedent of ending the savagery in wars that was practiced by nations prior to Islam. Islam showed mankind how wars, despite their savagery, can be merciful and do not have to threaten dignities or kill God's creatures. Thus, the position of great Islam on this issue came under suspicion although Islam taught the universe mercy in war. For instance, Islam prohibited separating a captive from his children. The messenger of God, may God's prayers and peace be upon him, threatened those who do so by saying, "the one who separates a mother from her children will be separated from his loved ones on the Day of Judgment". God's messenger, may God's peace and blessings be upon him, also prohibited the embalmment of animals. He said, "God enjoins you to be merciful in all your deeds. If you have to kill, kill with mercy and if you slaughter an animal

sacrifice, do it mercifully by sharpening your knives in order not to cause pain to the sacrifice". If Islam so merciful toward insects and animals, can it be less merciful toward human beings? Islam put rules and provisions for the treatment of civilians during wars and was thus superior to all other systems. Unfortunately however, some of those who pretend to follow Islam are obliterating these facts with their wrong deeds and fatwas.

Lately, we have been hearing about fatwas attributed to some Muslims that legitimize the killing of civilians who hold specific nationalities and that also legitimize the killing of women and children. The most notorious of these fatwas is the one that was issued in 1998 by the World Front to combat Christians and Jews that is led by Shaykh Usama Bin Ladin. This fatwa urges the killing of American civilians and American military personnel anywhere in the world. This fatwa contradicts the provisions of Shari'ah in this regard. Therefore, a clarification is necessary in order to end the ambiguity and vagueness and in order to highlight Shari'ah true position on the killing of civilians, especially the killing of women and children.

The position of Islam on the killing of civilians (subhead)

We appreciate the greatness of Islam and the depth of its humanitarian philosophy if we pause a moment at Islam's position on wars and on fighting against non-combatants. God's messenger, may God's blessings and peace be upon him, and his successors categorically prohibit the targeting of women, children, elderly people, men of religion and seculars, farmers and peasants, and hired hands. This shows the true position of Islam on the targeting of what we call civilians in modern times. If you review these categories -- women, children, mentally retarded individuals, peasants, farmers, men of religion, slaves, chambermaids, and hired hands -- you realize that they all represent people who not participate in fighting. Does the term "civilians" have any other meaning these days? For these reasons, the overwhelming majority of Muslim scholars agree on the impermissibility of killing non-combatants and those who are protected, in other words, civilians. The prohibition about targeting civilians who are noncombatants or who are protected was not made by choice or by scholars. It is a clear divine revelation and one of the prophet's categorical injunctions. Thus, no male or female believer can violate it. On this prohibition in the prophet's tradition, Umar (Bin al-Khattab, one of the four Muslim Caliphs), may God be pleased with him, has said, "the prophet prohibited the killing of women and children when he saw a killed woman during one of his conquests". Ibn-Abbas has said that when the prophet, may God's blessings and peace be upon him, deployed his armies, he used to tell them, "do not kill the owners of silos" and Umar has said, "God protects peasants and farmers who do not engage you in battle".

The Philosophy of Islam in not targeting civilians and Bin Ladin's fatwa (subhead)

There is no doubt that when it wages war, the goal of Islam is to promote good morals in mankind and it thus permits killing God's human creatures if that realizes that goal. Hence, it was logical for Islam to prohibit the killing of those who do not engage the armies of Islam because these armies were deployed for the sake of these people in the first place. If they decide to attack and fight against the armies of Islam, they have decided to take such a stand against Islam. However, those who do not fight are treated differently and based on another logic. Islam does not seek to root out those who decide to engage Islam in battle. It does not force them to renounce their religious beliefs and embrace Islam. Islam only wants to give them a chance to revise their stands and perhaps embrace Islam voluntarily as they see the justice and mercy of Islam. One may say: But this prohibition may encourage civilians to fight against Muslims and harm them while the Muslims are not allowed to ward off this harm. In fact, in dealing with this possibility, Islam was realistic. It was blinded by

theoretical idealism. That is why we find that many religious scholars agree that killing such people who engage Muslims in battle is permissible. On this point, the Hanafi Imam Al-Kassani says, "the rule is that it is permissible to kill a combatant whether he fights or does not fight. However, noncombatants cannot be killed unless they actually participate in the fight through obedience or instigation and so on". Needless to say, these provisions pertain to non-Muslim civilians. Muslim civilians, however, cannot be killed under any circumstances because Islam protects their blood unless they commit a deed that necessitates killing them based on the provisions of Shari'ah pertaining to the infliction of punishment.

The fatwa on killing American civilians and wrong inferences (subhead)

Some wonder whether Shari'ah condones the killing of American civilians (Usama Bin Ladin's fatwa). I think that those who believe so base their fatwa on several provisions in Shari'ah, such as the categories that were excluded from killing due to a prohibitive text are no longer protected after they participate in fighting one way or the other. In this regard, they say that all the American people are combatants because they accept US policies and they pay taxes to the federal government. They say that any unbeliever or infidel that invades the land of Islam or that is defeated in war can be killed anywhere in the world. These are the most prominent inferences that they use to justify the killing of American civilians anywhere and at any time. We want to refute these wrong inferences not only because we want to rebut the case related to American civilians but also because we do not want any flaws to mar the soundness of the provisions of Shari'ah. Furthermore, such wrong inferences may also be applied on Muslims under the claim that they have become apostates and thus it is permissible to shed their blood whether they are civilians or military personnel and anywhere and at any time.

Needless to say, our rejection of the fatwa on the killing of American civilians does not mean that we approve the unjust US policies regarding Muslim issues, such as blatant appeasement of Israel or the double standard policy in favor of Israel at the expense of the rights of the Muslim people in Palestine or the policy of suspicious silence on the liberation movement in Chechnya or the policy of blockades and strangulation of everything that is Muslim even at the expense of US principles. All these US policies want to promote the theory on the clash of civilizations and to impose US hegemony on the world and its resources through kindness or butchery just as has happened in Afghanistan and Iraq and the rest is to come later. This rejection, however, should not stop us from adhering to justice. God Almighty says in His holy book, "O ye who believe, stand out firmly for justice, as witnesses to Allah, even as against yourselves or your parents or your kin, and whether it be against rich or poor; for Allah can best protect both. Follow not the lusts of your hearts, lest ye swerve, and if ye distort justice or decline to do justice, verily Allah is well acquainted with all that ye do" (Koranic verse).

First: Proof that the cause that permits killing is actual participation in combat, not unbelief. Some mix up between the cause that may necessitate fighting against others and the cause that determines who it is permissible to kill during combat. Such a cause must meet all the conditions that make such an action permissible and must not have any of the prohibitions that make it impermissible. There is no doubt that atheism or unbelief or apostasy should be a condition to permit fighting against any apostates or unbelievers. However, who is actually killed during combat is another matter. We must not confuse the two issues. We cannot use the cause that makes fighting permissible to actually kill infidels that we are permitted to kill and those that we are not permitted to kill. The scholars of Muslim jurisprudence interpret this point in detail as follows:

1. Muslim scholars agree that there are certain categories of infidel combatants that cannot be killed during combat. These are women, children, madmen, disabled people, and bisexuals.
2. The majority

of Al-Hanbali, Al-Hanafi, and Al-Maliki scholars and some Al-Shafi'i scholars agree that it is impermissible to kill elderly shaykhs, clerics and laics, the blind, and hired hands during combat. 3. Other Al-Shafi'i scholars maintain that it is permissible to kill hired hands, monks, elderly, seculars, the blind, and peasants during combat. 4. Some scholars from the Al-Hanbali and Al-Awza'i schools say that it is not permissible to kill those who till the land during combat. Ibn al-Qasim and Abd-al-Malik from the Al-Maliki school say it is impermissible to kill artisans during combat while Sahnun al-Maliki says it is permissible. 5. Scholars agree that it is permissible to kill all the categories if they physically or morally participate in combat. 6. The difference between most scholars and the Al-Shafi'i school revolves around the cause that permits the killing of polytheists. Is the cause polytheism or is it atheism or is it physical participation in combat? The Al-Shafi' school argues that it is atheism whereas the majority of scholars maintain it is physical participation in combat. An analysis of the two arguments shows that the argument of the majority of scholars who maintain that the cause is actual combat is stronger, for the following reasons: 1. The messenger of God, may God's blessings and peace be upon him, prohibits the killing of a woman who is not a combatant. He says, "what is the guilt of a woman who was killed although she was not fighting?" Although the woman was an infidel, the prophet prohibited her killing. 2. Although the veracity of some have been contested, the prophet's prohibitions about killing hired hands, elderly, and men of religion are reinforced by sayings attributed to Abu-Bakr and Umar (Muslim caliphs). This prohibition linked to the atheism of these categories demonstrates that the cause prohibiting their killing is their noncombatant status rather than their atheism. Thus, if the provisions of Shari'ah prohibit the killing of these categories even during combat, is it conceivable that they can be killed without combat? How can we say that it is permissible to kill them anywhere and at any time because they are infidels now that we have learned that the cause that permits their killing during combat is their physical participation in combat rather than their atheism?

Second: It is wrong to argue that it is permissible to kill American civilians anywhere in the world for sev

eral reasons: 1. It implies that it is permissible to kill women and children. However, most Muslim scholars believe that this is impermissible. They also believe that it is impermissible to kill men of religion, elderly, hired hands, and others in that category. 2. Targeting Americans on the basis of their nationality implies that it is permissible to kill Muslims who hold US citizen whether they are men, women, or children. We know that this is impermissible and it exposes the wrong generalization implied in Bin Ladin's fatwa. 3. It is wrong to say that all American civilians can be killed and are considered as combatants because they accept US policies and pay federal taxes. Many Americans do not approve of US policies and some do not pay taxes. Furthermore, some of them may be Muslims who pay taxes. This does not mean that their blood can be shed under any circumstances.

Third: The fatwa does not distinguish between the rules of killing and the rules of combat. The fatwa permitting the killing of American civilians anywhere in the world is thus wrong because it ignores the distinction between the rules of combat and the rules of killing. The killing of American civilians --- women, children, elderly, and others in that category --- does not fall under the rules of combat because there is no actual combat between them and others in this or that place. This actually falls under the rules of murdering individuals. Some believe that if it is permissible to engage an individual in combat it is automatically permissible to kill that individual. This wrongly implies that it is permissible to kill any member of a combatant category whether combat is still raging or has ended. No doubt, this assumption is wrong because combat follows certain rules. This is why many scholars were driven to clarify and elaborate on this distinction because it leads to errors if it is ignored.

Let us review some thoughtful sayings that clarify this point. Imam Al-Shafi'i has said, "the rules of

combat are different from the rules of killing. It may be permissible to engage a man in combat but impermissible to kill him". Ibn Daqiq al-Abd has said, "combat should not necessarily lead to killing. Combat requires an action between two sides but killing does not". The opinions of scholars mentioned above clarify that permissible combat does not necessarily lead to permissible killing. Let us review some more examples that further clarify this point. 1. The unjust who disobey the imam (Muslim ruler) cannot be killed before they proclaim combat and actually disobey the imam. Following is a conversation that took place between Imam Ali Bin Abu-Talif and a seceder who was standing in front of the mosque as Imam Ali was preaching. The man said, "there is no rule except to God". Ali answered, "a true statement but one that has ulterior motives." Then he added, "we owe you three things: we do not prevent you from mentioning the name of God Almighty in God's mosques; we do not deprive you of protection so long as your hands are stretched to us; and we do not initiate combat against you". Imam Ali also says, "if a nation supports the opinion of seceders but do not gather for war we do not accost them as we would if they commit sins, leave the Brotherhood of Islam, and shed the blood of Muslims or destroys their property. We do not engage them in battle if they did not gather for war, did not disobey the imam, and did not shed protected blood". Al-Qadi cites Abu-Bakr as having said that these cannot be killed or engaged in combat. Abu-Hunayfah and Al-Shafi'i also agree on this point and so do many other scholars in Muslim jurisprudence. The same rule applies to any seceder who has disobeyed the imam and who has come with the unjust to fight but did not actually fight or was wounded. It is impermissible to kill such a person under any circumstances because by killing him we are preventing him from returning to the fold of the imam. 2. It is permissible to fight against the one who endangers the lives of others or attacks their honor and property. However, it is not permissible to kill him after he stops his attack or aggression. 3. Combatant highwaymen fight but if one of them is defeated and caught, he should be given the appropriate punishment that he deserves for his past crimes. 4. It is permissible to kill an infidel during combat. However, if he is taken prisoner, the imam decides his fate based on public interest. 5. It is permissible to engage in combat those who do not pay Zakat (Muslim alms tax) because they are greedy. However, those who do not pay Zakat for others reasons are forced by the imam to pay Zakat but it is impermissible to kill them.

The above shows that it is impermissible to kill an infidel tourist merely because he is a member of a category or a national of a country that is permissible to engage in combat. Such a tourist may have come to a Muslim country or to a non-Muslim country that has concluded a treaty or a truce with Muslims after having been given sanctuary. All the above demonstrates the distinction between the rules of combat and the rules of killing. As Ibn Daqiq al-Abd has eloquently said, combat does not necessitate killing. Therefore, civilians that cannot be killed during combat can never be killed when there is no combat unless for a reason that permits their killing. For the sake of the argument, let us assume that some civilians may have committed something that allows their killing. But perhaps there is a prohibition that prevents such an action. They may have been granted sanctuary by a Muslim country or perhaps there may be a truce based on Shari'ah in the country where this American civilian may be. If Al-Qa'ida is arguing that it is a Muslim duty to fight America these days, this does not mean it is permissible to kill every American civilian anywhere in the world. As Imam Al-Shafi'i has said, "it may be permissible to engage a man in combat but not permissible to kill him".

The above also demonstrates that the fatwa erred for several reasons: It relied on the inference that the cause for combat is atheism, but this is wrong. It generalized the permissibility of killing all civilians without taking into consideration the fact that there are Muslim Americans and that there are non-Muslim American civilians whom it is impermissible to kill. The fatwa did not differentiate between the rules of combat and the rules of killing. Despite the fact that this flawed fatwa violated the provisions of Shari'ah, it has been applied in many countries by acts and deeds that resorted to

violent bombings to kill the largest number possible of Americans. It thus opened wide the door of confrontation between Al-Qa'ida and the United States, a confrontation that has spread to numerous countries in the world from Pakistan to Afghanistan to Indonesia and to the Philippines in the east and to Iraq, Saudi Arabia, Kenya, Tanzania, and the United States ending up in Casablanca in Morocco to the farthest west.

Who is qualified to issue a fatwa? (subhead)

These days, this phenomenon is spreading and striking roots leading to major corruption. Some who are not qualified and are not knowledgeable with the provisions of Shari'ah are embarking on this difficult task and issuing fatwas related to modern developments regarding jihad and other rulings related to commerce and property. Perhaps this flaw is one of the main reasons for making mistakes that are increasing in our daily lives, particularly in matters related to the application of jihad on contemporary reality. The usurpation of the role of qualified scholars by unqualified individuals will inevitably lead to a deficient understanding of reality and of conflicting interests and corruptions. It leads to our inability to strike a balance between them and eventually lead to the issuance of wrong rulings that contravene the holy Koran and Sunnah. Therefore, it is important to refer to certain traits that the one who issues a fatwa must enjoy and the conditions under which such qualified people carry out their tasks. Hopefully, such an assessment would rectify the flaws. Let us first shed light on what is meant by applying the rulings of Shari'ah on reality in order to distinguish this role from other roles.

The Mujtahid (the scholar who gives his personal opinion on Muslim religious affairs) is that scholar in Muslim jurisprudence who possesses the right tools and who dedicates all his time to pass a ruling based on his personal but knowledgeable opinion. By exercising Al-Ijtihad, the Mujtahid does several tasks: 1. He tries to determine the cause that necessitates his ruling by applying the provisions of the Koran and Sunnah. For example, when the prophet, may God's blessings and peace be upon him, was asked whether the lard in which a mouse has fallen is still edible, he said, "throw away the mouse and the lard around it and eat your lard". The Muslim scholar thus examines the situation that may have influenced a provision to see whether it is a cause. Is the cause that the lard became impure because a dead mouse was found in it or is it that the lard was solid or is it that the mouse fell in lard but that does not extend to other fluids? This is a school in ijtihaad that scholars call clarifying the cause. 2. There is a correlation between "clarifying the cause" and another ruling based on analogy. For example, alcohol is prohibited if it leads to inebriation and if it is related to the meaning and kinds of alcohol. Conservative scholars call this type "takhrij al-Manat", that is, deducing the influencing cause. 3. The Muslim scholar verifies whether the causes exist in daily reality on which a ruling is made. For example, a Muslim scholar makes sure that witnesses who are to testify in a certain case are just and fair. Or he verifies the reasons and conditions that nullify the prohibitions in a certain ruling. This is a school in ijtihaad that conservative scholars call the verification of the cause that necessitates a ruling. These here examples of ijtihaad necessitate deep knowledge of the texts of Shari'ah that lead to such rulings, the influences and causes on which God Almighty based His provisions, and knowledge of the situation that necessitate such rulings. The above review shows us that the application of provisions on reality represents the zenith of Ijtihad that tries to find harmony and compatibility between the provisions of Shari'ah and reality.

As for the character traits and qualifications of one who issues a fatwa, they should be traits and qualifications that reinforce him with the efficiency that is required for him to perform this task. These traits and qualifications are of three kinds: 1. Vast knowledge of Shari'ah and concomitant sciences. Scholars set the following conditions for such a knowledge: Knowledge of the holy Koran and Shari'ah and the ability to recite and understand the Koran in Arabic; knowledge of the prophet's

traditions and the ability to narrate the traditions; knowledge of consensus so that the scholar's personal opinion would not contravene what has been agreed upon through consensus; knowledge of the science of analogy; the ability to distinguish between verified and unverified verses and prophetic traditions; knowledge of Islamic jurisprudence; and knowledge of the Arabic language. 2. Scholars list a number of conditions that a mujtahid must have, as follows: He should be an adult and rational Muslim; he should be just and fair; he should have honest intentions; he should be sedate, serene, and tolerant; he should be self-sufficient and not need what other people and rulers possess; and he should be intelligent and intuitive. It is obvious that some of these conditions should be available while others denote perfection which is God's alone. Some may say that these conditions and traits can be found in a perfect mujtahid but they are not easily available in a certain specific individual in such times. If we insist on linking Al-Ijtihad, the issuance of fatwas and rulings, and vast knowledge we find that it is impossible to find someone who possesses all these traits. This is especially true in these times where we see a growth in the study of subjective sciences and a diminishment in the study of Shari'ah.

The above detailed review of issues related to ijtiḥad reveals the magnitude of the crime that is committed by those who issue fatwas without possessing the required qualifications and without meeting the conditions stipulated by Shari'ah. This review shows the gravity of the errors that can be committed by amateurs and pretenders when they usurp the role of the scholars. A review of the six rules pertaining to the application of Shari'ah provisions on partial realities shows that ignoring some or all the six rules is the cause for all the errors that are marring the Islamic arena throughout the world. The errors made in applying the provisions of Shari'ah on today's realities is one of the consequences of ignoring the provisions of Shari'ah that govern the application of these rules on reality. These rules are like a guide that helps the expert in Muslim jurisprudence in analyzing a specific fatwa so that he can reach the correct application of the provisions of Shari'ah on the reality for which his fatwa is sought.

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Part 5 of Book Review: Egyptian Islamist Leaders Fault Al-Qa'ida's Strategy*London Al-Sharq al-Awsat (Internet Version-WWW) in Arabic 18 Jan 04**AL-SHARQ AL-AWSAT**Sunday, January 18, 2004***Journal Code:** 1431 **Language:** ENGLISH **Record Type:** FULLTEXT**Document Type:** Daily Report; News**Word Count:** 3,745

Book Review by Abd-al-Latif al-Minawi in Cairo: "The Strategy and Bombings of Al-Qa'ida (5): The majority of the victims of Al-Qa'ida's bombings are Muslims or those who it is impermissible to kill"

(FBIS Translated Text)

In the following part (Part 5) of their book "The Strategy and Bombings of Al-Qa'ida: Errors and Perils" that Al-Sharq al-Awsat is serializing exclusively, the leaders of the Egyptian Al-Jama'ah al-Islamiyah continue their criticism and assessment based on Shari'ah of Al-Qa'ida's bombings from 11 September 2001 to the bombings in Riyadh and Casablanca last year. In this episode, the authors discuss the application of Shari'ah on Al-Qa'ida's bombings in relation to reality and the rules that govern the application of Shari'ah provisions on current events and realities. These points seem to be the most widely spread errors. The authors also discuss the connecting relationship between the fatwa and the reality on which it applies. They argue that Islamic Shari'ah takes into consideration transient changes on reality that may influence the rules that God has entrusted to mankind. They discuss how Shari'ah may apply on rules to handle extraordinary circumstances that may face a human being and that may be different from Shari'ah provisions under normal circumstances. The authors come to the conclusion that Shari'ah prohibits the delineation of borders while the Muslim army is on the land of the enemy during a conquest and until the army returns to the land of Islam. They base their argument on incidents in the life of the prophet and give examples taken from the lives of the prophet's companions, may God be pleased with them.

Acts of extremely violent bombings seem to be Al-Qa'ida's preferred method of choice since the formation of the Islamic World Front to combat Jews and Christians and since the issuance of the fatwa legitimizing the killing of American civilians everywhere and at any time. These bombings have been carried out in numerous countries, such as Kenya, Tanzania, Indonesia, the United States, Pakistan, Yemen, Saudi Arabia, and Morocco. Any observer can tell that these bombings do not target unjust colonizers or sinful occupiers. They are not part of a war where the other party in the war is this or that state. These bombings are taking place in Muslim countries and non-Muslim countries that are in a direct confrontation with Al-Qa'ida or with Islamists. Al-Qa'ida is now targeting countries and regions that consist of people from different religions and nationalities. The majority of Al-Qa'ida's victims are Muslims or others whose killing is prohibited. Any cursory analysis of the religious faiths and nationalities of these victims can quickly show the veracity of such a conclusion. For instance, if we review some bombings attributed to Al-Qa'ida in some Muslim countries we would see that most of the victims were Muslims or hold other nationalities that are not targeted. These operations united the targeted countries against Muslim movements in general and Al-Qa'ida in particular. They drove

these countries to cooperate and they internationalized and globalized the confrontation throughout the world. With the emergence of such causes of evil and corruption that led to the killing of many Muslims without any justification, it became incumbent upon us to evaluate these bombings in the scales of Shari'ah that is unjust to no one and that placates no one.

The rules that govern the application of Shari'ah on reality (subhead)

When we analyze the most common mistakes that result from the incorrect application of Shari'ah on reality by those who practice jihad, we see that the primary cause for these mistakes is the incorrect application of Shari'ah on reality. The deeds that are attributed to Al-Qa'ida attest to this fact. Not many may disagree on the theoretical rules of jihad. However, when they start talking about reality and its rules, opinions differ and the gap widens. Some argue that the interests of Muslims are best upheld through combat while others argue that this is evil. Some argue that the reasons and conditions for jihad exist and that there are no prohibitions to jihad. Others believe that the causes are missing or the conditions are incomplete or the prohibitions exist. Some say that the ruling authority in his country enjoys Islamic legitimacy while others deny that this legitimacy exists. Some consider the entry visa that is given to tourists accords them sanctuary while others do not think so. Each party bases its argument on its vision of reality. Thus we see that this big divergence in opinion is due to differences in the application of the rules of Shari'ah on reality and this is what generates mistakes.

This type of mistakes may be due to several reasons. Sometimes the task of interpreting the rules of jihad is entrusted to scholars who are not specialized and who do not know the provisions of Shari'ah that govern such a task. Sometimes mistakes are made because the organic relationship between the Shari'ah rule and the reality on which this is to apply is ignored. The reason for making such mistakes can also be the deficiency in interpreting the reality. If we want to summarize all the reasons in one sentence we can say that the primary reason that leads to mistakes is the wrong interpretation of the systematic provisions of Shari'ah in applying the rules of Shari'ah. Islamic Shari'ah is rich with many texts that clarify this organic relationship between the fatwa, that is, the application of the provisions of Shari'ah, and the reality on which the fatwa is to apply. These texts clarify the evils that should be averted when analyzing the reality on which the rule of Shari'ah is to apply. The magnanimous Islamic Shari'ah links the entrustment of tasks related to Shari'ah with the ability to perform such a task. The provisions of Shari'ah point out very clearly that such a task should be performed only by scholars who are knowledgeable in the rules of Shari'ah and who understand reality with all its complexities. Let us shed some light on these matters that represent and summarize the most important fundamentals that govern the application of the provisions of Shari'ah on transient events. These can be summarized as follows.

The linkage between the application of Shari'ah and the understanding of reality (subhead)

When the scholars in Muslim jurisprudence set their renowned rule that "applying the rules of Shari'ah on something is part of its visualization" they were confirming this organic relationship between the rule of Shari'ah and the reality on which it is to apply. No judgment should be passed on something specific before knowing its nature and the circumstances that surround it in time and place at the moment a judgment is made. Imam Ibn al-Qayyim eloquently clarifies this rule by saying "a mufti or a ruler who wants to apply a fatwa justly must consider two points: The first is understanding reality and deducing a fact based on the evidence, the indications, and the signs that surround it. The second point is understanding God's injunctions pertaining to a certain reality based on what the holy book reveals about a certain reality or based on what God's messenger has said about this reality. Then the mufti or the ruler decides to apply one or the other. God will reward the mufti or ruler who exerts efforts in this

regard and exhausts all his knowledge.". In fact, what the religious scholars decided represents an accurate deduction based on the texts of the holy book and the Sunnah that enjoin us to understand reality before passing judgment or taking decisions or drawing up strategies. The issue of understanding reality is paramount in the Koran, the Sunnah, and the minds of the religious scholars of the Muslim nation.

Let us review some examples. First, the Islamic Shari'ah takes into consideration changes that may occur on reality since such changes influence ruling on the tasks that God has entrusted to mankind. For example, Islamic Shari'ah permits a Muslim to perform the ritual of dry-ablution instead of regular ablution if a Muslim cannot find water or is afraid of becoming sick if he uses the water or to ward off a danger. God Almighty says, "If ye are ill or on a journey or one of you cometh from offices of nature or ye have been in contact with women and ye find no water, then take for yourselves clean sand or earth, and rub therewith your faces and hands for Allah doth blot out sins and forgive you again and again" (Koranic verse). Also, Islam allows a Muslim who is on a journey to shorten his four prayer bows to two bows, and Islam also allows a Muslim who is on a journey to break his fast during the daylight hours in the month of Ramadan in order to ease the burden of travel. Also, during wars and if Muslims are worried about a surprise attack, Islam allows Muslims to pray differently from the normal way under such circumstances. Ibn Umar, may God be pleased with him, goes so far as to say, "if you are afraid of something, you may pray standing up or on your knees. Some of you may face the Qiblah (direction in which Muslims turn for prayer) and others may not face the Qiblah." These examples show us that Islam took into consideration such simple matters as absence of water or travel or fear of attack or war and put down suitable rules for such circumstances pertaining to a specific situation. Therefore, it is natural that this should be the rule in Shari'ah. There are many such examples in addition to the above.

Second: Islamic Shari'ah sets a number of provisions to face extraordinary circumstances that may confront a human being in his daily life. These are different from the provisions that should be applied under normal circumstances. So this point clarifies the importance of taking a specific situation into consideration in passing a rule or a provision in order to see when the conditions apply under normal circumstances and when they apply under extraordinary circumstances. For example, Islamic Shari'ah explains what is known as provisions of necessity. Based on these provisions of necessity, a Muslim is allowed, under extraordinary circumstances, to perform tasks that are prohibited under normal circumstances. For instance, a Muslim is prohibited to eat dead meat under normal circumstances. However, God Almighty says, "He hath forbidden you dead meat, and blood, and the flesh of swine, and that on which any other name hath been invoked besides that of Allah. But if one is forced by necessity, without willful disobedience, nor transgressing due limits, then is he guiltless. For Allah is oft-forgiving, most merciful".

Third: Shari'ah prohibits the establishment of borders while the Muslim army is still in the land of the enemy during a raid until the army returns to the land of Islam. This prohibition takes into account the realities of war and battle for it is possible that a Muslim soldier may then become part of the infidel army. This prohibition takes into account the psychological state of individuals when a Shari'ah provision is to apply on them in a specific situation and under specific circumstances. Perhaps this is what Umar, may God be pleased with him, meant when he said, "the Muslim army commander should not punish an army or a detachment or a warrior who has disobeyed while on a raid until that army or detachment or warrior returns to the land of Islam because Satan may tempt him to join the infidels".

Four: The application of the provisions of Shari'ah on a specific situation should be preceded with a confirmation of the cause and conditions that necessitate such an application and with a confirmation

of the disappearance of prohibitions that may prohibit such an application. This only comes through a deep and accurate analysis of all the parts that come together to form a situation on which the Shari'ah provision is to apply. Such a function requires deep understanding of Islamic jurisprudence and of reality. Fifth: The religious scholars have agreed that provisions change based on changes in time, place, conditions, intentions, and norms. The only way to understand these changes is by an accurate understanding of changing realities, changing norms, and changing interests. In his famous book "A'lam al-Muwaqqi'in", Imam Ibn al-Qayyim devoted a whole chapter on this issue entitled "a chapter on changes that should be enacted on a fatwa based on changes in time, place, conditions, intentions, and dividends". Let us discuss this rule in more detail.

Provisions change as times change (subhead)

We all agree that all the rules based on interests change as interests change. Rules are made for a certain reason and they are unmade when that reason no longer exists. It is also obvious that the rules that change with changes in time are only the rules that were based on personal opinion or analogy or interests or norms. This does not apply to the fundamental provisions or rules that were regulated in Shari'ah in categorical or absolute texts. For instance, provisions on the appointment of heirs, the rules of inheritance, and general rules on compensation for damage caused, protection of rights, keeping promises, and so on are categorical texts in Shari'ah and thus do not change. These provisions were decided to bring good to the people and to ward off harm from them. Therefore, they are goals that do not change and cannot be altered because the general objectives of Shari'ah that the legislator relies on in his rulings, namely, guaranteeing the basic needs of the people and improving their conditions, do not change. We need to understand these intentions in order to understand the texts in Shari'ah and to apply them on changing situations. There are no texts for deducing rulings. However, the means that lead to the realization of these intentions may be sufficient to achieve these intentions at a certain specific time and a specific place. These intentions may not be attained at a different time and in a different place. Therefore, means should change in order to attain intentions and amend rules.

The most important factors or elements affecting changes in times are corrupt morals and weak religious zeal. Experts in Muslim jurisprudence call this the corruption of times. The change may also be due to transformations in the social or economic or political conditions and circumstances in a society. Experts call this the transformation in times. In both cases, this transformation requires changes or alterations on man-made rules to become compatible with the new realities. The principle of changing man-made rules as times change has been an accepted principle in Muslim jurisprudence throughout the ages. For instance, during the rule of the four wise caliphs, some rules changed as times changed. The same thing happened during the era of the imams who founded the major Muslim schools of thought. After he came to Egypt, Imam Al-Shafi'i changed some rules he had put when he was in Baghdad because of the difference in norms in the two countries. Some rules that were put by Imam Abu-Hanifah were not followed by his successors because their age was different from his. Also, modern experts in Muslim jurisprudence differed in their opinions from those who preceded them due to changes in time and in interests.

Understanding of Reality (subhead)

The following is taken from the biography and life of the prophet: When the Muslims were suffering tribulations in Mecca, they came to the prophet, may God's blessings and peace be upon him, asking him for advice. He gave them a clear and eloquent answer, saying: "Go to the land of Abyssinia; it is ruled by a just king who treats everyone fairly and justly. It is a land of honesty and truthfulness. Stay there until God relieves you of your tribulations". Despite its brevity, this reply reflects a deep and

accurate understanding of the reality under which the believers lived not only in Mecca and the Arabian Peninsula but also in the whole world. God's messenger, may God's blessings and peace be upon him, could have advised them to go to Persia or Byzantium, but he was aware of the dangers of going there. The prophet was aware that it would have been easy for the people of Quraysh to take back these immigrants had they gone to Persia or Byzantium. He knew that the trade relations that Quraysh had established with Bilad Al-Sham (ancient Syria, part of the Byzantine Empire) and Yemen could overcome any other considerations in this case. Also, the ideological and religious differences with Persia, and to a lesser degree with Byzantium, could have led to the persecution of those Muslim immigrants had they gone there. Furthermore, the emperors of Byzantium and Persia were not inclined to accepting these exiles because that would have encouraged their opponents to seek asylum in Quraysh to escape from their grip. Thus, the prophet, may God's blessings and peace be upon him, presents us with a magnificent surprise when he points the believers toward a third destination. He advises them to go to Abyssinia, the land of honesty and truthfulness as he called it to his companions. The prophet presents us with a second magnificent surprise when he summarized the system of rule in Abyssinia as "a land with a just king who is unjust to no one".

Thus, the prophet's choice and advice to this persecuted group of believers ensured several aspects of personal safety and security. It provides geographic security since Mecca and Abyssinia are separated by mountain ranges and seas. It provides political security since the king of Abyssinia is described as a just king that rejects injustice. There is also another kind of security that is provided due to the weak economic relations that existed between Quraysh and Abyssinia. Another kind of safety and security is provided by the fact that neither of the two big powers, Persia and Byzantium, controlled the system of rule in Abyssinia. Furthermore, there is the difference in religious beliefs of the Christians of Abyssinia and the Persians. The lesson we learn from this narrative is the importance of the accurate understanding of a reality. The prophet's accurate understanding of the reality that prevailed at that time led to the correct decision and the wise choice of allowing these persecuted group of Muslim believers to immigrate to Abyssinia until God ends their ordeals. The prophet's understanding of reality represents a school in which his venerable companions and the religious scholars of the Muslim nation enriched their knowledge and left us a rich legacy which we should ponder and learn from.

Examples of understanding of reality by the venerable companions of the prophet (subhead)

We will take our examples from the life and biography of Umar, may God be pleased with him. Umar's biography is rich with such examples that will continue to provide wisdom to all those who work for the True Faith (Islam).

First: It is impermissible to cut off the hand of a thief in a year of drought and starvation. Umar, may God be pleased with him, says: "The hand should not be cut off in a year of Al-'Azaq (need) and drought." Commenting on this saying, Imam Ibn al-Qayyim says: "Al-Sa'idi says I asked Ahmad Bin Hanbal what Umar's saying meant and he answered as follows: "Al-Azaq is a dry palm tree bearing no fruit". I said, "is that what it means?" and Ahmad said, "yes, indeed". So I said, "you mean if a thief steals during a drought year his hand is not cut off?" He answered, "yes, his hand is not cut off because he is in need and the people are suffering from drought and starvation". Al-Sa'idi also says, "Umar says the same thing in the case of Hatib's servants. Abu-al-Nu'man Arim told Hammad Bin Sulammah who told Hashem Bin Urwah about Hatib's servants who stole the camel of Bin Mazyanah. Umar brought forward Hatib's servants and they admitted their sin. Umar then summoned Abd-al-Rahman Bin Hatib and told him that his father's servants stole Bin Mazyanah's camel and that they had admitted their guilt. Umar then turned to Abd-al-Rahman Bin Hatib and said go and cut off

the hands of your father's servants who stole. However, as he got up to do what he was told, Umar said I swear by God that I would have allowed you to cut off their hands had I not known that you abuse your servants and starve them thus forcing them to steal what does not belong to them. Instead of cutting off the hands of your father's servants I am going to impose a fine on you. Umar then turned to the man whose camel was stolen and said how much does your camel cost. When the man said four hundred, Umar turned to Bin Hatib and said go and pay the man eight hundred". All this demonstrates the effects of reality and changes on reality on the application of the provisions of Shari'ah.

Second: Umar Bin al-Khattab's advice to Umar Bin As on the conquest of Egypt (subhead)

Umar Bin As had sent a letter to Umar Bin al-Khattab asking him whether he should complete his conquest and enter the rest of Egypt. Following is Umar Bin al-Khattab's answer: "If you receive this letter in time, put your trust in God and stop your advance. Send your army commanders to every part to perform prayers. There are two cities in Egypt, one is called Ahnas and the other is called Al-Bahnasah, which is more fortified. I have been told that in Al-Bahnasah there is a Byzantine patriarch called Al-Batlihus. Do not advance to Upper Egypt before you conquer these two cities. You pitch tent in Egypt and send the warriors."

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