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The Egyptian Islamic Group's Critique of Al-Qaeda's Interpretation of Jihad

by Paul Kamolnick

[T]here is a difference in views between two visions of jihad. The vision of the Islamic Group and the vision of Al-Qa'ida. . . [They] . . . called for a jihad that puts the logic of challenge above the principle of calculations, the preservation of interests, the availability of capabilities, and the perception of the goals. --Isam Dirbalah [1]

Their[Al-Qa'ida's] aim is jihad, and our aim is Islam – Najih Ibrahim [2]

Abstract

A specific branch of Islamic jurisprudence (fiqh al-jihad) regulates the waging of the jihad of the sword (jihad bis saif). In this article, a detailed exposition is presented of the Egyptian Islamic Group's (IG; Al-Gama'a Al-Islamiyya) use of fiqh al jihad against Al-Qaeda. The present author's 'jihad-realist' approach is first briefly described; the IG's critique of AQ systematically outlined; and in conclusion, implications are derived for counter-radicalisation strategies.

Introduction

Intra-Islamist legal critiques of Al-Qaeda (AQ) should be carefully scrutinized for their potential value in countering radicalization and recruitment to AQ's global terrorism. The present article extends the author's previous research in two directions. [3] First, rather than providing detailed shari'a proofs its primary focus is crafting a more generalized, strategically useful conceptual framework contrasting legitimate and illegitimate jihad. Second, it reintroduces and illustrates the potential strategic potential of the generally neglected research on shari'a produced by the Egyptian Islamic Group (IG; *Al-Gama'a al-Islamiyya*) which delegitimises unlawful jihad. The article is organized as follows. The present author's 'jihad-realist' approach is first briefly described. The IG's 'Corrective Concepts Series' (*Silsilat Tahih al-Mafahim*) is then analyzed with specific attention to its carefully rendered contrast between two visions of jihad, one rooted in mainstream Sunni jurisprudence and the other one alleging a deviation from such. In a final section, conclusions are presented and brief implications deduced for a counterterrorist messaging strategy.

A Jihad-Realist Approach

The IG's critique of AQ's alleged violations of the lawful jihad presumes that 'jihad of the sword' (*jihad bis saif*), conceived defensively *and* offensively, is an essential and enduring religious prescription binding on all observant and eligible Muslims. [4] The acceptance of this

jihād imperative therefore places the IG in the camp of those Islamists whose ultimate goal - a state ruled by shari'a, and societal norms steeped in Islamicity - is derived from the same Islamist textual universe as that of AQ. This presumptive religious prescription is key, ironically, to the IG's critique of AQ's mass casualty terrorist modus operandi. Why so? As an internal Islamist critique - one that relies on the same salafist understandings of the sources of law and justifications for the militant expansion of the faith - should the IG prove that AQ is guilty of violating the jurisprudence regulating the jihād (*fiqh al-jihād*), or causing great misfortune to the Islamic Call and broader umma (Islamic faith community), AQ's status as 'salafi-jihadi' vanguard is delegitimized. Let us now examine systematically, the IG's case.

Correcting the Errors of Jihad: The Shari'a of Lawful Military Jihad (Fiqh al-Jihad)

The Corrective Concepts Series (Silsilat Tashih al-Mafahim)

The Corrective Concepts Series comprises approximately twenty independent publications [5] produced by the IG's 'historic leaders'[6]: the five original members Abd al-Rahman, Shaykh Salah Hashim, Karam Zuhdi, Usamah Hafiz, and Muhammad Shawqi al-Islambuli; it also includes three others who joined early-on, Najih Ibrahim (generally regarded as the group's senior religious scholar and the one who contributed most to the Corrections), Asim Abd-al-Majid, and Isam Dirbalah. Each historic leader was either a senior author, co-author, or consultative reviewer, for these publications. At the time of their writing, all were serving extended prison sentences and were leading members of the IG's 15-member *Majlis Al-Shura* (Consultative Council, the leading organ of the IG).

The first four publications provide a comprehensive, systematic refutation of the IG's own earlier misguided jihadism. Published in 2002, these volumes deal, respectively, with: an introduction, overview, and explanation of the rationale for their declaration (in 1997) of a unilateral, unconditional cessation of violence; [7] the shari'a of lawful military jihad; [8] the shari'a governing takfir; [9] and, the shari'a regulating the practice of commanding right and forbidding wrong (*al-amr bi'l-ma'ruf wa'l-nahy 'an al-munkar*). [10] The next year (2003) witnessed the publication of three additional volumes, one illuminating the IG's recollection of its odyssey as an Islamist organization committed to the promotion of Allah's Word and Shari'a [11]; two others, of considerable interest to the argument of the present article, offer specific - and in this writer's view, devastating - shari'a-based criticisms of AQ. [12] Other key volumes examine from a shari'a and realistic point of view, the concept of Allah's absolute sovereignty (*Al-Hakimiyya*) [13]; offer a refutation of the inevitability of a 'clash of civilizations' between Islamism and the West [14]; and also supplies another shari'a-based critique of AQ. [15]

Corrections, Not Revisions: a Return to the Mainstream Sunnite Orthodox Shari'a of the Lawful Military Jihad.

Though sometimes referred to as 'revisionism' or 'revisions,' this writer holds that the translation of the Arabic term as Corrections (*Tas'heeh*) is more to the point since the latter connotes a return to Sunni orthodoxy with regard to the legally sanctioned waging of the jihad, and *not* as the former implies, a decisive reinterpretation of the chief objectives and modalities of lawful conduct of jihad according to Islamic sources for making the Word of Allah supreme.[16] It is noteworthy, however, that a revised interpretation of objective contextual factors *has* led to a dramatic shift in the IG's strategic assessments.[17]

The considered judgment of scholars like Peters (2005) and Salem (2002) is shared by the writer of this article. Peters has declared that "[t]he new positions [c. 2002-] on the jihad duty of the Jama'a Islamiyya are not novel. They agree with the doctrine of jihad as expounded in the classical books on Islamic law. However, interest lies in their self-criticism and their polemical nature, since they refute [their] previous militant positions and legal interpretations calling for the indiscriminate use of violence." [18] Salem similarly states that the IG's works rectify "a radical reinterpretation of a key Islamic concept [i.e. the application to current Islamic governments of Sayyid Qutb's (1906-1966) deviant interpretation of the concept 'jahiliyya'], and also a radical divergence from classical Sunni political thought" and that the "Gama'ah's re-examination of its ideology and modus-operandi signals a triumph of non-confrontational, non-revolutionary trends in classical Sunni political thought" .[19]

Jihad-Realism as Premise

The IG unequivocally states, in several passages, its commitment to the military jihad as a binding religious imperative. Ali al-Sharif states (2007), for example, that "[j]ihad is a religious duty, . . . ordained to crush sedition and shirk [polytheism] from the face of the earth." [20] Dr. Najih Ibrahim similarly states: "The initiative [to permanently and unconditionally cease violence] did not invalidate jihad. The initiative states that jihad is a religious duty that will last until Judgment Day. However, there are several controls and conditions for that duty. How can it be said after that that it invalidates jihad," he concludes, "merely because it decided that the conditions for jihad were absent in Egypt?" [21] In their chief work on the rules regulating the jihad [22], authors Hamdi Abd-al-Rahman 'Abd al-Azim, Najih Ibrahim, and Ali Mohammad al-Sharif, declared in 2002:

Jihad in the cause of God [jihad fi sabil Allah] is the noblest and greatest of endeavors. Since jihad requires the expenditure of wealth, the desertion of wives and offspring, the abandonment of domicile and homeland, and since it requires the killing of people and the shedding of blood, it is only right that shari'ah should surround it with the greatest controls and the most binding rules to prevent the

shedding of blood in every place and for every reason, and also to prevent disorderly conflict where the killer knows not why he is killing and the killed knows not for what he is being killed!!

Peters, in his careful analysis of the IG's Corrections reaches an identical conclusion to the one of the IG. Considering the question whether the rejection of violence involves a rejection of the jihad of the sword (*jihad bis saif*), he states that this "does not mean that the duty of jihad has come to an end or lost its force, because, if the circumstances change, the jihad becomes obligatory again. . . . The new positions on the jihad duty of the Egyptian Jama'a Islamiyya are not novel. They agree with the doctrine of jihad as expounded in the classical books of Islamic law."

It is therefore not a question whether jihad is a binding religious prescription: it unquestionably is. It is a question of *whether* and *how* one is to conduct it by lawful and prudent means. And it is precisely this question that profoundly and irremediably divides the IG's Corrections from the path followed by AQ. In the following section, this contrast is systematically explored - first at the level of general vision, and then in relation to very specific and binding provisions of the sharia of lawful military jihad.

The Ultimate Goal of Islam

Despite its ennobled provenance, the ultimate goal of Islam is, according to the IG, not jihad, but Islam. Islam's universal mission is to create a world in which the Word of Allah, Lord of the Worlds, is proclaimed and the message of the Oneness of Allah and His righteous path is universally and faithfully spread. It is also a world that has practically implemented fundamental Islamic precepts and shari'a-based prescriptions and proscriptions as the basis of all human social relationships. In this respect, Islam maintains with other universal faiths - Christianity, for example - a universalist mission to spread the Truth of Salvation, to bring persons to that Truth, and to transform individuals at the level of their internal psychological being, interpersonal relations, social responsibilities and obligations.

This is evident when in IG writings it is stated that the Corrections demand a "return to their original mission as preachers of God's word who help guide His creatures to His straight path" and that "[o]ur noble goal is what [God's] messengers had told their peoples. Our goal is to make people pray to their God, that is, guide His creatures. We must be courageous enough to embark on any decision that we believe achieves this goal. We must also be courageous enough to refrain from any decision that we believe puts a distance between this goal and us. We must also have greater and greater courage to desist from any decision or step that some of us actually takes if it becomes clear that it will not help us reach this goal." [23] "The end in this case," the historic leaders declare, "is to guide people and call them to embrace Allah's religion. As for jihad, it is only a means to an end. . . [T]he ultimate goal is to guide people to

the path of God. Therefore we emphasize that reality in Egypt has proved that guiding people to the path of God must be the first and last objective.” [24]

Jihad Not an End, but One Duty and One Means

Al Qaeda, in stark contrast, has, according to the IG, transformed jihad into a fetish and in that process subverted its instrumental nature and relation to other Islamic duties. Jihad, as IG historic leaders declare, is only *one* of several religious duties in Islam, is a *means* rather than an end, and is *only one means* by which “to raise the banner of Islam.”[25] Najih Ibrahim forcefully contrasts the difference between the IG and AQ by claiming that “he [Dr. Ayman al-Zawahiri] can see only one way forward, which is jihad, and he considers that anyone who adopts any other option is a traitor.” [26] Ibrahim asserts against AQ when explaining the IG’s refusal to join its violent terroristic campaign that it is “because their goal is jihad, whereas our goal is Islam. . . .” and that “Al-Zawahiri is committed to the theory that fighting is an aim. . . .” [27] Abd-al-Gahni, finally, states that “. . . jihad is just a means to an end. The end in this case it to guide people and call them to embrace Allah’s religion. . . [G]uiding people to the path of God must be the first and last objective.” [28]

The Three Essential Conditions for Legitimate Military Jihad: Legality, Probability, and Sincerity

According to the IG then, the ultimate goal for AQ is not Islam but Jihad for Jihad’s sake. In its vision, all available means for promoting Allah’s Word have been reduced to one only—the military jihad. This conception may be accurately characterized as “Jihadism” or perhaps jihad-fetishism. But Jihadism is also, and especially for the IG, an unlawful and murderous deviation; for it is not merely a doctrine that is at stake, but that AQ is guilty of conducting forbidden and gravely sinful acts in the name of Islam, *and* that AQ has caused great harm to the Islamic Call. Table 1 (see below) provides a brief synopsis of these violations and can be consulted to facilitate greater comprehension of the discussion to follow.

As can be seen in the left hand column of Table 1, the IG’s alleged case against AQ rests on the three essential bases within orthodox Sunnite jurisprudence—legality, probability, and sincerity—for the waging of the military jihad.[29] Let us consider each in turn.[30]

Legality

According to the IG, the military jihad must be waged lawfully. Lawfulness comprises two distinct dimensions: unconditional, categorical prescriptions or proscriptions, independent of consequences, vis-à-vis the taking of life (killing) of specific classes of person; and second, judging the legality of jihad principally in terms of its consequences (beneficial, or harmful) for the Islamic cause.[31]

AQ's Violation of the Lives and Property of Persons Protected by Law.

According to the IG, AQ has expanded its targeting to include categories of person that on mainstream Sunnite legal grounds it is forbidden (*haram*) to target, including non-combatants ('civilians') who are not at war with Muslims nor infringing the da'wa call to Islam, but also various categories of person--not part of an organized military, male fighting force--involved in generalized civilian pursuits who have not taken up arms. Specifically, it is forbidden to kill: women, children, and the elderly; persons who are blind; a member of a protected non-Muslim group [dhimmi] who is not actively combating Muslims; religious monks; various categories of non-combatants who labour, such as a slave, peasants, or craftsmen who are neither combatants nor resisting the Muslims; infidel merchants conducting business on the basis of fair exchange and in peaceful commerce with Muslims; non-Muslim travelers, traders, or tourists because they are dutifully owed a right to safety and personal security in their lives, property, and honor (*aman*); persons on the basis of mere nationality or citizenship (e.g. "Americans," "British"); the numerous violations directly caused by the 9/11 hijacking of a civilian aircraft; [32] every and any Muslim in general; and, Muslims deemed 'human shields,' except under the most extraordinary, exacting, and catastrophic of circumstances.[33]

Two Visions Comparison	JIHAD-REALISM	
	IG's Legitimate Military Jihad	AQ's Illegitimate Jihadism
ULTIMATE GOAL	Islam	Jihad as End in Itself
MILITARY JIHAD	One Means	The End/or, Exclusive Means
LEGALITY	<p>Legal Status of Persons and Property?</p> <ul style="list-style-type: none"> --Lawful protections extended --Lawful airline travel --Lawful protection of Muslims --Lawful authority of government --Lawful protection of security (aman) --Lawful distinctions within nationality <p>Absence of Harmful Consequences?</p> <ul style="list-style-type: none"> --Harms do not outweigh benefits 	<p>Legal Status of Persons and Property?</p> <ul style="list-style-type: none"> --Unlawful killing of protected --Unlawful airline hijacking --Unlawful killing of Muslim hum. shield --Unlawful takfir of regime --Unlawful violation of security (aman) --Unlawful targeting of all nationality <p>Absence of Harmful Consequences?</p> <ul style="list-style-type: none"> --Harms vastly outweigh benefits
PROBABILITY	<p>Realism?</p> <ul style="list-style-type: none"> --Realistic possibility/probability based on realistic assessment of capabilities, conditions, and opportunities for military jihad <p>Primacy of Interests?</p> <ul style="list-style-type: none"> --Benefits definitely outweigh harms 	<p>Realism?</p> <ul style="list-style-type: none"> --Unrealistic possibility/probability based on unrealistic assessment capabilities, conditions, and opportunities for military jihad <p>Primacy of Interests?</p> <ul style="list-style-type: none"> --Harms greatly outweigh benefits
SINCERITY	<p>Lifting the Word of Allah?</p> <ul style="list-style-type: none"> --motivation exclusively for struggle in the path of Allah (<i>jihad fi sabil Allah</i>) regardless of personal or organizational notoriety or aggrandizement 	<p>Lifting the Word of Allah?</p> <ul style="list-style-type: none"> --mixed motives including revenge, personal and organizational notoriety, and aggrandizement

Table 1: The IG's Three Essential Conditions for Legitimate Jihad

The Probability of Harmful Effects/Negative Consequences

According to the IG, a second condition for the lawfulness of jihad is that of a strong likelihood that the military jihad will not lead to harmful effects or negative consequences for the Umma. The IG asserts the need “to make benefits paramount in any action that the Muslim or a Muslim group does” and that if a course of action involves potential harm “[r]epelling harm has priority over obtaining benefits”.[34] The prioritizing of interests is vital to the IG Corrections and suffuses their broader return to orthodoxy with a realistic cast that

obviously privileges rationalistically based actions over irrational, ill-considered plans and their likely harmful results. The IG states:

[A]ny action should be dictated by the religious benefit, either when it is first initiated or when it veers from the right course and has to be corrected. In other words, any persons deciding to do something should put benefit above harm. If he sees before he embarks on it or after he starts it that the harm is paramount and there is no benefit at all, then he should desist immediately. There is no doubt that this long experience has proved that this spilled blood and these grinding battles have not brought any worthwhile benefit but resulted in too much harm. . . The spilled blood and the slain people are from one religion and there are in addition the feuds and hatreds that have filled souls. . . Someone might say: What about the injustice and persecution from which we are suffering? We say: Patience. We believe that the reward for patience here is better and weightier in the scales. All the efforts must rally to stop these futile actions that only bring destruction to a people from the same religion.[35]

It is not only unlawfulness but imprudence and a brazen, reckless disregard for interests that the 9/11 attacks were conducted, according to IG. A “well known principle for all those involved in Islam” is that the interests of the group outweigh those of an individual, and those of the group, the state. By violating this principle in order to pursue a personal vendetta against the US, [36] Al-Qa’ida in “the 11 September incident . . . caused the . . . newborn State of Afghanistan to perish,” Najih Ibrahim concludes, “and the al-Qa’ida organization [also] perished itself.”[37]

In sum, if the military jihad leads to greater harms, e.g. catalyzing widespread opposition to Islam, increasing enmity against Muslims and, undermining the safety and security of the Muslim Umma, or further empowering its enemies, then, on consequentialist grounds (i.e. “the jurisprudence of results”) military jihad is prohibited. If the objective of jihad is to leave the Umma in a better position after the jihad than before, then only those actions that contribute to power, sovereignty, security, honour, safety, and expansion are permissible.

Unlawful Killing Based on Alleged Apostasy (Takfir) of the Ruler or Regime

The IG’s extensive internal self-criticism led to a rejection of virtually all violence directed at actually existing governments, whether autocratic and corrupt or not, in Muslim majority societies. First, the costs to the Muslim community of violent rebellion almost always outweigh the benefits. This is also well-attested in general Sunnite prohibitions against sedition and violent rebellion.

Second, actual *takfir* involves not merely dereliction, corruption, laxity, sinfulness, or an inability or unwillingness to enforce the sharia, but an actual betrayal and treasonous willingness to permit or invite the enemies of Islam to defeat the Islamic state. Third, the tasks and unique responsibilities of those charged with statecraft often demand an engagement with the world as it is, and the necessity of preserving and furthering one's interests in a world very much not of one's choosing. It is therefore inadvisable to demand that purified religious functionaries govern the state, and it is also necessary to understand the demands and responsibilities of rulership. Fourth, youthful radicalism and impatience must be supplanted by a long view and the embrace of a long-term evolutionary strategy, building from the bottom-up, to win the society for Islam through da'wa, education, and reform.

Fifth, the IG criticize their previous use of the concept '*kufr al-nizam*' (unbelief of the regime), since the concept 'regime' is a depersonalized abstraction, despite the reality that it involves millions of persons involved in millions of tasks and thousands of institutions, processes, products, and personnel required to conduct the state's business. To say that a building, or institution, or machine, or component of 'the regime' is apostate removes the primacy of the individual person whose faith is being judged. Finally, and perhaps most important, the IG subjects Sayyid Qutb's rendering of the concept of Allah's Absolute Sovereignty (*al-Hakimiyya*) to withering criticism, and insist that God's absolute sovereignty creates the framework within which humankind, as Allah's Vice-regents on earth, can and should exercise legitimate authority and promote the best interests of the Umma.[38]

For the post-Corrections IG, *takfir* is *the* deviation at the core of extremist intolerance, mindless violence, and hair-splitting internecine warfare among Muslims whose principal occupation becomes judging the 'Muslimness' of others and heresy hunting, rather than raising the Word of Allah. Najih Ibrahim's recent article in relation to the rise of 'takfiri groups' in the Sinai launching violent attacks on the Egyptian army provides a vivid description of, and warning against, this ultra-fanaticism. [39] One can easily imagine Ibrahim's all-too-personal reaction to those memories of his very own earlier dark descent into takfirism when he declares: "We must fully realize that allowing takfir ideologies to spread in society will inevitably lead to blood spilling. Mistaken concepts generate wrongdoing. Those who imagine that there can be mistaken concepts without subsequent wrongdoing are deluding themselves. Wake up . . . Egypt!" [40]

Probability as a Function of Strategic Realism, Capabilities, Conditions, Consequences

The decision whether to wage *jihad bis saif*, the IG asserts, must also be based on a hard-headed strategic realism that factors into account one's capabilities relative to actual and potential adversaries; objective and subjective conditions (i.e. socio-cultural and socio-political contexts, environmental variables of all sorts, necessary prerequisites for successful

armed actions) required for the success of one's own as well as enemy forces; and a realistic assessment of the likelihood that the benefits to the Islamic Call of embarking on a policy of armed military clashes outweigh its costs.

Strategic Realism

To be lawful, according to the IG, the jihad of the sword must be based on an objective assessment of genuine historical, social, political, cultural, and economic realities. Especially important is an objective assessment of one's adversary's motives, strengths, and capacities, relative to one's own. AQ's reckless disregard for historical facts prevented AQ from conceiving the U.S. as a self-interested actor whose interests were *not* necessarily unremittingly hostile to those of the Islamic movements or Islam. "[A]ny observer of US strategy will find that the prime mover of this strategy is US interests rather than the religious factor," al-Minawi states in paraphrasing the IG's position and further he notes that 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." As to post 9/11 US policies, he continues, "the authors [i.e. IG co-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." Instead than focusing on a pragmatic, realist interest-based engagement with the United States which could, he states "have realized the interests of Afghanistan" on the grounds of the US's broader "strategy toward Central Asia," it would be "Al-Qa'ida's strategy [which] . . . hastened the formulation of that negative US strategy . . . that led to the downfall of the Taliban Islamic State." [41]

Moreover, strategic realism demands an objective acknowledgment of one's own causal role in history. In absolute contrast to AQ's "Crusader-Zionist" conspiracy theory, or other wildly rampant conspiracy theories produced to explain or excuse present-Muslim weaknesses, the post-Corrections IG instead forcefully and self-consciously assumes ownership for its own actions—including extremely destructive actions—and on that basis produced the Corrective concepts required to re-launch their Islamist presence.[42] "[C]ontrary to the well-known conspiracy theory," Najih Ibrahim states, "[w]e . . . consolidated the great Qur'an principle, which loosely translated reads that the plight of a person was of his own doing" and though he admits it is true that various enemies conspire against each other, it is also the case that

conspiring does not represent the only will that makes the world go round, turns the course of events, and interprets everything that happens in history. The conspiracy theory truly means taking leave of one's will so that only the will of the CIA and the Mossad prevail. Then we blame our mistakes and apathy on the United States, the Israeli conspiracy, and other states, as if we had no role in everything that happened in this world.[43]

Having established the necessity of rejecting conspiracism and accepting historical agency, it is requisite then that one carefully assess the strategic environment, i.e. the sum total of forces and factors that one must attempt to take into account before conceiving, planning, and executing any type of militant action. The IG counsels, for example, the necessity that “a young man should try to read his reality locally, regionally, and internationally so that his acts and behavior do not weaken his country and help its enemies defeat it.” [44]

Strategic realism also influences the manner in which one understands the process of issuing legal opinions. A properly formulated legal opinion (*fatwa*) demands that one is capable of correctly and carefully relating the worlds of legal judgment *and* empirical fact. As Najih Ibrahim states, the “Shari’ah cannot be separated from reality. You must read both reality and the relevant text before applying the right verses to the appropriate reality. Mistakes stem from the fact that the right text is sometimes applied on irrelevant reality.” [45] Far from being divorced from reality, “[i]t is an obvious mistake to take positions, pass judgment, and issue fatwas . . . without looking at the reality, understanding its facts, and considering them one of the principal reasons for these fatwas. Any judgment or fatwa,” they continue, “should be based on two fundamental maxims: The reality and its facts and the religious evidence that is in the Koran, the Sunna, or any of the recognized sources of jurisprudence.” [46]

This intrinsic relation between fatwa and reality also led to fundamental rethinking by the IG about the nature of contemporary socio-political authority, governance, and the criteria that may be used to evaluate the Islamic nature of modern Muslim-majority nation-states. It is no longer possible, nor legally permissible, to apply classic fatawa produced under dramatically dissimilar circumstances—for example, Ibn Taymiyya’s 14th century fatawa produced after the fall of Baghdad and the rise of Mongol rule over Muslim subjects—to contemporary Egyptian society. The IG’s careful revisiting and rereading of those classic texts led them to reverse their earlier judgment that the contemporary Egyptian state *was* analogous to the medieval Mongol Tatar state. Finally, the IG determined that notions of Allah’s Absolute sovereignty can and must also be made compatible with the rise of modern sociopolitical orders such that humans are viewed as participating in a God-based, but human-administered and executed, governing relationship.[47]

Capabilities and Conditions

The assessment of the probable success of a lawful military jihad requires that one objectively assess one’s relative capabilities, conditions, and opportunities in relation to one’s potential and actual allies and adversaries. The IG accuses AQ of neglecting this essential condition since “Al-Qa’ida . . . called for a jihad that puts the logic of challenge above the principle of calculations, the preservation of interests, the availability of capabilities, and the perception of the goals.” [48]

Moreover, the IG accuses AQ of wildly inflating their chances of victory and irrationally expanding the scope of enemies they would simultaneously challenge. “Usama Bin Ladin was aiming for what is called an impossible objective,” Najih Ibrahim states, “since he sought to “expel Russia from Chechnya, India from Kashmir, and to attack Algeria, Tunisia, France, and Libya, as well as evict America from the Gulf. All this is impossible,” he concludes, “even if Bin Ladin possessed a superpower. Never in his life did the Prophet fight on two fronts or go to war against two enemies at the same time.” [49] Summarizing the IG’s position al-Minawi relates 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.” [50]

Consequences

Finally, just as in the earlier discussion of legality, the probable consequences resulting from launching a military jihad must be objectively assessed. Again, a hard-headed strategically realist assessment should have led AQ to drastically revise its strategy of mass-casualty terrorist attacks directed at multiple regimes throughout the Muslim and Western world. Good strategy requires that one consider various dimensions of validity (e.g. suitability of methods, sustainability of means, acceptability and legitimacy of ends, methods and means), and also various factors associated with different courses of action, and what strategic effects are likely to result from deliberate courses of action that will lead to transforming a given equilibrium among conflict actors. [51] If judged by its strategic effects, AQ’s strategy must be judged a strategic catastrophe for the Muslim umma. Consider then the net result of AQ’s strategic legacy recalling that the singular objective of the Islamist movement is to attain world dominance, and to expand the sphere within which the Call and da’wa is enabled. Al-Minawi succinctly summarizes these effects: “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 [in non-Muslim majority states] by deliberately confusing between terrorism and resistance movements against occupation,. 4. It paved the way for the realization of Israel’s objectives and designs.” [52]

Najih Ibrahim also links AQ’s failure to objectively assess capabilities and conditions to disastrous strategic effects when he states that “Bin Ladin believes in the principle of Jihad for the sake of Jihad. Attaining the results is not important” and that “[w]hat matters for him is that the Jihad embers should be fanned. This is wrong,” he continues, since “Jihad was ordained to bolster religion, not to spill blood . . . Bin Ladin fought the whole world. This is why it is natural that he is defeated . . . and he cannot blame God but should blame himself.” [53]

Sincerity of Intentions

Sincerity is a final necessary condition for the lawful waging of the military jihad. Though exceptions exist, for the most part the IG's critique of AQ assumes the sincerity of its motives; beyond what it deems AQ's violations of the jurisprudence regulating the jihad (*fiqh al-jihad*) then, the IG's primary focus is pointing at AQ's catastrophic practical and strategic failures (prudence, interests). This is likely a pragmatic move since the IG seeks to persuade potential or actual AQ followers and impugning motives is generally a losing strategy; however, there is a genuine sense that Bin Laden's ignorance and misguidedness rather than insincerity is the greater culprit. [54]

The only *legitimate* motive for a Muslim to wage the military jihad is that it be pursued to raise the Word of Allah and that the struggle be carried out exclusively in loyalty to that objective: i.e. jihad in the path of Allah (*jihad fi sabil Allah*). Even if one has these sincere intentions, however, the lawful military jihad must also factor in the possibility of harmful effects and if these effects outweigh likely benefits, sincerity of motive *must* defer to a strategic calculus of likely effects.[55]

Conclusion

It is the present writer's view that the jurisprudence regulating the jihad (*fiqh al-jihad*) is at present under-exploited as a potential means for delegitimising AQ's justification for the use of terrorism. A detailed exposition of the IG's shari'a-based case as presented in its 'Corrective Concepts Series' (*Silsilat Tahih al-Mafahi*) leads to the following conclusions. Though the IG and AQ regard jihad as an enduring, binding religious prescription, according to the IG, AQ illegitimately isolates jihad as an end rather than a means, and the singular method of Islamic faith and action when means are being considered. Second, according to the IG, AQ flagrantly violates at least two of three essential requirements for the waging of the military jihad: legality, probability, and to a lesser extent, sincerity. Al-Qaeda violates, they assert, prohibitions against harming persons in their lives, honour, and property; and the moral obligation to privilege vital interests and carefully calculate the probable consequences for Islam and the Islamic Call likely to result from AQs terrorist actions.

Third, AQ's strategic irrationality rests on many fabricated premises: a distorted account of US interests vis-à-vis the Muslim world thereby underestimating potential bases of strategic advance for the umma; the propagation of conspiracy theories instead of AQ's admission that it has voluntarily chosen a disastrous, counterproductive course; misapplications of medieval jurisprudential fatawa to contemporary sociopolitical contexts; AQ's failure to recognize the living relationship in the present international context between sacred sources, judicial opinions, and empirical realities. Al-Qaeda's strategic irrationalism explains also its failure to factor in the capabilities and conditions required for successful military jihad, and again, the

probable strategic effects likely to result from its strategic choices. Finally, AQ's violation of the sincerity criterion while less suspect, surfaced on those occasions when Usama bin Ladin's vengeance against the US obviously motivated his actions. More generally, however, sincere intentions are no substitute for hard-headed genuine strategic planning and deemed an insufficient criterion for engaging in a legitimate and jurisprudentially sanctioned jihad. It is in concrete results and consequences (or the lack thereof) for Islam and not ulterior motives, that AQ's strategic effects on the Islamic Call and Word of Allah must be calculated.

A Policy Recommendation

It is advisable that scholars and government analysts sufficiently trained in Islamic jurisprudence systematically examine the orthodox sunnite *fiqh al-jihad* and its potential for delegitimising Al-Qaeda's anti-Western mass casualty terrorism. Should knowledgeable experts conclude that such leverage exists, one could derive from this Islamist variant of the *legal* instrument highly suggestive themes for strategic communication offensives by US allies and partners in the Arab and Muslim world. Finally, leveraging the shari'a of lawful military jihad can and should facilitate a more effective, precisely targeted means for reaching those persons whose attachment to Islamic legality is a *sin qua non* for their own personal genuine quest to raise the Word of Allah supreme throughout the earth. That this may also partially facilitate the disruption, dismantlement, and eventual defeat of AQ is, in the end, a benefit for all parties - Muslim and non-Muslim alike. Both stand to gain by ridding the world of al-Qa'ida.

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Notes

[1] Isam Dirbalah, member of the Islamic Group's Shura Council, in Abd al-Latif al-Manawi, "Egyptian Islamic Group Leaders React to Abu-Hamzah Al-Masri's Criticism," July 4, 2003; available in www.opensource.gov; accessed 5 February 2013.

[2] Najih Ibrahim, Ali al-Sharif, and Hamdi Abd-al-Rahman, *Casting a Light on the Errors Made in Jihad*, in Muhammad Salah, "Egypt's Islamic Group Spells Out 'Controls' and 'Rules' Governing Jihad," 3 February 2002; available in www.opensource.gov; accessed 8 January 2013. Unless otherwise noted, an 8 January 2013 access date should be assumed throughout for all www.opensource.gov documents.

[3] Author Anonymous; 2012, 2013.

[4] See, e.g. Author Anonymous 2012, pp. vii-viii, 5-6; also, 2013, pp. xx). For select academic accounts of this binding religious prescription, see for example: E. Tyan, "'Djihad,'" *Encyclopedia of Islam*, New Edition, Leiden: E.J. Brill, 1965; David Cook, *Understanding Jihad*, Berkeley, CA: University of California Press, 2005; W. Gardner, "Jihad," *The Moslem World*, volume 2, 1912, pp. 347-357; Majid Khadduri, *War and Peace in the Law of Islam*, Baltimore: Johns Hopkins Press, 1955, Book II, The Law of War: The Jihad, pp. 51-137; Rudolph Peters, ed., *Jihad: In Classical and Modern Islam: A Reader*, 2nd edition, Princeton, NJ: Marcus Wiener, 2005; Michael Bonner, *Jihad in Islamic History: Doctrines and Practice*, Princeton, NJ: Princeton University Press, 2006.

- [5]Omar Ashour (*The Deradicalization of Jihadists: transforming Islamist movements*, New York, Routledge, 2009, p. 103) refers to “around 25 volumes to dismantle their previous position and legitimize their new stance on an Islamic basis” referencing here (2007, p. 613) which itself seems confusing since the 2007 work states that four books were published in 2002 later followed by “16 others” (adding up to 20, not 25).
- [6]According to Ashour (“Lions Tamed? An Inquiry into the Causes of the De-Radicalization of Armed Islamist Movements: The Case of the Egyptian Islamic Group,” *Middle East Journal*, Vol. 61, No. 4, Autumn 2007, p. 596, n.1), the term ‘historical leaders’ was “coined by the Egyptian media and it refers to the IG leadership of the 1970s. Almost all of these leaders were sentenced in the so-called al-Jihad Trials of 1981 following the assassination of President Anwar Sadat”; they “represent the majority in the Shura Council of the IG.”
- [7] Usamah Ibrahim Hafiz and Asim Abd al-Magid Mohammed, *The Initiative to Cease Violence: A Realistic Vision and a View Based on the Shari’a* (Mibadarat waf al-’unf: ru’ya wagi’iyya-wa-nazra shar’iyya), Cairo: Maktabat al-Turath al-Islami, 2002.
- [8] Hamdi Abd-al-Rahman ‘Abd al-Azim, Najih Ibrahim, and Ali Mohammad al-Sharif, *Shedding Light on the Errors That Were Committed During the Waging of Jihad*, (Taslit al-adwa ‘alama waga’ fi’ al-jihad min akhta’), Cairo, Maktaba al-Turath al-Islami, 2002.
- [9]Najih Ibrahim and Ali Al-Sharif, *The Ban on Extremism in Religion and on the Excommunication of Muslims* (Hurmat al-ghuluww fi al-din wa-takfir al-Muslimin), Cairo: Maktaba al-Turath al-Islami, 2002.
- [10]Ali Al-Sharif and Usama Ibrahim Hafiz, *Counsel and Clarification Regarding the Rectification of the Concepts Used by Those Who Assume Responsibility for the Religion and Morals of Society* (Al-nash wa-l-tabyin fi tashih mafahim al-muhtasibin), Cairo: Maktabat al-Turath al-Islami, 2002.
- [11]Karam Muhammad Zuhdi, Ali Muhammad Ali al-Sharif et al. *The River of Memories* (Nahr al-dhikrayat: al-muraja’at al-fiqhiyya li-l-Jama’at al-Islamiyya), Cairo: Maktabat al-Turath al-Islami, 2003.
- [12]Isam al-Din Dirbalah, *The al-Qa’ida Organization’s Strategy and Bombings: Mistakes and Rulings* (Istratijiyyat wa Tafjirat al-Qa’ida: al-Akhta wa al-Akhtar), Cairo: Maktabat al-Turath al-Islami, 2003; Karam Muhammad Zuhdi, Ali Muhammad Ali al-Sharif et al., *The Riyadh Bombings: Rulings and Consequences* (Tafjirat al-Riad: al-Akham wa-l-athar), Cairo: Maktabat al-Turath al-Islam, 2003.
- [13]Najih Ibrahim, *Authority: Shari’a View and Realistic Vision* (Al-Hakimah: Nzrah Shar’iyah wa Ru’yah Wagi’iyah), multiple parts serialized in *Al-Sharq Al-Awsat*, 2005, beginning 27 July 2005.
- [14]Najih Ibrahim et al., *Guidance of People Between Means and Ends* (Hidayyat al-Khala’iq bayna al-Ghayat wa al-Wasa’il), Cairo: al-Abikan, 2005; See also, Ashour 2007, op. cit., p. 613.
- [15]Isam al-Din Dirbalah, *Islam and the Laws of War* (Al-Islam wa-tahdhib al-hurub), serialized in *Al-Sharq Al-Awsat*, 2006, 27 August through 4 September, 2006.
- [16]See Anonymous Author (2013, p. 5) for a similar argument applied to the corrective writings of former Islamic Jihad emir and Al-Qaeda shari’a guide, Dr. Sayyid Imam Bin-Abd-al-Aziz Al-Sharif (aka: Dr. Fadl).
- [17] See, for example: Najih Ibrahim quoted in “Egyptian Experts Discuss ‘Jurisprudential Revisions’ in Al-Jama’ah al-Islamiyah,” 23 November 2012; Dr. Najih Ibrahim, “Revisions from the Islamic Group Down to Al-Jihad Organization,” cited in “Egypt: Statement by Leading Islamic Group Figure Says No-Violence Initiative Strong, 2 July 2007; Usamah Ibrahim Hafiz and Ali Mohammed Al-Sharif, *The Initiative to Stop Violence: a realistic vision and a view based on the shari’a* (Mubadarat waqf al-’unf: ru’ya waqi’iyya-wa-nzra shar’iyya; Cairo: Maktabat al-Turath al-Islami, 2002, in Ahmad Musa, “Egypt: Islamic Group Leaders Confirm ‘No Violence Initiative,’” 9 February 2002.
- [18] *Jihad in Classical and Modern Islam*, Marcus Weiner/Princeton University Press, 2005, p. 183.
- [19] Nasser Salem, “‘Global’ Muslim Website Report Examines Egyptian Group’s Renunciation of Violence,” Markham *Muslimmedia WWW-Text* in English, 30 November 2002, www.opensource.gov.
- [20]“Revisions from the Islamic Group Down to Al-Jihad Organization,” cited in “Egypt: Statement by Leading Islamic Group Figure Says No-Violence Initiative Strong, 2 July 2007.
- [21]*Shedding Light on the Errors That Were Committed During the Waging of Jihad*, (Taslit al-adwa ‘alama waga’ fi’ al-jihad min akhta’), Cairo, Maktaba al-Turath al-Islami, 2002.
- [22]See also reference to “the noble objective for which jihad was made a duty by shari’ah, namely, to establish religion and raise the banner of the Oneness of God. Fighting is a duty whose purpose is to prevent sedition and repulse idolatry.” In, Najih Ibrahim, Ali al-Sharif, and Hamdi Abd-al-Rahman, *Casting a Light on the Errors Made in Jihad*, in Muhammad Salah, “Egypt’s Islamic Group Spells Out ‘Controls’ and ‘Rules’ Governing Jihad,” 3 February 2002; Referencing here the classic Quranic surah 8:39.
- [23]Usamah Ibrahim Hafiz and Asim Abd al-Magid Mohammed, *The Initiative to Cease Violence: A Realistic Vision and a View Based on the Shari’a* (Mibadarat waf al-’unf: ru’ya wagi’iyya-wa-nazra shar’iyya), Cairo: Maktabat al-Turath al-Islami, 2002—in Muhammad Salah, “Egypt: IG Outlines Reasons for Peace Initiative, Islamic Movements’ Future,” *Al-Hayah in Arabic*, 2 February 2002, p. 5, in www.opensource.gov.
- [24]Egyptian Islamic Group Shura Council member Safwat Abd-al-Ghani, in [Chief editor], Makrum Muhammad Ahmad, “Egypt: Interview with Islamic Group Leaders on Recent Revision of Their Ideology,” 21 June 2002.
- See also: “Those who wanted to brand the Islamic Group as exclusively jihad oriented have failed to understand the message of Islam, which gives prominence to fidelity and to spreading the Word of Allah. The groups’s message covers all religious duties” (Usamah Ibrahim Hafiz and Assem Abd-al-Majid Mohammed, *The Initiative to Cease Violence: A Realistic Vision and a View Based on the Shari’a* (Mibadarat waf al-’unf: ru’ya wagi’iyya-wa-nazra shar’iyya), Cairo: Maktabat al-Turath al-Islami, 2002, in Ahmad Musa, “Egypt: Islamic Group Leaders Confirm ‘No Violence Initiative,’” in *Al-Ahram* in Arabic, 9 February 2002, in www.opensource.gov).

[25] Quoted in Abd-al-Latif al-Minawi, "Part 1 of Book Review of *The Strategy and Bombings of Al-Qa'ida* (2003): Egyptian Islamist Leaders Fault Al-Qaida's Strategy," 11 January 2004.

[26] Najih Ibrahim, quoted in Abduh Zaynah, "Egypt: Islamic Group Theoretician on Political Future, Disputes with Al-Qa'ida," in *Al-Sharq al-Awsat* (Internet Version-WWW) in Arabic, 13 August 2006, in www.opensource.gov.

[27] Translated from *Arabic Al-Sharq Al-Awsat* (London), quoted in MEMRI, Special Dispatch No. 1301, September 27, 2006, available at www.memri.org/report/en/print1887.htm;; accessed 16 January 2013.

[28] Quoted in Makrum Muhammad Ahmad, "Egypt: Interview with Islamic Group Leaders on Recent Revision of Their Ideology," 21 June 2002.

[29] Peters (2005, pp. 180-183) lists these three criteria as essential to the classical jihad doctrine, and provides an excellent, if brief, general overview of the general legal correctives proposed by the IG. The discussion that follows provides greater specificity and highlights the IG's and AQ's radically diverging positions.

[30] The following sources were consulted for the section to follow: Book 1 excerpts--Usamah Ibrahim Hafiz and Asim Abd al-Magid Mohammed, *The Initiative to Cease Violence: A Realistic Vision and a View Based on the Shari'a* (Mibadarat waf al-'unf: ru'ya wagi'iyya-wa-nazra shar'iyya), Cairo: Maktabat al-Turath al-Islami, 2002—in Muhammad Salah, "Report Views Attempt to Rebuild Egypt's Jihad Group, IG's Change of Ideas," *Al-Wasat*, 11-17 February 2002, pp. 22-23 in Arabic, 11 February 2002, in www.opensource.gov. Book 1 excerpts--Usamah Ibrahim Hafiz and Asim Abd al-Magid Mohammed, *The Initiative to Cease Violence: A Realistic Vision and a View Based on the Shari'a* (Mibadarat waf al-'unf: ru'ya wagi'iyya-wa-nazra shar'iyya), Cairo: Maktabat al-Turath al-Islami, 2002—in Muhammad Salah, "Egypt: IG Outlines Reasons for Peace Initiative, Islamic Movements' Future," *Al-Hayah in Arabic*, 2 February 2002, p. 5, in www.opensource.gov. Book 1 excerpts---Usamah Ibrahim Hafiz and Asim Abd al-Magid Mohammed, *The Initiative to Cease Violence: A Realistic Vision and a View Based on the Shari'a* (Mibadarat waf al-'unf: ru'ya wagi'iyya-wa-nazra shar'iyya), Cairo: Maktabat al-Turath al-Islami, 2002, in Ahmad Musa, "Egypt: Islamic Group Leaders Confirm 'No Violence Initiative,'" in *Al-Ahram* in Arabic, 9 February 2002, in www.opensource.gov. Book 2 excerpts--Hamdi 'abd al-Rahman 'Abd al-Azim, *Shedding Light on the Errors That Were Committed During the Waging of Jihad*, (Taslit al-adwa 'alama waga' fi' al-jihad min akhta'), Cairo, Maktaba al-Turath al-Islami, 2002, in Muhammad Salah, "Egypt's Islamic Group Spells Out 'Controls' and 'Rules' Governing Jihad," in *Al-Hayah* (Internet Version-WWW) in Arabic, 3 February 2002, p. 6, in www.opensource.gov. Publication of part 1 of AQ's 2003 book, *The Strategy and Bombings of Al-Qa'ida: Errors and Perils* (Abd-al-Latif al-Minawi, "Part 1 of Book Review: Egyptian Islamist Leaders Fault Al-Qaida's Strategy," in *Al-Sharq al-Awsat* in Arabic, 11 January 2004, in www.opensource.gov); several installments of 8th book, Najih Ibrahim, *Authority: Shari'a View and Realistic Vision* (Al-Hakimah: Nzrah Shar'iyah wa Ru'yah Wagi'iyah), serialized in *Al-Sharq Al-Awsat*, 2005: 1st installment: "Egyptian Islamic Group Defends Muslim Governments Against Infidel Charges," *Al-Sharq al-Awsat* in Arabic, 27 July 2005, in www.opensource.gov. 2nd installment: 28 July 2005, "Egyptian Islamic Group Book Al-Hakimiyah: Judging Rulers to Be Infidels (Part 2)," in www.opensource.gov. 5th installment: 31 July 2005, "Serialization of Latest Book by Egyptian Islamic Movement—Part 5," in www.opensource.gov; accessed 8 January 2013; MEMRI extensive excerpts from translating from Arabic 2006 book, *Islam and the Laws of War* (Al-Islam wa-tahdhib al-hurub) appearing in *Al-Sharq Al-Awsat* authored by Issam Al-Din Dirbalah, deals with themes of fatwas permitting killing of civilians, takfir, suicide bombings, and categorical rejection of West and its Muslim allies; MEMRI, *Special Dispatch* No. 1301, "Al-Gama'a Al-Islamiya vs. Al-Qaeda," 27 September 2006. excerpts from interviews and 2003 book by Isam al-Din Dirbalah, *The al-Qa'ida Organization's Strategy and Bombings: Mistakes and Rulings* (Istratijiyyat wa Tafjirat al-Qa'ida: al-Akhta wa al-Akhtar). Y. Carmon, Y. Felder, and D. Lav, "The Al-Gama'a Al-Islamiyya Cessation of Violence: An Ideological Reversal," 22 December 2006; interviews with the historic leadership: Interview with Hamdi Abd al-Rahman. Abduh Zinah, "Egypt: Islamic Group Leader on His Background, Group's 'Revisions,' Other Issues," *Al-Sharq al-Awsat*, 24 March 2002. Makram Muhammad, "Egypt: Interview With Islamic Group Leaders on Recent Revision of Their Ideology," *Al-Musawwar* in Arabic 21 June 2002. Makram Muhammad Ahmad, "Correction: Islamic Group Leaders Tour Prisons with Non-Violence Message, Wholesale Release—adding editorial notation," in Arabic in *al-Musawwaar*, 28 June 2002, pp. 4-20, in www.opensource.gov. Q & A, between Muhammad Salah and imprisoned Najih Ibrahim; questions sent with a relative who visited him during the weekly visit, and answers sent back: Muhammad Salah, "Egypt's IG Ideologue Says al-Qa'ida's Operations Bring Ruin, Weaken Muslims," *Al-Hayah*, 28 May 2003, p.6, in www.opensource.gov. Statement issued by historic leaders criticizing Abu-Hamza Al-Masri a copy of which was published by the following press: Abd-al-Latif al-Manawi, "Egyptian Islamic Group Leaders React to Abu-Hamza Al-Masri's Criticism," *Al-Sharq al-Awsat* in Arabic, 4 July 2003, p. 7, in www.opensource.gov. Report of an interview conducted with Najih Ibrahim in relation to then-recent Riyadh bombings 8 November 2003 that killed several Muslims in the Saudi capital, *FBIS Report* in Arabic, 22 November 2003, in www.opensource.gov. Interview with Najih Ibrahim contrasting Islamic Group with AQ: Abduh Zaynah, "Egypt: Islamic Group Theoretician on Political Future, Disputes with al-Qa'ida," *Al-Sharq al-Awsat* in Arabic, 13 August 2006. Discussion between 9-17 August 2006, on jihadist website forum between IG's Ibrahim Hafiz and AQ spokespersons contrasting visions of jihad, and alternative policies: *Jihadist Websites—OSC Report* in Arabic, "Discussion With Al-Qa'ida, Islamic Group Concludes, No Consensus," 29 August 2006, www.opensource.gov. Interview with several "Islamist jihadi leaders" but Ibrahim Hafiz is key: Muhammad Nasr Karum, "Egyptian Islamists on Impact of Bin Ladin's Killing," *Al-Quds al-Arabi* in Arabic, 4 May 2011, in www.opensource.gov; Interview with Karam Zuhdi: Sabrin Shamardal, "Egypt: Former Islamic Group Amir Karam Zuhdi on Civil State, Copts, Violence," in *Al-Sharq al-Awsat Online* in Arabic, 17 October 2011. Interview with Najih Ibrahim: Ni'mat Majdi, "Egyptian Islamic Group Member Regrets Al-Sadat Assassination, Criticizes Mubarak," in *Al-Ra'y Online* in Arabic, 25 October 2011; Suhayb Sharayir of Dubai *Al-Arabiyyah Television*, "Egyptian Experts Discuss 'Jurisprudential Revisions' in Al-Jama'ah al-Islamiyah," 23 November 2012, in www.opensource.gov; Najih Ibrahim, Untitled, in *Al-Misri Al-Yawm*, "Egypt: Statement by Leading Islamic Group Figure Says No-Violence Initiative Strong," 02 July 2007; Najih Ibrahim, "Egypt: Former Islamic Group Leader Condemns Attack on Army Unit in Sinai," in *Al-Misri al-Yawm* in Arabic, 9 August 2012, p. 12, in www.opensource.gov.

[31] Following Western ethical theory, the first is in essence a sacralized *deontological* (duty-based) ethics rooted in the dignity of the human individual and also the essentially chivalrous roots of classical codes of military ethics that grant immunity to non-combatants; the second, a *consequentialist* ground based on the principle of maximizing social utility.

[32] Several distinct shari'a violations were committed through AQ's intentional use of civil aviation to conduct the 9/11 attack. See, *Islam and the Laws of War* [*Al-Islam wa-tahdhib al-hurub*]), in MEMRI #1301, "Al-Gama'a Al-Islamiyya vs. Al-Qaeda," 27 September 2006, p.3.

[33] The IG's account of the contrast between the IG and AQ *vis-a-vis* the permissibility of targeting Muslims who are deemed 'shields' and being used by the enemy to gain military advantage is evidenced in a "Summary" posted by the IG of a nine-day long web-based dialogue/discussion between the IG's Shaykh Usamah Ibrahim Hafiz and AQ's Walid Abd-al-Hamid al-Sharqawi al-Midhar al-Idrisi al-Alawi, who was assisted by Shaykh Ahmad Abd-al-Salam. (See, Jihadist Websites, "Discussion with Al-Qa'ida, Islamic Group Representatives Concludes, No Consensus," 29 August 2006, in www.opensource.gov.)

[34] Muhammad Salah, "Egypt: IG Outlines Reasons for Peace Initiative, Islamic Movements' Future," in *Al-Hayah* in Arabic, 2 February 2002, p. 5.

[35] Ibid. See also: Peters, *Jihad in Classical and Modern Islam*, p. 181; Muhammad Salah, "Report Views Attempt to Rebuild Egypt's Jihad Group, IG's Change of Ideas," *Al-Wasat* in Arabic, 11 February 2002, in www.opensource.gov. Muhammad Salah, "Egypt's Islamic Group Spells Out 'Controls' and 'Rules' Governing Jihad," in *Al-Hayah* (Internet Version-WWW) in Arabic, 3 February 2002. Dr. Najih Ibrahim lists this as the very first principle of the Corrections when he states in his 2007 conference paper honouring the 10th anniversary of the 5 July 1997 unilateral, unconditional ceasefire: "First, we directed attention [in the Corrections] to the importance of looking into the interests, corruption, and what is known as the jurisprudence of results so that the youth do not become involved in a violent clash that would hurt it gravely as well as its religion and nation. Also, a young man should try to read his reality locally, regionally, and internationally so that his acts and behavior do not weaken his country and help its enemies to defeat it." In, *Al-Misri Al-Yawm* in Arabic, "Egypt: Statement by Leading Islamic Group Figure Says No-Violence Initiative Strong," 2 July 2007.

[36] The IG's allegation that Bin Laden's motivation was primarily one of personal vengeance is captured in the following exchange. Karam Zuhdi, after clarifying that Rifa'i Taha left the IG one week before the 1998 East African embassy bombings, states: "One week after his withdrawal, the two American embassies in Nairobi and Dar al-Salaam were bombed as if this was a trap for all groups to share the blame for the blows that Usama Bin Ladin wants to deal to the Americans." Chief editor Makram Muhammad then asks, "Do you see any good in what Usama bin Ladin has done?," to which Zuhdi replies, "I say there is a difference between emotions and Islamic and logical calculations." - See: Makram Muhammad, "Egypt: Interview With Islamic Group Leaders on Recent Revision of Their Ideology," *Al-Musawwar* in Arabic 21 June 2002.

[37] Cited in, Makram Muhammad Ahmad "Correction: Islamic Group Leaders Tour Prisons with Non-Violence Message, Wholesale Release—adding editorial notation," in Arabic in *al-Musawwar*, 28 June 2002.

[38] For the Corrected conception and practice regarding takfir and also kufr al-nizam (unbelief of the regime), see summary in Peters, *Jihad in Classical and Modern Islam*, p. 181. Al-Sayyid's brief outline (Mustapha Kamel Al-Sayyid, "The Other Face of the Islamist Movement," p. 17) for summary of the IG's 2002 *Ban on Narrow Positions on Religion and on the Excommunication of Muslims* (*Hormat ab Gholw fi al-Din wa Takfir al-Muslimin*); and also, Y. Carmon, Y. Felder, and D. Lav, "The Al-Gama'a Al-Islamiyya Cessation of Violence: An Ideological Reversal," 22 December 2006, p. 10. The concept al-Hakimiyya and its importance in both initiating and then ceasing violent rebellion is extensively discussed in actual IG texts, interviews, and conference paper: Najih Ibrahim, *Authority: Shari'a View and Realistic Vision (Al-Hakimah: Nzrah Shar'iyah wa Ru'yah Wag'iyyah)*, serialized in *Al-Sharq Al-Awsat*, and partially available in English translation via opensource.gov for 27 July 2005, 28 July 2005, 31 July 2005, 16 August 2005; see also excerpt in MEMRI, #1301, "Al-Gama'a Al-Islamiyya vs. Al-Qaeda," 27 September 2006, p. 3.

[39] Najih Ibrahim, "Egypt: Former Islamic Group Leader Condemns Attack on Army Unit in Sinai," *Al-Misri al-Yawm* in Arabic, 9 August 2012.

[40] Ibid.

[41] Source: Abd-al-Latif al-Minawi, "Part 1 of Book Review: Egyptian Islamist Leaders Fault Al-Qa'ida's Strategy," in *Al-Sharq al-Awsat* (Internet Version-WWW) in Arabic 11 January 2004.

[42] Najih Ibrahim, title not given, in *Al-Misri Al-Yawm*, "Egypt: Statement by Leading Islamic Group Figure Says No-Violence Initiative Strong," 2 July 2007.

[43] Ibid.

[44] Ibid.

[45] Later in same interview Zuhdi similarly refers to the dangers if one is to "apply certain texts to the wrong reality." See, Makram Muhammad Ahmad, "Egypt: Interview with Islamic Group Leaders on Recent Revision of Their Ideology," 21 June 2002.

[46] Usamah Ibrahim Hafiz and Asim Abd al-Magid Mohammed, *The Initiative to Cease Violence: A Realistic Vision and a View Based on the Shari'a* (Mibadarat waf al-'unf: ru'ya wag'iyya-wa-nazra shar'iyya), Cairo: Maktabat al-Turath al-Islami, 2002; in Muhammad Salah, "Egypt: IG Outlines Reasons for Peace Initiative, Islamic Movements' Future," *Al-Hayah* in Arabic, 2 February 2002, p. 5. Usamah Ibrahim Hafiz and Asim Abd al-Magid Mohammed, *The Initiative to Cease Violence: A Realistic Vision and a View Based on the Shari'a* (Mibadarat waf al-'unf: ru'ya wag'iyya-wa-nazra shar'iyya), Cairo: Maktabat al-Turath al-Islami, 2002, in Ahmad Musa, "Egypt: Islamic Group Leaders Confirm 'No Violence Initiative,'" in *Al-Ahram* in Arabic, 9 February 2002. See also: "The difference between Al-Qa'ida's vision and that of the Al-Jamah Al-Islamiyah surfaces on several levels: the level of understanding the provisions of the Shari'ah and their application to reality; the level of understanding reality and its challenges; and the level of arranging the priorities." (In, Abd-al-Latif al-Minawi, "Part 1 of Book Review: Egyptian Islamist Leaders Fault Al-Qa'ida's Strategy," in *Al-Sharq al-Awsat* (Internet Version-WWW) in Arabic 11 January 2004).

[47] Najih Ibrahim states in relation to these fatwas: "[W]e re-read some fatwas that were wrongly implanted in the past which led to great evils, such as the fatwa concerning the Tatars. We came up with a very important conclusion, notably that the contemporary armies of Islamic states are drastically different from the Tatar armies. Consequently, the comparison is flawed." Najih Ibrahim "Egypt: Statement by Leading

Islamic Group Figure Says No-Violence Initiative Strong,” 2 July 2007. Regarding the principle of Allah’s Absolute Sovereignty, Ibrahim states further in the same conference paper, “[W]e presented a view [on al-Hakimiyya] which was the product of much thought that we gave over the issue of governance over the past years and the presumed relationship between rulers and ruled in light of the teachings and principles of Islam. We said that one could not call a person a kafir because he did not rule by God’s principles. However, a person becomes kafir if he adds ingratitude to negligence, or preferred the rule of men to that of God. We also mentioned the importance of what could be called the trial of men, and proved that the rule of men did not have to clash with that of God the Almighty if it were in the right context defined for it by Islam. Both rules complemented each other. . . .” (p. 5).

[48] Abd-al-Latif al-Manawi, “Egyptian Islamic Group Leaders React to Abu-Hamza Al-Masri’s Criticism,” in *Al-Sharq al-Awsat* in Arabic; 4 July 2003.

[49] Makram Muhamad Ahmad (Editor in Chief), “Correction: Islamic Group Leaders Tour Prisons with Non-Violence Message, Wholesale Release—adding editorial notation,” in Arabic in: *al-Musawwar*, 28 June 2002.

[50] In, Abd-al-Latif al-Minawi, “Part 1 of Book Review: Egyptian Islamist Leaders Fault Al-Qa’ida’s Strategy,” in *Al-Sharq al-Awsat (Internet Version-WWW)*; in Arabic 11 January 2004.

[51] See, e.g. Harry R. Yarger, *Strategic Theory for the 21st Century: The Little Book on Big Strategy*, Carlisle Barracks, PA: Strategic Studies Institute, February 2006, esp. pp. 70-71.

[52] See, Abd-al-Latif al-Minawi, “Part 1 of Book Review: Egyptian Islamist Leaders Fault Al-Qa’ida’s Strategy,” in *Al-Sharq al-Awsat (Internet Version-WWW)* in Arabic 11 January 2004.

[53] See, Makram Muhamad Ahmad (Editor-in-Chief), “Correction: Islamic Group Leaders Tour Prisons with Non-Violence Message, Wholesale Release—adding editorial notation,” in Arabic; in: *al-Musawwar*, 28 June 2002. Najih Ibrahim, in another interview would also summarize these consequences: “The [AQ] operations have achieved only ruin, destruction, and occupation for Islam and Muslims. They have weakened the Islamic countries politically and economically. Afghanistan is just one of the negative repercussions of the 11 September attacks. For example, the [2003] bombings in Riyadh caused more damage to Saudi Arabia and Muslim countries in various fields than they did to the United States and the West” (See, Muhammad Salah, “Egypt’s IG Ideologue Says al-Qa’ida’s Operations Bring Ruin, Weaken Muslims,” in *Al-Hayah* in Arabic 28 May 2003, in www.opensource.gov).

[54] See, Muhammad Nasr Karum, “Egyptian Islamists on Impact of Bin Ladin’s Killing,” in *Al-Quds al-Arabi Online* in Arabic 4 May 2011 (orig. Arabic title englished: “Najih Ibrahim: Al-Qa’ida Will Not Be Able to Avenge Bin Laden Because of its Feebleness and Because its Leaders are in Hiding.”), in www.opensource.gov.

[55] See, R. Peters, *Jihad in Classical and Modern Islam*, pp. 182-183.