Usama bin Ladin, the Qur’an and Jihad

Rosalind W. Gwynne

Department of Religious Studies, 501 McClung Tower, University of Tennessee, Knoxville, TN 37996-0450, USA

Abstract

Does Usama bin Ladin speak for all Muslims? Is he qualified to interpret the Qur’an? Does ‘jihad’ really mean ‘holy war’? Most Muslims answer ‘No!’ to all three questions, especially in the war of 9/11, but on what basis? Western mass media have in effect allowed bin Ladin to set the agenda by not examining the reasoning on all sides of the issue. This article analyses the Qur’anic basis for bin Ladin’s arguments in two crucial pre-9/11 documents: his three-part Declaration of War of August 1996, and the ‘fatwa’ (legal opinion) of 23 February 1998, of which the formal title is The Statement of the World Islamic Front Urging Jihad Against Jews and Crusaders. It shows that, while bin Ladin does not use the commonly abused exegetical technique of abrogation, he also does not hesitate, whenever convenient, to ignore the authoritative sources that he often cites, to take Qur’anic verses or passages out of context, and to define key words in ways that seem to lend scriptural support to his extremism.

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Introduction

Most of the books on Usama bin Ladin that have appeared since September 11, 2001, have attempted to place him in the framework of global power politics and rival civilisations. Far too few have been written by those who know Arabic or are familiar with Islam. Only rarely

E-mail address: rgwynne@utk.edu

0048-721X/S - see front matter © 2006 Published by Elsevier Ltd.
doi:10.1016/j.religion.2006.06.001
have any authors attempted to judge in what way his conduct may be called ‘Islamic’. 1 Most have effectively dismissed the question by asserting that bin Ladin is ‘using Islam’ to cover ‘real motives’ originating in anything but religion. Consequently, for a long time virtually no one paid close attention to the religious content of his interviews, declarations and legal opinions, which in fact are studded with quotations from and allusions to the Qur’an and Hadith (prophetic tradition), as well as with concepts from the field of Islamic law. The present article (developed from a lecture given at the SERMEISS meeting, Clemson University, on 11 March 2000) examines the first of these topics: how does Usama bin Ladin interpret the Qur’an?

Sources

Apart from the Qur’an itself, two of bin Ladin’s writings have furnished the primary material for this article. The first is his long, three-part Declaration of War (August 1996). 2 The second is his Fatwa (legal opinion), the Statement of the World Islamic Front Urging Jihad Against Jews and Crusaders (23 February 1998). 3 I have used the English versions of the Declaration and the Fatwa, which has been checked against the Arabic original, both because they are more easily accessible and because that is how many of the intended audience will read them: on the Internet and in English, not Arabic.

The Declaration and the Fatwa contain a number of references to works of classical Islamic scholars that echo the tone and content of a work that appears to have partly inspired bin Ladin’s various declarations: the important militant Islamist manifesto al-Farida al-Gha’iba, by Muhammad ’Abd al-Salam Faraj, translated by Johannes Jansen as The Neglected Duty: The Creed of Sadat’s Assassins and Islamic Resurgence in the Middle East. Its author was executed on 15 April 1982, ‘together with the four actual assassins of Sadat’ (Jansen, 1986, p. 1). 4 Ayman al-Zawahiri, now bin Ladin’s closest associate, was one of hundreds of other Islamists arrested after that assassination. Later released, he emerged as ‘a hardened radical’ (Wright, 2002, p. 71).

Like Faraj, bin Ladin analyses the abuses of rulers of Muslim countries and the plight of their peoples as a framework for two questions: When is armed struggle required, and who are its legitimate targets? The answer to the second question is fraught with dangerous implications. Muslims are united in faith and must not allow themselves to be separated. They certainly

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1 On bin Ladin before 11 September, 2001, see Fandy, 2001; on bin Ladin after 11 September, see AbuKhalil, 2002 and DeLong-Bas, 2004. Scheuer (2002) is now known to be the ‘Anonymous’ author of Through Our Enemies’ Eyes: Osama bin Ladin, Radical Islam, and the Future of America. However, such elementary mistakes as the confusion of King Saud b. Abd al-Aziz with his father King Abd al-Aziz b. Saud (p. 79) and the confusion of Muhammad Qutb with his better-known brother Sayyid Qutb (pp. 84–85) seriously detract from the author’s credibility. Randal’s (2004) recent biography promises to be the definitive source.

2 Websites are by nature fluid and ever changing. Currently, a reliable website for relevant documents can be found at http://www.lib.ecu.edu/govdoc/terrorism.html. Bin Ladin’s Declaration of War is accessible from there or directly at http://www.pbs.org/newshour/terrorism/international/fatwa_1996.html.


4 The Arabic text is available online at www.ummah.org.uk/ioc/farida.doc. For a good non-technical treatment, see Worth, 2001.
must not attack one other. Moreover, numerous Qur’anic verses enjoin believers not to make alliances with unbelievers against other Muslims. But how does one know who is a Muslim? Most Muslims will not take it upon themselves to declare a person non-Muslim if that person professes the Islamic faith, engages in visible practices such as daily prayer and fasting during Ramadan, and does not aggressively flout religious prohibitions against such practices as drinking alcohol and engaging in sex outside marriage. The inner quality of that person’s faith is known to God, and that is sufficient.

Faraj and bin Ladin, however, see the current situation in the Islamic world as parallel to that faced by the thinker who had the greatest influence on modern militants. Taqi al-Din Ibn Taymiyya (1262–1328) lived (mainly in Damascus) when disappearing remnants of the Crusader states were proof of the victory of Islam over non-Muslim invaders. At the same time the Mongols who had destroyed the Abbasid Caliphate in 1258 had by the end of the century professed Islam. Ibn Taymiyya himself, however, had fought the Mongols and had seen with his own eyes how little affected they were by the faith that they had supposedly adopted. According to him, they did not govern by the law of God but instead combined bits of it with traditional Mongol tribal law (the ‘Yasa’) and things they made up themselves. In their camps one heard no call to prayer and saw no one pray. For these reasons the Mongols were legitimate targets. Muslims who fought on their side under duress would go to heaven if killed. Muslims who allied themselves with them voluntarily had thereby removed themselves from the ranks of the believers — had become apostates — and the punishment for apostasy is death (see Jansen, 1986, pp. 56–7). Bin Ladin, like Faraj before him, draws heavily upon the legal opinions (fatwa) of Ibn Taymiyya to offer these points as grounds for action.

The Qur’an, Qur’anic exegesis (tafsir) and some related issues

Bin Ladin refers to no Qur’anic exegesis in the Declaration of War, but in the Fatwa he and the other authors refer to the tafsir of al-Qurtubi (d. 671/1273). Its full title is al-Jami’ li-Ahkam al-Qur’an [The Compendium of Qur’anic Rules]. Its author was a Maliki, not a Hanbali like Ibn Taymiyya, but he was capable presenting other opinions and of disagreeing with his own school. A modern authority characterises his twenty-one-volume tafsir as ‘an encyclopedic work combining hadith with popular piety, jurisprudence, and linguistic considerations. It is well organized and extremely usable’ (Ayoub, 1984, vol. 1, pp. 4–5). For these reasons, that is the tafsir to which I shall refer.

Ibn Taymiyya was a jurist, not an exegete. He apparently produced no independent Qur’anic commentary, but his works are so laden with Qur’anic citations that efforts have been made to compile a tafsir. His output was vast and his energy boundless. Because he was a thorn in the

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6 Thus several volumes of the collected fatwas deal with the Qur’an; Dr Abd al-Rahman Umayra has published al-Tafsir al-Kabir li’l-Imam Taqi al-Din Ibn Taymiyya. Neither, however, is a standard, verse-by-verse tafsir. Only a few verses of each sura are explained (except for some of the shorter suras), with vast numbers of cross-references. As these references are not indexed, the value of the compilations as tafsir is limited.
side of the rulers, he spent long periods in prison. Popular accounts place his death in prison six months after he was deprived of pen and paper. Faraj relied upon Ibn Taymiyya’s legal decisions but has himself been criticised for taking useful parts of them out of context and for drawing parallels where none existed (see 'Amara, 1982, p. 34 and passim; Jansen, 1986, p. 68). Bin Ladin in turn has taken useful bits from (presumably) Faraj; but as he quotes more material than Faraj does, we may conclude that he or his advisors have also gone to the full collection (thirty-seven volumes) of the *fatwa* rather than the brief, five-volume version that Faraj uses.

The Qur’an appeared at intervals over twenty-three years and under highly varied circumstances. In the Meccan period the believers were few, disorganised and in danger. Meccan revelations dealt with the existence and identity of the One God, the signs of his existence, and the coming of the Last Judgment. Believers at that time were still learning the nature of piety and virtue, forming their characters accordingly and recognising these virtues in others, perhaps especially those recipients of earlier Books, namely, the Jews and Christians. In the Medinan period the community was organised and cohesive but was at first impoverished and threatened both politically and militarily. Still, revelations continued to praise the virtuous Jews and Christians:

> Not all of them are alike: of the People of the Book are a portion that stand (for the right); they rehearse the Signs of God all night long, and they prostrate themselves in adoration. They believe in God and the Last Day; they enjoin what is right and forbid what is wrong; and they hasten (in emulation) in (all) good works: they are in the ranks of the righteous. Of the good that they do, nothing will be rejected of them; for God knows well those that do right. (Q 3:113–115)

But by now the community also included individuals who varied widely in piety and observance; given the circumstances, if a few persons pretended to be Muslims but were secretly allied with the enemy, they would endanger the entire *umma* [community of Muslims everywhere]. The Qur’an dealt with these persons sternly. Thus whenever bin Ladin or any other Muslim writer refers to a Muslim as a ‘hypocrite’ (*munafiq*), the implications of the Arabic are vastly more severe than those of its English counterpart, and the penalties very real.

Bin Ladin’s choice of verses to support his arguments shows that he does not follow militant opinion on a technical question of Quranic interpretation, *al-nasikh wa-l-mansukh* — the so-called ‘abrogating and abrogated verses’. The notion originates from the fact that the Qur’an was not revealed all at once but rather piece by piece, and in a way that enables some to interpret certain later revelations as replacements for earlier ones: ‘None of Our revelations do We “abrogate” (*nansakh*) or cause to be forgotten, but We substitute something better or similar. Do you not know that God has power over all things?’ (Q 2:106) ‘When We substitute (*baddalna*) one

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7 In the parts of this article that are not quotations, all translations of the Qur’an are taken from or based upon A. Yusuf Ali’s *The Holy Qur’an* (1977). Occasionally, I have changed the wording a bit. When I quote others, I identify the translations they use as well — for example, n. 12 below.

8 Representative classical works are those of Ibn Salamah and al-Nahhas. A representative modern work is that of al-Btoush.

9 Translations of the Qur’an in the *Declaration* (with one possible exception) are those of M.M. Shakir; in the Fatwa, those of Abdullah Yusuf Ali (with one exception, noted in the text). A useful website puts three popular English translations of the Qur’an (A. Y. Ali, Pickthall, Shakir) side by side. See *The Noble Qur’an*. 
revelation for another — and God knows best what He reveals (in stages) — they say “You are nothing but a forger!” But most of them do not understand’ (Q 16:101). ‘God blots out (yamhu) or confirms what He pleases; with Him is the Mother of the Book’ (Q 13:39). The issue is important because many Muslim militants, including some religious scholars, claim that later verses revealed during time of war have rendered the earlier peaceful verses null and void.

Quotation marks around the word ‘abrogate’ in the translation of Q 2:106 indicate that the classical authorities do not entirely agree on the meaning of the word. Ibn Salama gives only one possibility: ‘to abolish’ or ‘remove’ (rafa‘a) (Ibn Salama, 1967, p. 5). But al-Nahhas says that it derives from two things; ‘to obliterate’ (azala) as the sun obliterates the shade, and ‘to transcribe’ (naqala), as when a scribe copies a book (al-Nahhas, 1903, p. 14). Several kinds of naskh were identified: one in which the legal principle was changed but not the Qur‘anic text itself, a second in which the text was changed but not the legal principle, and a third in which both the text and the principle had been removed. Nor did the authorities agree on which were the abrogated and which the abrogating verses, and how many of them there are. Al-Suyuti said 20, al-Nahhas 134, Ibn Salama 213 and the Shi‘ite sources 571 (see al-Btoush, 1994, p. 41).10

Most Muslims, of course, are not textual scholars and revere all verses of the Qur‘an equally. But scholarship itself is changing. While some scholars continue to believe that the legal implications of certain parts of the Qur‘an have been abrogated, others are re-examining the principle of eternality of the Last Revelation and have concluded that ‘abrogation’ refers not to the Qur‘an at all but to previous laws imposed on the Semitic peoples. The laws of Leviticus, Numbers and Deuteronomy may have been removed by the Qur‘an, but in the Qur‘an itself there is no abrogation (see Saqqa, 1978). When proper cognisance is taken of context, definition, and the grammar of inclusion, exclusion and exception, apparent contradictions disappear and with them the need for the concept of abrogation (see al-Btoush, 1994; al-Jabri, 1980). Doctrinally based or not, bin Ladin shows by the fact that he quotes both ‘abrogating’ and ‘abrogated’ verses that he in effect adheres to this view.

Some remarks on Qur‘anic citations are needed here. There are standard rules regarding the maintenance of context when reading the Qur‘an. Notations between passages indicate when a pause is obligatory, preferred, permissible or not permitted. Usama bin Ladin truncates some of the verses and passages that he cites, usually removing phrases that qualify or mitigate the application of the principle with which those verses are concerned. I note these instances in my description of his use of the passages. Clearly, bin Ladin chooses his quotations to suit the purposes of argument, but the Declaration and Fatwa are comparatively short and do not lend themselves to lengthy exegesis. Most commentaries on the Qur‘an are five, ten, twenty or even thirty volumes in length, allowing the authors plenty of room to explain the historical background, discuss the etymologies of words, compare parallel passages, challenge or support other authorities, and generally explore as many aspects as it pleases them to do.

For each Qur‘anic citation, then, I shall discuss Qurtubi’s exegesis, as presumably it is bin Ladin’s main exegetical source, and will then add relevant commentary from other classical and modern sources and conclude by relating the whole to bin Ladin’s views, plans and actions. This is the basic format, but the interrelation of concepts and issues sometimes makes for greater complexity.

10 I have not verified the last figure and am rather skeptical, as Btoush includes the Shi‘a among those he blames for the ‘innovation’ of naskh (see al-Btoush, 1994, p. 104).
October, 1996: Declaration of War

Part I

Observant Muslims begin a significant undertaking with the phrase ‘In the name of God, the Compassionate, the Merciful’ (bism Illah al-Rahman al-Rahim). Every sura (chapter) of the Qur’an begins with the phrase except for Sura 9. This anomaly is usually explained by pointing out that the invocation of divine mercy does not suit the topic that begins that sura: war following the expiration of treaties, as epitomised in the ‘verse of the sword’ (Q 9:5). Thus it is significant that the Declaration and the Fatwa do not begin with the formula of divine mercy.

Bin Ladin opens his Declaration with praises to God and prayers for help and forgiveness. These are followed by a credal statement: ‘Who ever been [sic] guided by Allah will not be misled, and whoever has been misled, he will never be guided’ (see Faraj in Jansen, 1986, p. 160; Wensinck, 1965, pp. 103, 107–9). Although not a direct quotation from the Qur’an, it echoes many verses, such as Q 39:23: ‘That is the guidance of God. He guides with it whom He pleases, but whom God leaves to stray has no guide’ (see also Q 18:77, 39:36–37, 4:88, 13:27). While bin Ladin’s vocabulary is Qur’anic, his syntax is closer to the creeds of two scholars who are mentioned in the February 1998 fatwa: Ibn Qudama (d. 1223) and Shaykh al-Islam [Ibn Taymiyya] (d. 1328): ‘What reaches you could not have missed you, and what misses you could not have reached you’—an affirmation of God’s omnipotence which emerged from the debate over free will and predestination. Having defined its theological position, the introductory passage ends with a common, slightly expanded version of the Profession of Faith (shahada).

The body of the Declaration of War opens with three quotations from the Qur’an that remind believers of their duties to God, all with the commandment ‘ittaqu Allah: Q 3:102, 4:1, and 33:70–71. The verb ittaqa is a notoriously complex one: it is more often translated as ‘fear God’, and a related noun, taqwa, is usually rendered as ‘piety’, a word that in English has no verbal form. Commandments in the Qur’an are not always simple imperatives from a powerful Being to powerless ones but, as here, are often justified by humans’ obligation to God for his creation, bounty, protection and forgiveness. Bin Ladin has retained the full context of commandment-cum-justification but has chosen passages that refer to human obligation in the most general possible terms:

O you who believe! be careful of (your duty to) Allah with the proper care which is due to Him, and do not die unless you are Muslim. (Q 3:102)

Al-Qurtubi notes that when Q 3:102 was revealed, the Prophet was asked, ‘O Apostle of God, who is strong enough to do that?’—that is, strong enough fulfill one’s entire duty to the Creator. As a consequence, God revealed Q 64:16: ‘Be careful of your duty to God as much as you are able’. Some authorities held that the previous verse was abrogated. Qurtubi himself prefers the view that the second verse is a clarification of the first. Ibn ’Abbas says that ‘proper care’ (haqqa tuqatihi) has not been abrogated: it means that ‘one should strive with proper exertion (haqqa jihadihi) in the path of God’ (al-Qurtubi, 1996, vol. 4, pp. 101f.) That phrase echoes yet another

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verse: ‘And strive in God’s cause as you ought to strive (jahidu fi-Llah haqqa jihadihi)’ (Q 22:78). It is significant that bin Ladin begins with a verse considered notably difficult to fulfill, for traditional interpretation equates ‘proper duty to God’ with jihad:

O people! be careful of (your duty to) your Lord, Who created you from a single being and created its mate of the same (kind) and spread from these two, many men and women; and be careful of (your duty to) Allah, by Whom you demand one of another (your rights), and (be careful) to [sic] the ties of kinship; surely Allah ever watches over you. (Q 4:1)

In his commentary on Q 4:1, Qurtubi reminds the reader that he has already glossed the words in question and writes that there is no point in repeating them (see al-Qurtubi, vol. 5, p. 3):

O you who believe! be careful of (your duty to) Allah and speak the right word; He will put your deeds into a right state for you, and forgive you your faults; and whoever obeys Allah and His Apostle, he indeed achieve [sic] a mighty success. (Q 33:70–1)

Qurtubi’s brief remarks on Q 33:70–1 likewise do not deal with the commandment ‘taqqu Allah’ but refer to both the occasion of revelation (the controversy raised by the Prophet’s marriage to Zaynab, his adopted son’s former wife) and the possible interpretations of ‘the right word’ (qawl sadid): speech that is appropriate, or truthful, or irenic, or that does not impute impropriety to the Prophet, or that seeks only to please God. Qurtubi notes that ’Ikrima and Ibn ’Abbas identify it with the shahada, the witnessing that God is One: la ilaha illa Allah. It is not surprising that bin Ladin omits the historical context of the verse to focus attention on God’s command to all Muslims and their rewards for obeying it (see al-Qurtubi, vol. 14, p. 162).

The three verses enjoining duty to God are immediately followed in the Declaration by two others (Q 11:88 and 3:110), the first of which concerns the necessity for reform. The prophet Shu’ayb exhorts the people of Midian against false gods and social injustice:

[He said: O my people! have you considered if I have a clear proof from my Lord and He has given me a goodly sustenance (rizq hasan) from Himself, and I do not desire that in opposition to you I should betake myself to that which I forbid you:] I desire nothing but reform so far as I am able, and with none but Allah is the direction of my affair to the right and successful path (wa-ma tawfiqi illa bi-Llah); on Him do I rely and to Him do I turn. (Q 11:88)

Bin Ladin has omitted the initial bracketed passage (a pause between the passages is allowed), but Qurtubi’s comment is worth a glance. He notes that Shu’ayb was wealthy, that his wealth (rizq) came from an unobjectionable (hasan) source, that he was not himself doing something that he was forbidding others, and that he was urging reform (islah) of their lives in this world through justice and in the next world through acts of devotion (see al-Qurtubi, vol. 9, p. 60). Perhaps in this combination of wealth, belief and action bin Ladin sees parallels to his own situation.12 Also notable is the fact that this verse contains one of only eight occurrences in the Qur’an of the word islah, or ‘reform’, which appears in the name of bin Ladin’s Advice and Reform Committee (see Fandy, 2001, pp. 186–8, with Index).

12 However, it is not Shu’ayb but Muhammad (Q 33:21) and Abraham ‘and those with him’ (Q60:4–6) who are specifically held up as ‘good examples’.
The fifth and final Qur’anic quotation in the first sequence is the one most often held to affirm the moral status of the Muslim community and the reason for that status:

You are the best of the nations raised up for (the benefit of) men; you enjoin what is right and forbid the wrong and believe in Allah. (Q 3:110)

Qurtubi refers the reader to ‘the beginning of the sura’ for his explanation of ‘you enjoin what is right and forbid the wrong’. In fact, it is to be found in his commentary on Q 3:21:

God has made commanding good and forbidding evil a criterion/difference (farq) between believers and hypocrites. And He has indicated that the most particular of the characteristics of the believer is to command good and forbid evil, the beginning of which (ra’suha) is to summon others to Islam and to fight for it. But commanding good is not appropriate for everyone; rather, it is the ruler (sultan) who undertakes it, since carrying out [the various punishments] is his responsibility ... and he sets up in every community a virtuous, strong, knowledgeable, believing man and charges him with [the duty]. (al-Qurtubi, 1996, vol. 4, pp. 30ff.)

Bin Ladin’s point, of course, is that the Saud family has failed to ‘command good and forbid evil’. His subsequent detailed descriptions of their failures will, as we shall see, have dire implications for the legitimacy of Saudi rule.

Bin Ladin has, however, omitted the latter part of the verse:

and if the followers of the Book had believed it would have been better for them; of them (some) are believers and most of them are transgressors. (Q 3:110)

A notation in the Qur’anic text indicates that pausing between these passages is permitted and in fact preferable. Given the context, however, omission of the last half of the verse is significant. The omitted part signals the existence of some Jews and Christians who may be called ‘believers’. Thus the blanket condemnation of People of the Book is illegitimate. Moreover, it introduces the sequence that contains Q 3:113–15, which most Muslims observe as a code for honouring and respecting pious recipients of earlier scriptures but which bin Ladin ignores.

Having excluded this potential counter-argument, bin Ladin proceeds from the Qur’anic verse establishing the superior virtue of the Islamic community to a hadith, or a saying of the Prophet: ‘The people are close to an all encompassing punishment from Allah if they see the oppressor and fail to restrain him’. The verses and the hadith, then, sum up Muslims’ covenantal duties as follows: piety, obedience to divine and prophetic commands, duty to family and fellow believers, right speech, reform, commanding good and forbidding evil, and restraining the oppressor.

Now bin Ladin begins to enumerate specific offenses that have targeted Muslims:

It should not be hidden from you that the people of Islam had suffered from aggression, iniquity and injustice imposed on them by the Zionist-Crusaders alliance and their collaborators, to the extent that the Muslims’ blood became the cheapest and their wealth as loot in the hands of the enemies. Their blood was spilled in Palestine and Iraq. The horrifying pictures of the massacre of Qana, in Lebanon ...... Massacres in Tajakestan [sic], Burma, Cashmere, Assam, Philippine, Fatani, Ogadin, Somalia, Erithria, Chechnia and Bosnia-Herzegovina.
He cites the world’s failure to respond, the ‘clear conspiracy’ between the US and its allies ‘under the cover of the iniquitous United Nations’ to prevent the oppressed peoples from obtaining arms to defend themselves and the ‘false claims and propaganda about “Human Rights”’, which were exposed as such when human rights advocates ignored those massacres of Muslims. The latest and greatest act of aggression since the death of the Prophet is:

the occupation of the land of the two Holy Places — the foundation of the house of Islam, the place of the revelation, the source of the message and the place of the noble Ka’ba, the Qiblah [direction of prayer] of all Muslims — by the armies of the American Crusaders and their allies.

Although a ‘blessed awakening’ is now sweeping the world, bin Ladin names scholars and proselytisers who have been assassinated, arrested and silenced out of fear that they ‘will instigate the Ummah [world community] of Islam against its enemies as their ancestor scholars … like [sic] Ibn Taymiyyah and Al’iz Ibn ibn Abdes-Salaam\(^{13}\) did’. Bin Ladin and his own group were also prevented from speaking out and were ‘pursued in Pakistan, Sudan, and Afghanistan’. They are now safe in the high Hindu Kush, ‘where — by the Grace of Allah — the largest infidel military force [i.e., the Soviet Union] in the world was destroyed’, and whence they are working to ‘lift the iniquity that had been imposed on the Ummah by the Zion-Ist Crusader alliance, particularly after they have occupied the blessed land around Jerusalem, route of the journey of the Prophet … and the land of the two holy places’. The allusion is to the first verse of Sura 17 al-Isra’ [The Night Journey]: ‘Glory be to Him who took His servant by night from the Sacred Mosque to the Farthest Mosque (al-Masjid al-Aqsa), whose precincts We did bless, in order that We might show him some of Our Signs.’\(^{14}\) The verse dates from before the Hijra, during the period when Muslims were praying towards Jerusalem. Muslims still characterise Jerusalem as ‘the first qibla’ of the Muslims’ as well as the focus of the Night Journey to which Q 17:1 refers.

Bin Ladin never allows his audience to forget the centrality of the Palestinian question. He speaks explicitly of ‘the first Qiblah’ and the ‘Aqsa Mosque’ in Part II of the Declaration, but here he confines himself to a brief allusion. He describes in detail the plight of the Islamic world and especially the ‘land of the two Holy Places’,\(^ {15}\) where the government ignores Shari’a law, denies legitimate rights, unjustly imprisons ‘sincere scholars’ on ‘orders from the USA’, allows American ‘occupation’, owes massive debt due to overspending on foreign troops while the price of oil is set artificially low, and permits the unemployment of hundreds of thousands of educated persons. As private remonstrance proved futile, in May 1991 (in Islamic dating Shawwal, 1411 A.H.), a letter of protest with over 400 signatures — from scholars, merchants, retired officials, and other ‘prominent and educated people’ — was sent to the King demanding redress of grievances. The King, however, ignored the letter, as he did the Memorandum of Advice\(^ {16}\) that followed it in July 1992 (Muharram, 1413) (see Fandy, 2001, pp. 50–60, with notes and index).

\(^{13}\) Presumably ‘Izz al-Din ibn ’Abd al-Salam (d. 660/1262), a Shafi’i jurist. See Ziadeh, 1995.

\(^{14}\) Nowhere does bin Ladin quote Q 17:1 explicitly, yet his many references to the first qibla, the route of the Prophet’s night journey, the Aqsa Mosque and Jerusalem make this association inescapable.

\(^{15}\) Islamist opposition groups and many other Muslims refuse to attach the name of the Saud family (‘Saudi Arabia’) to the land of the two holy places, Mecca and Medina.

\(^{16}\) My copy has neither header nor footer that might indicate its source. Presumably, it came from a website of the Movement for Islamic Reform in Arabia (MIRA), later taken down.
The *Declaration of War* sums up the long and very detailed findings of the *Memorandum* into nine broad areas of abuse, of which four relate to our present concerns because of their Qur’anic resonances.

(1) The Saudi Government has disregarded the Shari’a and has taken it upon itself to declare what is lawful (*halal*) and what is forbidden (*haram*). While bin Ladin cites no verse in this *Declaration*, the earlier *Memorandum* quotes several as evidence that God alone defines the lawful and the prohibited in Islam. Qur’an 10:59 contains the wording in question: ‘Say: See what things God has sent down to you for sustenance? Yet you make some of it forbidden and some of it lawful. Say: Has God permitted you to do that, or have you made it up and attributed it to God?’ (cf. Q 2:275 [also below], 5:87).

(2) The press and media have promoted the ‘cult of certain personalities’ and have spread misinformation and scandals among the believers ‘to repel the people away from their religion’. The *Declaration* includes the *Memorandum*’s quotation of the first part of Q 24:19 to illustrate the nature of the violation: ‘Surely (as for) those who love that scandal should circulate between the believers, they shall have a grievous chastisement in this world and the hereafter; [and Allah knows, while you do not know].’

(3) ‘Shari’a law was suspended and man-made law was used instead’. The damning term ‘man-made’ is integral to Islamist discourse, and both the *Memorandum* and the *Declaration* use it. Putting man-made laws in place of God’s law is tantamount to putting man in place of God, which in Islam is the cardinal sin. Again, bin Ladin himself cites no verse, but the *Memorandum* cites five verses, noting that the verse which makes void the faith of anyone who turns away from God’s judgment and law is Q 4:65: ‘No, by your Lord, they will have no real faith until they make you the judge in all disputes between them [and find in their souls no resistance against your decisions, but accept them with fullest conviction].’ The verse is one of the keys to Islamist thinking on government legitimacy, and the *Memorandum* quotes it several times. As we shall see, bin Ladin, too, quotes the verse, but in a context that lends it even harsher implications.

(4) Saudi foreign policy has disregarded Islamic issues, has ignored Muslims and provided ‘help and support … to the enemy against the Muslims’. The *Memorandum* quotes Q 21:92 and 8:75, which declare the unity of Muslims. Bin Ladin quotes no verse at this point in the Declaration, but he does cite two examples of alleged cooperation with non-Muslims against Muslims: ‘the cases of Gaza—Ariha [Jericho] and the communist[s] in the south of Yemen … and more can be said’.

Now bin Ladin ends his summary of the *Memorandum* and begins to set up his key argument: that the Saudi rulers can no longer be considered Muslims at all.

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17 The Memorandum also quotes Q 12:40 and 42:21.
18 One possible reference is to the imprisonment of Sheikh Salman al-’Auda for allegedly leading an uprising in the city of Burayda, the so-called intifadat Burayda. See Fandy, 2001, p. 92.
19 The Introduction to the Memorandum of Advice contains the entire verse, but, as usual in these cases, subsequent references are shorter and omit the bracketed passage.
First, he reminds readers that Muslim scholars have ruled that using ‘man-made’ law in place of the Shari’a and using it to support infidels against one’s fellow Muslims are among ‘the ten ‘voiders’ that would strip a person [of] his Islamic status’, in other words, render him an apostate. To establish the apostate character of the Saudi regime, bin Ladin quotes the same verse that Faraj used against Sadat: ‘And whoever did not judge (yahkum) by what Allah revealed, those are the unbelievers’ (Q 5:44) (Jansen, 1986, p. 167).

Exegetes have a problem with this interpretation. Both Faraj and bin Ladin omit the context, which is five long verses that discuss the Torah, the Rabbis, the Law of Moses, Jesus son of Mary, and the Gospel sent to confirm the Torah. Qurtubi begins his treatment of the passage by stating that even if a Muslim commits a great sin (kabira), he does not thereby become a disbeliever. He pursues this matter of the judge’s (or the ruler’s) mental state with an opinion attributed to Ibn Mas’ud and al-Hasan [sc. al-Basri]:

It is applied generally (’ammatan) to all who do not judge by what God sent down — Muslims, Jews and kuffar [nonbelievers] — believing that and [still] holding that it is lawful (mustahill lahu). As for one who does it while believing that he is [in fact] engaging in something forbidden, then he is among the sinning Muslims (min fussaq al-muslimin) and his affair is with Almighty God: if He wishes, He will punish him; and if He wishes, He will forgive him. (al-Qurtubi, 1996, vol. 4, p. 124)

Bin Ladin’s interest in the verse appears to stop here, as his charge against the Saud family is precisely that it assumes the right to pronounce its own actions lawful. Qurtubi, however, launches into a discussion of the syntax of the verses and the antecedents of crucial pronouns. He concludes that the phrase in question applies to Jews. The notion that ‘whoever takes bribes and judges by something other than God’s ordinance is a kafir’ he attributes to an early sect called the Kharijites ['seceders'], with whom modern militants have been compared because of their tendency to judge the quality of another’s faith on externals and then to punish in accordance with that judgment (see Jansen, 1986, s.v. Kharijis). By contrast, the exegetical method that seeks the meanings of verses in context not only eliminates the possibility of abrogation, as discussed, but also limits the application of terms that amount to judgments and therefore carry specific penalties. In this spirit Jad al-Haqq ’Ali Jad al-Haqq, then shaykh of al-Azhar, opined that ‘in its context this verse addresses rather Christians and Jews, and ... the context makes the militant interpretation impossible’ (Jansen, 1986, p. 33, n. 22).

20 At this writing, at least a dozen websites contain Shaykh ’Abd al-Aziz ibn Baz’s list of Ten Things Which Nullify One’s Islaam. See Fandy, 2001, pp. 186–9.
21 A pause before the quoted passage is permissible. There is no consensus on how the word yahkum should be translated. The translators of bin Ladin’s Epistle (with A. Yusuf Ali) translate it as ‘judge’, whereas Jansen translates it as ‘rule’.
22 The most notorious example of the pronouncement of disbeliever is that of the Egyptian professor Nasr Hamid Abu Zaid. Religious courts determined from his writings that his opinions on the Qur’an were Islamically unacceptable. Since he had been born a Muslim, he now become an apostate; and since he was no longer a Muslim, his marriage to a Muslim woman was no longer legal. The court therefore decreed that the two were divorced, even though neither wanted a divorce! At this writing, the couple are living outside Egypt. See Abu Zaid and Nelson, 2004, and Index on Censorship.
But while Faraj’s purpose in his passage is to analyse the nature of an Islamic state (Jansen, p. 165; see also p. 7), bin Ladin’s is to declare war. At this juncture he introduces the full text of Q 4:65 to call into doubt the Saudi rulers’ sincerity of belief:

But no! by your Lord! they do not believe (in reality) until they make you a judge of that which has become a matter of disagreement among them, and then do not find the slightest misgiving in their hearts as to what you have decided and submit with entire submission. (Q 4:65)

Once again, bin Ladin ignores the very particular circumstances of revelation supplied by Qur-tubi (al-Qurtubi, 1996, vol. 5, pp. 172–4). True, the story is of limited relevance: it concerns a dispute over irrigation rights in which one party unjustly rejects the Prophet’s arbitration, claiming that the Prophet has favoured the other party because he is that party’s cousin. But for Qurtubi, the verse is Qur’anic evidence of an actual case that the Prophet judged, whereas contemporary Islamists who demand that a case be submitted to ‘the judgement of God and His Apostle’ ignore the fact that it is ordinary, fallible humans who will select and apply the precedents.

Bin Ladin objects that, far from accepting the ‘soft words and very diplomatic style’ of the scholars who signed the Memorandum of Advice, the Saudi Government rejected its contents. The authors and their supporters were ‘ridiculed, prevented from travel, punished and even jailed’. By contrast, the Government has left ‘the main enemy in the area — the American Zionist alliance — [to] enjoy peace and security’. Having closed ‘all peaceful routes’, Prince Sultan and Prince Nayef have ‘pushed the people toward armed actions ... which is the only choice left for them to implement righteousness and justice’. The ‘Zionist-Crusader alliance’ uses all possible means to keep the Muslims divided. Officials from the Ministry of the Interior who are graduates of Shari’a colleges are ‘leashed out’ to promulgate faulty fatwas, engage in disinformation and pursue minor issues at the expense of major ones. ‘In the shadow of these discussions and arguments, truthfulness is covered by the [sic] falsehood’, a reference to Q 2:42, where God commands the Children of Israel: ‘Do not clothe Truth with falsehood and knowingly conceal the Truth!’ (cf. Q 3:71).

Now bin Ladin begins to set forth his agenda, quoting extensively from Ibn Taymiyya’s legal decisions on fighting the enemy:

People of Islam should join forces and support each other to get rid of the main Kufr (irre-ligion) who [sic] is controlling the countries of the Islamic world, even to bear the lesser damage to get rid of the major one, that is the great Kufr.

Bin Ladin then applies this general principle to the matter at hand: ‘Clearly after Belief (Imaan) there is no more important duty than pushing the American enemy out of the holy land. No other priority, except Belief, could be considered before it’. Though it is not apparent from the apodictic
tone, this flat statement, which paraphrases Ibn Taymiyya, is actually the logical conclusion of a number of Islamist arguments that are by no means universally accepted among Muslims. Thus Sayyid Qutb denies the ‘liberal’ interpretation of jihad as purely defensive warfare, holding that jihad fulfills the right and the duty of Islam to abolish all ‘man-made’ jahili political and religious systems, which force some humans to submit to others. Jihad will free them to make a real choice, which might or might not be Islam (see Qutb, 1977, ch. 5 and passim). Faraj, whose ‘neglected duty’ is, of course, jihad, casts his contribution as a deduction of legal logic:

From [Q 5:44 and 24:55] (it follows) that the establishment of the Rule of God over this earth must be considered to be obligatory for the Muslims. God’s precepts are an obligation for the Muslims. Hence, the establishment of an Islamic state is an obligation for the Muslims, for something without which something which is obligatory cannot be carried out becomes (itself) obligatory. If, moreover, (such a) state cannot be established without war, then this war is an obligation as well. (Jansen, 1986, p. 165)

What is the Qur’anic basis for bin Ladin’s claim that jihad is second in importance only to belief? Most Qur’anic lists of religious duties (see, for example, Q 2:3, 4:162, 8:2–3) mention belief, prayer and alms in that order. Others add fasting, the hajj and such things as honouring one’s parents and solidarity with fellow Muslims. 25 Even some verses from the crucial Sura 9 (see, for example, 18 and 71) are so arranged. But bin Ladin must be basing his arguments on verses 19 and 20:

What! do you make (one who undertakes) the giving of drink to the pilgrims and the guarding of the Sacred Mosque like him who believes in Allah and the latter day and strives hard (jahada) in Allah’s way? They are not equal with Allah; and Allah does not guide the unjust people. Those who believed and fled (their homes), and strove hard (jahadu) in Allah’s way with their property and their souls, are much higher in rank with Allah; and those are they who are the achievers (of their objects). (Q 9:19–20)

Citing these verses, Ibn Taymiyya asserts that ‘jihad is better (afdal) than the hajj and ‘umra’ 26 (Ibn Taymiyya, 1977–78, vol. 37, p. 160). Without quoting either these verses or this passage from Ibn Taymiyya, bin Ladin presents his even more categorical assertion as a foregone conclusion.

Bin Ladin’s conclusion leads him into that area of Islamic law which deals with collective and individual obligations. Again, he cites Ibn Taymiyya:

To fight in defence of religion and Belief is a duty according to consensus. 27 .... There [are] no preconditions.... [ref: supplement of Fatawa]. 28 If it is not possible to push back the enemy

25 The classic formula of the ‘Five Pillars’ comes not from any single place in the Qur’an but from a hadith.
26 The hajj is the annual pilgrimage to Mecca. The ‘umra is the ‘lesser pilgrimage’, which can be made at any time.
27 The Declaration’s English version says ‘collective duty’, but this phrase appears to be a mistranslation of Ibn Taymiyya’s original word ijma’an.
except by the collective movement of the Muslim people, then there is a duty on the Muslims to ignore the minor differences among themselves.

The legal criterion for a ‘collective duty’ (fard kifaya) is that if a sufficient number of qualified people undertake it, it is discharged for all. Islamic law traditionally has held that jihad against a distant enemy is a collective duty. If Muslims are attacked, however, the other legal category takes effect: self-defence becomes an individual duty (fard ‘ayn) (see Faraj, in Jansen, 1986, pp. 199ff.). But what constitutes an ‘attack’? Bin Ladin repeatedly refers to military actions against forces in Iraq, Lebanon, Somalia, Palestine and elsewhere. The fact that Saudi Arabia served as base for attacks on Iraq has led bin Ladin to construe US political pressure on the Saudis and its resulting military presence as an ‘occupation’. Thus he equates this alleged occupation with attack, in which case defensive jihad becomes an individual duty:

If the danger to the religion from not fighting is greater than that of fighting, then it is a duty to fight them even if the intention of some of the fighters is not pure.... To repel the greatest of the two dangers on [sic] the expense of the lesser one is an Islamic principle that should be observed.

Part I closes with three more Qur’anic citations: Q 31:13, 2:275 and 2:278–279. The first is the Qur’an’s most concise equation of polytheism with evil: ‘And when Luqman said to his son while he admonished him: O my son! do not associate aught with Allah; most surely polytheism is a grievous iniquity (inna al-shirk la-zulm ‘azim)’ (Q 31:13). Qurtubi notes that an earlier revelation (Q 6:82) commanding the believers not to cover their belief with iniquity caused the companions of the Prophet to worry: ‘Which of us has not done wrong?’ Then this verse was revealed to confirm the precise meaning, and the companions’ worry abated (al-Qurtubi, vol. 14, p. 43). Bin Ladin intends the opposite effect: to raise concern over ‘the prevalence of the great sins that had reached the grievous iniquity of polytheism’ in the kingdom. He and other Islamists, of course, routinely ignore the special status that the Qur’an gives to ‘People of the Book’. Instead, they include Jews and Christians among the ‘polytheists’, the worst of sinners, basing their opinions on such verses as Q 9:30–31, which denies that God had a son.

The last two citations in Part I are from the Qur’anic passages that ban usury (riba). The first brief quotation comes amid expostulations against permitting what God has forbidden:

Banks dealing in usury are competing, for lands, with the two Holy Places and declaring war against Allah by disobeying His order (‘Allah has allowed trading and forbidden usury’). All this taking place at the vicinity of the Holy Mosque in the Holy Land!

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29 See Faraj, in Jansen, 1986, pp. 199ff. It is possible that the translator of the Epistle is not fully familiar with the nuances of legal terminology in Arabic and English. Ibn Taymiyya goes beyond the conventional dichotomy of fard kifaya/fard ‘ayn to refer to actions as ‘necessary for’ or ‘incumbent upon’ (wajib ‘ala) a person. See Majmu’ al-Fatawa, vol. 28, p. 65. The issue is beyond the scope of this article.

30 The Declaration refers the reader to Ibn Taymiyya’s Majmu’ al-Fatawa, vol. 26, p. 506. This is a possible misprint, as the edition I consulted has the passage in question in vol. 28, if also at p. 506. The reference does not cover all of the passages quoted.
The verse from which the short quotation is taken is quite long, with a ‘pause preferred’ mark at the beginning and, a ‘pause permitted’ mark at the end:

[Those who swallow down usury cannot arise except as one whom Shaitan (Satan) has prostrated by (his) touch does rise. That is because they say, trading is only like usury; and] Allah has allowed trading and forbidden usury. [To whomsoever then the admonition has come from his Lord, then he desists, he shall have what has already passed, and his affair is in the hands of Allah; and whoever returns (to it)—these are the inmates of the fire; they shall abide in it.] (Q 2:275)

The passage seems an odd kind of tangent, but further investigation reveals some interesting connections.

First, Ibn Taymiyya quotes the verses banning usury in a fatwa allowing jihad against the Mongols, even though the Mongols claimed to be Muslims. He notes that the verse was originally revealed about the people of Ta‘if, who accepted Islam, prayed and fasted but who refused to renounce the practice of usury and were therefore a legitimate target of war.\(^{31}\) His fatwa, then, emphasises war and not usury. Usury is an occasion for war, though the last and least of reasons: ‘And if one who does not renounce it wages war against God and His Apostle, how is it with one who does not abandon other forbidden things, which were forbidden earlier and more severely?’ (Ibn Taymiyya, 1977–78, vol. 28, p. 512).

Here Ibn Taymiyya characterises usury as ‘money (mal)’ that is taken by mutual consent of the two parties’, making it clear that the transaction involves fault on both sides. It is worth mentioning that subsequent treatments of the passage progressively weaken and distort the definition of usury. The editor of al-Fatawa al-Kubra rewords it to read ‘money which is taken by the consent of its owner’ (Ibn Taymiyya, 1988, vol. 4, p. 296), though an online version no longer accessible restores Ibn Taymiyya’s original wording. Jansen, however, translates Faraj’s rendition as ‘anything which is not taken with the consent of its owner’ (Jansen, 1986, p. 171). Whatever the source of this mistake, it makes nonsense of the passage. By going back to the original, bin Ladin keeps the original wording but changes the focus to put the Saud family on a level with the usurers of Ta‘if and the Mongol falsifiers of divine law.

Second, bin Ladin has already mentioned in this Declaration the Saudi economic decline, inflation, devaluation of the currency and ‘more than three hundred forty billions of Riyal owed by the government to the people in addition to the daily accumulated interest, let alone the foreign debt’. He, of course, is well qualified to speak of high finance.

Bin Ladin’s second quotation regarding usury ends where a note in the Qur’anic text indicates that connecting it to the passage that follows is preferable:

O you who believe! Be careful of (your duty to) Allah and relinquish what remains (due) from usury, if you are believers. But if you do (it) not, then be apprised of WAR from Allah and His Apostle; [and if you repent, then you shall have your capital; neither shall you make (the debtor) suffer loss, nor shall you be made to suffer loss.] (Q 2:278–9)\(^{32}\)

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\(^{31}\) The Qur’an uses *harb* (‘war’) and not jihad. Ibn Taymiyya uses words etymologically related to *harb*, whereas the editor of al-Fatawa al-Kubra has gratuitously substituted the word jihad.

\(^{32}\) Original capitalisation.
Presumably, omission of the second half of the passage is justified by the fact that Saudi bankers have had ample opportunity to repent of their ways but have not done so. By allowing non-Islamic banking practices, the Saudi Government has made itself ‘a partner and equal to Allah’ and has declared lawful what God has prohibited. Qurtubi quotes Malik, his own imam, as follows: ‘I have searched page by page through the Book of God and the Sunna of his Prophet, and I have seen nothing worse than usury; because God permitted war over it’ (al-Qurtubi, 1996, vol. 3, p. 235). Bin Ladin ends with an a fortiori argument that echoes Ibn Taymiyya’s comment on the first passage but changes its emphasis: if a ‘Muslim’33 is promised war for being a party to usury when he knows it is a sin, ‘what is it then to the person who makes himself a partner and an equal to Allah, legalising ... what has been forbidden by Allah?’

Part II

If the focus of Part I of the Declaration is on the shortcomings of the Saudi regime and the machinations of the US and Israel, the main focus of Part II is on ‘the soon to be established Islamic state’, the resistance expected from the ‘Zionist-Crusader alliance’ and the efforts that will be demanded of Muslims to achieve the former and ward off the latter. The author foresees two main dangers: destruction of the oil to keep it out of the hands of the new Islamic state, and partition of ‘the land of the two Holy Places’, with the north being annexed by Israel. Muslims must unite in spite of attempts, both external and internal, to keep them divided.

As we have seen, Part I quotes over a dozen Qur’anic verses, with the text set off in brackets and, at least in the English version, chapter and verse indicated. There are allusions to several more verses. Part II quotes no whole verses but evokes the Qur’an in a number of places by its use of Qur’anic references.34 It quotes numbers of hadith and historical anecdotes (akhbar) from the early Islamic and even pre-Islamic periods, the latter with poetry.

Muslims are to seek inspiration from the companions who fought beside the Prophet:

The sons of the two Holy Places are directly related to the life style (Seerah) of their forefathers, the companions, may Allah be pleased with them. They consider the Seerah of their forefathers as a source and an example for re-establishing the greatness of this Ummah and to raise the word of Allah again.

The last line is the first of several allusions to Q 9:40, which, as we shall see, bin Ladin clearly found relevant to his own situation during a battle in Afghanistan:

If you will not aid him [the Prophet], Allah certainly aided him when those who disbelieved expelled him, he being the second of the two, when they were both in the cave, when he said to his companion: Grieve not, surely Allah is with us. So Allah sent down His tranquility (sakinatahu) upon him, and strengthened him with hosts which you did not see, and made

33 Quotation marks are original.
34 Lacking the Arabic text, I can claim only probability, not certainty, for my identification of Qur’anic locutions.
lowest the word of those who disbelieved; and the word of Allah, that is the highest; and Allah is Mighty, Wise. (Q 9:40)\textsuperscript{35}

Qurtubi gives credence to the report that Q 9:40 was the first verse revealed of this militant sura. The opening phrase refers to the Prophet’s expedition in 9–10 AH/630 CE to the northern town of Tabuk, when a number of his followers chose to stay behind. As Qurtubi puts it, after the Prophet’s return, ‘God reproached them’ (al-Qurtubi, vol. 8, p. 92). A number of verses in the sura (Q 9:81–83, 86–87, 120) dwell at greater length upon the failure of these erstwhile supporters (see Peters, 1994, pp. 240–41, 307). Given bin Ladin’s feelings that his own government had withheld support from him, it seems not unlikely that he would see parallels with his own situation.

‘Raising the word of God’ is part of a call to arms specifically addressed to ‘my brothers of the security and military forces and the national guard … you grandsons of [the early heroes] Sa’d ibn Abi Waqqaas, Almothanna ibn Haritha Ash-Shaybani’ who joined the armed forces ‘with the intention to carry out Jihad in the cause of Allah — raising His word (cf. Q 9:40) — and to defend the faith of Islam…. That is the ultimate level of believing in this religion’. But the armed forces have been betrayed by a regime that ‘promised the Ummah to regain the first Qiblah’ (that is, Jerusalem; cf. Q 17:1 in Part I above and n. 15) but has now handed it over to the Zionists and has invited in the Christian army to defend the regime. ‘The crusaders were permitted to be in the land of the two Holy Places. Not surprisingly, though, the King himself wore the cross on his chest’.\textsuperscript{36}

To these charges of betrayal, bin Ladin adds another reminder that helping non-Muslims against Muslims is ‘one of the ten “voiders” of Islam, deeds of de-Islamisation’ (see Ibn Baz, no. 8). He writes of the regime’s refusal to replace ‘the crusaders’ with ‘an Islamic force composed of the sons of the country and other Muslim people’, an episode that has attracted the attention of Western media. Newsweek reported that after the Iraqi invasion of Kuwait in 1990, bin Ladin offered to defend Saudi Arabia. ‘To his horror, the royal family instead allowed Americans — infidels — to do the job’ (John Barry et al., 1999, p. 42; see also Burkeman, 2001). And the ‘protectors’ have still not left the country. This bin Ladin ascribes to a deliberate deception by King Fahd, which he compares with one allegedly perpetrated in 1936 by Fahd’s father, King Abd al-Aziz ibn Saud. According to bin Ladin, as Palestinian Mujahidin were attempting to retain the Aqsa Mosque in Jerusalem, Ibn Saud offered to guarantee the safety of ‘the first Qiblah’ promised by ‘his British masters’ and to respond positively to the demands of the Mujahidin, freeing them from the need to fight. They ceased fighting, the British left, Ibn Saud did nothing, and Jerusalem was lost to the Zionists: ‘The King joined the crusaders against the Muslims and instead of supporting the Mujahideen in the cause of Allah, to liberate the Al-Aqsa mosque, he disappointed and humiliated them’.

Bin Ladin repeats the phrase in question at the end of a long passage in which he advocates guerrilla warfare and calls for an economic boycott of American goods: ‘The time will come — by the Permission of Allah — when you’ll perform your decisive role so that the word of Allah

\textsuperscript{35}The translators apparently translated the phrase ‘raise the word of Allah’ directly, without referring to their usual authority, M.M. Shakir, whose wording is reproduced here.

\textsuperscript{36}Peter Bergen quotes Palestinian journalist Jamal Ismail: ‘In ’86 when [Saudi] King Fahd visited Britain, he was given a medal like a cross by Queen Elizabeth. Many scholars in Saudi Arabia, they say he wears that cross, which is prohibited according to our teachings of Islam and whoever wears this cross declares himself a non-Muslim’ (Bergen, 2006, pp. 59–60).
will be supreme and the word of the infidels (Kaferoon) will be the inferior’. Deriding US Defence Secretary William Perry’s remark that those who laid the bombs in Riyadh and al-Khobar were ‘coward terrorists’, bin Ladin compares stories of bravery in warfare among early Muslims and pre-Islamic Arabs with the ‘disgraceful’ withdrawal of US forces from Beirut, Aden and especially Somalia: ‘It was a pleasure for the “heart” of every Muslim and a “remedy” to the “chests” of believing nations to see you defeated in the three Islamic cities of Beirut, Aden, and Mogadishu’. The remark seems to borrow yet another phrase from Sura 9 (again without reference to Shakir’s wording reproduced here):

Fight them, Allah will punish them by your hands and bring them to disgrace, and assist you against them and heal the hearts [sudur – ‘chests’] of a believing people. And remove the rage of their hearts; and Allah turns (mercifully) to whom He pleases, and Allah is Knowing, Wise. (Q 9:14–15)\(^{37}\)

Finally, two more passages from Sura 9 clearly inspired bin Ladin in battle, although we learn this bit of background not from the Epistle but from an interview. The first passage\(^{38}\) comes during the description of the Battle of Hunayn, about fourteen miles east of Mecca:

Certainly Allah helped you in many battlefields and on the day of Hunain, when your great numbers made you vain, but they availed you nothing and the earth became strait to you notwithstanding its spaciousness, then you turned back retreating. Then Allah sent down His tranquility upon His Messenger and upon the believers, and sent down hosts which you did not see, and chastised those who disbelieved, and that is the reward of the unbelievers. (Q 9:25–6)

The second passage comes in that part of Q 9:40 quoted, which refers to the episode of the Hijra in which the Prophet took temporary refuge from his pursuers in a cave and sought to calm his companion Abu Bakr by assuring him that God was with them, whereupon God sent down upon Abu Bakr His divine tranquility (sakîna).

That the granting of ‘divine tranquility’ in times of danger has impressed bin Ladin deeply can be seen in a story there he tells about himself. In an interview with Robert Fisk, he said that while fighting the Russians in Afghanistan, he was never afraid of death:

As Muslims, we believe that when we die, we go to heaven. Before a battle, God sends us seqîna, tranquility. Once I was only 30 metres from the Russians and they were trying to capture me. I was under bombardment but I was so peaceful in my heart that I fell asleep. This experience has been written about in our earliest books. I saw a 120mm mortar shell land in front of me, but it did not blow up. Four more bombs were dropped from a Russian plane on our headquarters but they did not explode. We beat the Soviet Union. The Russians fled. (Fisk, 1993, p. 10)

\(^{37}\) Bin Ladin explicitly quotes Q 9:14 in Part III.

\(^{38}\) That is, the first to be encountered in the text, although it was apparently revealed later: see The Holy Qur’an, (1977), p. 436.
Part III

While Part II is a discussion of strategy with a rising note of belligerence, Part III is the crescendo: stirring tales from Islamic history of bravery in war, a dozen hadith on the duties and rewards of battle, triumphal poetry addressed to both Romans and those who died in 1996 at Khobar Towers, and poetry taunting former Defense Secretary William Perry and anyone who is afraid to die as a martyr. The ultimate impression is that, while the ostensible target may be the US Government, the Declaration is also a call to arms directed at — in poet Wilfred Owen’s phrase — ‘children hungry for some desperate glory’.

The first two sentences assert the belief of ‘our youths’ in paradise after death and in the fixed term of their own lives, which fighting will not hasten and staying behind not postpone. The first Qur’anic quotation establishes the theological basis: ‘And a soul will not die but with the permission of Allah, the term is fixed’ (Q 3:145). (The unquoted portion on reward in this life and the next follows a preferred pause). Qurtubi’s commentary on Q 3:145 neatly combines the issue of predestination with that of jihad:

This is an incitement to jihad, and a notice that there is no alternative to death, and that everyone — killed or not killed — is dead when he reaches the term that has been prescribed (maktub) for him... It is not correct to say ‘If he had not been killed he would be alive’. And the textual indicant (dalil) to His saying ‘the term is fixed’ is ‘When their term comes, they cannot postpone it for an hour, or hasten it’ [Q 7:34]. (al-Qurtubi, vol. 4, p. 146)

Although the time of death is fixed, ‘these youths’ believe that death is not the end of the fighter but the beginning of his reward. First, bin Ladin quotes two passages from the Qur’an:

and as for those who are slain in the way of Allah, He will by no means allow their deeds to perish. He will guide them and improve their condition. And cause them to enter the garden — paradise—which He has made known to them. (Q 47:4–6)

And do not speak of those who are slain in Allah’s way as dead; nay, (they are) alive, but you do not perceive. (Q 2:154)

These verses are followed by four hadith that describe the vastness of paradise; God’s smiling upon the martyrs; the near-painlessness of the martyr’s death; and a reward which includes certain salvation, a crown, a ruby worth more than the world and — that favourite of the Western media — marriage to ‘seventy-two of the pure Houries’.

In a statement for which as yet I have found no authority, bin Ladin assures any future combatants that their rewards will be double what they would be for fighting someone not from the People of the Book. He pictures ‘our youths chanting and reciting the word of Allah, the most exalted’:

Fight them; Allah will punish them by your hands and bring them to disgrace, and assist you against them and heal the breasts of a believing people. (Q 9:14)

So when you meet in battle those who disbelieve, then smite the necks. (Q 47:4)\(^{39}\)

\(^{39}\) This reference is the correct one. The Declaration gives it incorrectly as Q 47:19.
We have seen the first of these verses alluded to for its promise of a remedy for the suffering of the believers, and the latter part of the second (with two following verses) cited for their promise of the Garden to those who die on the path of God.

Qurtubi’s comment on Q 9:14 is purely grammatical and very short. His remarks on the part of Q 47:4 quoted here concern disbelief and neck-smiting. He accepts the broadest interpretation of ‘those who disbelieve’, mentioned by al-Mawardi and Ibn al-Arabi but apparently of anonymous origin: ‘It has been said [that it applies to] whoever goes against the religion of Islam: polytheist or one of the People of the Book if he does not have a covenant (‘ahd) or guarantee of security (dhimma)’. And why does the Qur’an speak of ‘smiting the necks’ and not just ‘killing’:

Because in the expression ‘smiting the necks’ there is a ruthlessness and violence that do not exist in the expression ‘killing’, because of the way it portrays killing in its most hideous form, which is an incision at the neck which removes the member which is the head of the body, its highest part and the most excellent of its members. (al-Qurtubi, 1996, vol. 16, p. 150)

Two more things should be noted about the verse. First, it is comparatively long and complex, with commands and result-clauses, a disjunction, and a hypothetical:

So when you meet in battle those who disbelieve, then smite the necks [until when you have overcome them, then make (them) prisoners, and afterwards either set them free as a favor or let them ransom (themselves) until the war terminates. That (shall be so); and if Allah had pleased He would certainly have exacted what is due from them, but that He may try some of you by means of others;] and (as for) those who are slain in the way of Allah, He will by no means allow their deeds to perish. (Q 47:4)

We have already seen bin Ladin quote the end of the verse, which follows a preferred pause, but when he quotes the beginning, he pays no attention to the reading notation. The word ‘necks’ carries none, presumably because no reader is expected to stop there. The first notation comes on the phrase ‘make them prisoners’ (literally ‘fasten the shackle tightly’) and indicates that the reader is not permitted to stop there, signifying that once the battle is over, the Muslims must either free the prisoner or accept ransom. By ignoring these conditions, and by having already defined ‘battle’ as secretly planned guerrilla actions against selected targets without reference to taking prisoners, bin Ladin interprets the first part of the verse as a licence to kill.

These two Qur’anic passages are followed by more threats and lines of graphic poetry that exhibit great relish in frightening the adversary. Bin Ladin declares that ‘Terrorising you while you are carrying arms on our land is a legitimate and morally demanded duty’, which he compares with killing a snake that has entered one’s house. Appearing to claim some authority in textual scholarship, he defines the falsity of the fatwas extorted from the ’ulama as having no basis neither [sic] in the book of Allah, nor in the Sunnah [normative precedent] of His prophet (Allah’s blessings and Salutations may be on him) of opening the land of the two

40 This has given rise to a branch of the Islamic law of war that concerns itself with whether it is permissible to execute prisoners of war.
Holy Places for the Christians [sic] armies and handing the Al-Aqsa mosque to the Zionists. Twisting the meanings of the holy text will not change this fact at all.

The suffering of Muslims, especially children, in Lebanon and Iraq has nullified any treaty that the US may have had with Saudi Arabia, just as violations by the other party voided the Prophet’s treaties with Quraysh at Hudaybiyya and with the Bani Qaynuqa: ‘Allah knows that there [sic] blood is permitted (to be spilled) and their wealth is a booty; their wealth is a booty to those who kill them’.

Only now does bin Ladin invoke *ayat al-sayf*, ‘the verse of the sword’. Before the long discussion that follows, it is instructive to view side by side the verse in its Qur’anic context and in the context supplied by bin Ladin in his *Declaration of War*. The portion of Q 9:5 that he omits follows a permitted pause.

<table>
<thead>
<tr>
<th>Qur’an</th>
<th>Declaration of War Part III</th>
</tr>
</thead>
<tbody>
<tr>
<td>And an announcement from Allah and His Messenger to the people on the day of the greater pilgrimage that Allah and His Messenger are free from liability to the idolaters; therefore if you repent, it will be better for you, and if you turn back, then know that you will not weaken Allah; and announce painful punishment to those who disbelieve. (Q 9:3)</td>
<td>It is a duty now on every tribe in the Arab peninsula to fight, Jihad, in the cause of Allah and to cleanse the land from those occupiers.</td>
</tr>
<tr>
<td>Except those of the idolaters with whom you made an agreement, then they have not failed you in anything and have not backed up any one against you, so fulfill their agreement to the end of their term; surely Allah loves those who are careful (of their duty). (Q 9:4)</td>
<td>Allah knows that there [sic] blood is permitted (to be spilled) and their wealth is a booty; their wealth is a booty to those who kill them.</td>
</tr>
<tr>
<td>So when the sacred months have passed away, then slay the idolaters wherever you find them, and take them captives and besiege them and lie in wait for them in every ambush, then if they repent and keep up prayer and pay the poor-rate, leave their way free to them; surely Allah is Forgiving, Merciful. (Q 9:5)</td>
<td>The most Exalted said in the verse of al-Sayef, The Sword: So when the sacred months have passed away, then slay the idolaters wherever you find them, and take them captives and besiege them and lie in wait for them in every ambush. (At-Tauba 9:5)</td>
</tr>
<tr>
<td>And if one of the idolaters seek protection from you, grant him protection till he hears the word of Allah, then make him attain his place of safety; this is because they are a people who do not know. (Q 9:6)</td>
<td>Our youths knew that the humiliation suffered by the Muslims as a result of the occupation of their sanctities can not [sic] be kicked and removed except by explosions and Jihad. As the poet said:</td>
</tr>
</tbody>
</table>

*The walls of oppression and humiliation cannot be demolished except in a rain of bullets*

*The freeman does not surrender leadership to infidels and sinners*

*Without shedding blood no degradation and branding can be removed from the forehead.*
Both proponents of the doctrine of abrogation and political Islamists hold that the ‘verse of the sword’ abrogates large numbers of earlier verses that favour non-aggression and co-existence. Muhammad ‘Abd al-Salam Faraj begins his long discussion of the verse with the following:

The Qur’an scholar Ibn Kathir noted… ‘Al-Dahhak ibn Muzahim said: “It cancelled every treaty between the Prophet — God’s Peace be upon him — and any infidel, and every contract and every term”.’ (Jansen, 1986, pp. 195ff.)

Some authorities maintain that later verses in turn supersedes or modify the ‘verse of the sword’. For example, Faraj, although he does not agree, balances his treatment of the question by quoting two authorities, al-Suddi and al-Dahhak, who hold that Q 9:5 was then abrogated by Q 47:4, which they consider harsher:

So when you meet in battle those who disbelieve, then smite the necks until when you have overcome them, then make (them) prisoners, and afterwards either set them free as a favor or let them ransom (themselves) until the war terminates. (Q 47:4) (Jansen, 1986, p. 196)

There is enough disagreement over the relative dates of the verses, however, that al-Nahhas (d. 949 or 50), one of the principal authorities on the doctrine of abrogation, gives five different theories on the issue. Variations of the theory that Q 47:4 abrogates Q 9:5 he relegates to third and fifth places. He accords first place to the theory that it is Q 9:5 which abrogates Q 47:4 (al-Nahhas, 1903, p. 158).

Qurtubi accepts the concept of abrogation, defines it carefully, and declares that the topic is of immense importance ‘because by it are ordered revelations of rules (ahkam) and distinction of the lawful from the prohibited’ (al-Qurtubi, 1996, vol. 2, p. 43, on Q 2:106). With Malik and against Shafi’i, he accepts the notion that Qur’an could be abrogated by Sunna, as both have the status of divine authority (hukm Allah), but he maintains that abrogation was possible only during the Prophet’s lifetime (see al-Qurtubi, 1996, vol. 2, p. 46). Thus he writes that the phrase ‘slay the idolaters (mushrikin)’ is general (amm) but was particularised by Sunna to exclude women, monks and children. He allows the possibility that the expression mushrikin may not include People of the Book. The generality of the command extends to the method of killing: all are permissible, except that historical narratives (akhbar) forbid maiming (see al-Qurtubi, 1996, vol. 8, p. 47). He summarises the data on abrogation and the relation between Q 9:5 and 47:4 but prefers the statement of ‘Ibn Zayd’ that both verses are ‘established’ (muhkamat), not abrogated, because the ways of dealing with captives — freeing, ransoming and executing — persisted throughout the life of the Prophet ‘from the first day he fought them, that is, the day of Badr’. Qurtubi’s judgment, then, is that killing legitimate targets in war by almost any means is allowable; that some persons, possibly including People of the Book, have a special dispensation; and that captives may be treated in one of three ways ‘as the leader (imam) sees fit’ (al-Qurtubi, 1996, vol. 8, p. 47).

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41 Space does not permit discussion at length, as Qurtubi discusses sixteen separate questions raised by this problem, not including cross-references.

42 This may be Kharita b. Zayd b. Thabit: see Ayoub, 1984, vol. 1, p. 27.

43 This word has two meanings in Qur’anic interpretation. The better known one is from Q 3:7, which refers to two kinds of verses: the mutashabihat (usually translated ‘ambiguous’) and the muhkamat (‘clear’). Here, however, when the context has to do with the question of abrogation, the relevant verse is Q 22:52: ‘God removes (yansakh) what Satan throws in; then God affirms (yuham) His verses (ayatihi)’. 
Clearly, bin Ladin considers neither Q 9:5 nor 47:4 to have been abrogated. Sura 9 was by most accounts the last or next to last to be revealed, at the time when the Prophet’s forces had achieved success. Verse 5 is unquestionably severe, yet it is qualified and set in context for any who care to read carefully, as we have seen Qurtubi do. But by citing attacks on Muslims anywhere as sufficient provocation, and by equating the presence of US troops in the Peninsula with military occupation, bin Ladin moves the context from offensive to defensive and has it both ways: a generalised order to attack, and a dispensation on the grounds of self-defense from applying any scripturally sanctioned exceptions to the order. As we shall see, the Fatwa carries this reasoning to its logical conclusion, summarised by the London Arabic newspaper *al-Quds al-’Arabi* as ‘Kill Americans Everywhere’ (see Fatwa website).

The final Qur’anic quotation in the Declaration of War reinforces a call to Muslims everywhere to support their brothers in Palestine and in the land of the two Holy Places:

> [Surely those who believed and fled (their homes) and struggled hard in Allah’s way with their property and their souls, and those who gave shelter and helped—these are guardians of each other; and (as for) those who believed and did not fly, not yours is their guardianship until they fly]; and if they ask your support, because they are oppressed in their faith, then support them [except against a people between whom and you there is a treaty, and Allah sees what you do.] (Q 8:72)\(^{44}\)

The first unquoted part of the verse fits the situation well. The actual quotation begins after a permitted pause. However, there is no notation that permits a pause or stop at the point where the quotation ends. But bin Ladin has already defined out of existence the validity of any treaty with non-Muslims against Muslims. The final page of the Epistle consists of pleas to God for help, strength, power, patience, fortitude and victory. It ends with blessings upon the Prophet. ‘And our last supplication is: All praise is due to Allah’.

**February 1998: fatwa (legal opinion)**

The signatures on the Fatwa of 23 February 1998 may have been intended to answer those who had criticised bin Ladin for lacking the religious credentials necessary for interpreting the Qur’an and for issuing authoritative legal opinions (see DeLong-Bas, 2004, pp. 275ff.). Bin Ladin’s signature is mentioned first, followed by those of four other men, of whom at least the third appears to be a member of the ‘ulama. Ayman al-Zawahiri, *amir* (‘commander’) of the Jihad Group in Egypt at the time, was trained as a pediatrician but gave up professional life to ‘wage a jihad’.\(^{45}\) Abu Yasir Rifa’i Ahmad Taha led the [Egyptian] Islamic Group. Both are said to have ‘operated from Afghanistan since the mid-1990s’ (Huband, 1998, p. 111). Shaykh Mir Hamzah is listed as secretary of Jamiat-ul-Ulema-e-Pakistan, Fazlul Rahman as *amir* of the Jihad Movement in BanglaDesh.\(^{46}\)

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\(^{44}\) The brief portion quoted was translated without reference to Shakir, but the context supplied here is taken from his translation.

\(^{45}\) Bodansky, 2001, p. 1. Information on Zawahiri is now widespread, along with speculations as to how many of al-Qa’ida’s policies, strategies and tactics are his own rather than those of bin Ladin. See, for example, Wright, 2002.

\(^{46}\) This is the list as it appears in both online versions of the Fatwa and in DeLong-Bas, 2004, p. 275. Bodansky’s list adds a sixth name and changes the job titles of two of them.
The Fatwa is available online in both Arabic and English.\(^{47}\) It opens with the same part of Q 9:5 quoted in the Epistle: ‘But when the forbidden months are past, then fight and slay the Pagans wherever ye find them, and seize them, beleaguer them, and lie in wait for them in every stratagem (of war)’. In a phrase omitted in the English text, the passage is described in Arabic as *min muh-kam kitabih*, that is, from the Qur’anic passages that have not been abrogated (or which are ‘clear’ and not ‘ambiguous’). Announcing a position on this textual question is another apparent attempt to head off criticism of the authors’ (or author’s) scholarly credentials. As I have discussed Q 9:5 at length, I need not repeat myself, except to point out that translators of the Fatwa have used A. Yusuf Ali’s English rendering of the Qur’an, not that of M. M. Shakir.

Next comes a militant-sounding *hadith*: ‘I have been sent with the sword between my hands to assure that no one but God is worshipped, God who put my livelihood under the shadow of my spear and who inflicts humiliation and scorn upon those who disobey my orders’.\(^{48}\) This statement completes the introduction.

Here it must be noted that the translators, while including all the Qur’anic verses that the text indicates, have failed to recognise certain key points in the text. We have already pointed out the missed reference to the scholarly problem of abrogating and abrogated verses, an important point of intra-Islamic dialogue already summarised. We shall signal others as they appear.

The authors call attention to the unprecedented nature of the ‘Crusader’ presence in the Peninsula in a passage which is only partly translated and in which a Qur’anic citation goes unrecognised. Once again, a table of comparison will serve our purposes:

<table>
<thead>
<tr>
<th>English Translation</th>
<th>Original Arabic</th>
</tr>
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<tbody>
<tr>
<td>No one argues today about three facts that are known to everyone; we will list them, in order to remind everyone.</td>
<td>No one argues today about three facts that evidence repeatedly confirms and upon which impartial people agree. We shall mention it so that those who choose to will remember; and so ‘that those who die might die after a clear Sign, and those who live might live after a clear Sign’. (Q 8:42)</td>
</tr>
</tbody>
</table>

The Qur’anic quotation is part of a description of the Battle of Badr, the first great Muslim victory, which is held up as proof of the Muslims’ divine support. The initial unquoted part of the verse alludes to the Muslims’ poor planning that was nevertheless put right by God. Qurtubi’s paraphrase of the passage quoted is:

So that the one who dies will die after a clear proof he has seen and a warning example he has viewed with his own eyes: the argument has gone against him. And so also the life of the one who lives. (al-Qurtubi, 1996, vol. 8, p. 16)

One overlooked threat in a list of threats is probably not crucial to understanding the aims of the authors, but it does remind us to consider the source of this translation. The three ‘facts’ referred to are:

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\(^{48}\) See Wensinck, 1955, vol. 3, p. 50. The *hadith* is from Ahmad b. Hanbal.
(1) the US ‘occupation’ of the Peninsula, using it as a base to fight ‘the neighboring Muslim peoples’;

(2) the US attempt to repeat their ‘horrific massacres’ of Iraqis and to ‘humiliate their Muslim neighbors’;

(3) the US aim—in addition to the foregoing ‘religious and economic’ ones—to ‘serve the Jews’ petty state and divert attention from its occupation of Jerusalem and murder of Muslims there’, hence the attempt to weaken Iraq, ‘the strongest neighboring state’, and to keep the Arab countries divided.

Now the authors sum up in legal terms the situation and the action it demands. First, they stipulate that these and other US actions ‘are a clear declaration of war on God, his messenger and Muslims’. Second, they cite unanimous opinion among ‘ulama of every era that, in case of attack from outside, jihad becomes an individual duty (fard ‘ayn):

This was revealed by Imam Bin-Qadamah in ‘Al-Mughni,’ Imam al-Kisa’i in ‘Al-Bada’i,’ al-Qurtubi in his interpretation, and the shaykh of al-Islam [not further identified] in his books, where he said ‘As for the fighting to repulse [an enemy], it is aimed at defending sanctity and religion, and it is a duty as agreed [by the ulema]. Nothing is more sacred than belief except repulsing an enemy who is attacking religion and life.’

All spelling, punctuation and brackets are in the original. Again, the translators’ knowledge of Islamic thought appears to be deficient. Proper voweling of Ibn Qudama’s name is well known. Translating the word tafsir with the lower-case ‘interpretation’ seems to show ignorance of the basic genre of Qur’anic scholarship. Failure to understand that shaykh al-Islam refers to Ibn Taymiyya has meant failure to recognise that the word ikhtiyaratih, here translated as ‘his books’, actually refers to a selection of his fatwas that is printed at the end of volume four of al-Fatawa al-Kubra, the five-volume collection cited by Muhammad ‘Abd al-Salam Faraj in al-Farida al-Gha’iba. The word ‘more sacred’ is awjab and is better translated ‘more obligatory’. The translation is not word-for-word but on the whole is acceptable in that it does not distort the original meaning, as does the version in Declaration of War I.

The fatwa itself follows:

**On that basis, and in compliance with God’s order, we issue the following fatwa to all Muslims**

The ruling to kill the Americans and their allies — civilians and military — is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the al-Aqsa Mosque and the holy mosque [Mecca] from their grip, and in order for their armies to move out of all the lands of Islam, defeated and unable to threaten any Muslim.

Seven Qur’anic passages are cited in support. Here the authors of the fatwa conclude their reasoning and present the seven proof-texts as self-evidently relevant. By contrast, the fatwa of Ibn

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50 Original boldface type and lack of punctuation.
Taymiyya pursue every comparison between the Qur’anic and Prophetic precedents and the cases being considered:

[The number of months in the sight of Allah is twelve (in a year)- so ordained by Him the day He created the heavens and the earth; of them four are sacred: that is the straight usage. So wrong not yourselves therein.] and fight the Pagans all together as they fight you all together. [But know that Allah is with those who restrain themselves.] (Q 9:36)

Yusuf Ali points out that this and the following verse must be read together in order to understand points being made about the Islamic calendar. As can be seen, however, the part quoted deals with fighting, not the calendar. Reading notations place permitted pauses at its beginning and end. Qurtubi’s own remarks have mainly to do with grammar. He rejects the notion that the verse was initially directed at individuals but that application was then abrogated and made a collective obligation. He prefers Ibn ‘Atiyya’s interpretation that it is a generalised encouragement to fight in a unified manner, which happens to be cast in the plural and is tied to the idea of proportionate response, ‘but God knows best’:

And fight them on until there is no more tumult or oppression, and there prevail justice and faith in God; [but if they cease, let there be no hostility except to those who practise oppression.] (Q 2:193)

The authors violate the recommendation not to pause before the bracketed portion, and two of their authorities prefer the more militant version. Qurtubi begins by giving two possible interpretations. For those who consider this an abrogating verse (nasikha), it is ‘a command to kill every polytheist in every location’; for those who consider it non-abrogating, it applies only to those who are aggressors. Qurtubi himself writes that the first interpretation is the more likely one (azhar), ‘a command for unrestricted battle, not [based] upon the condition that the unbelievers start it’. The evidence (dalil) is the phrase ‘until … there prevail justice and faith in God (hatta… yakuna al-din li-Llah)’, which (along with a hadith) ‘indicate that the cause of the fighting is unbelief (al-kufr) … and that the goal is the absence of kufr. That is clear’ (al-Qurtubi, 1996, vol. 2, p. 236). Ibn Taymiyya likewise uses the verse to legitimise fighting against the rulers, in this case the nominally Muslim Mongols. He defines din as ‘obedience’. Faraj repeats the passage in al-Farida al-Gha’iba (see Jansen, 1986, p. 177).

Although Qurtubi’s and Ibn Taymiyya’s reasoning is not explicitly reproduced in the fatwa, their readings of Q 2:193 offer more scope than even Q 9:5 does to those who affirm Muslims’ absolute right to establish an Islamic regime. Aggression by non-Muslims is not a necessary prerequisite to battle: the very existence of irreligion is sufficient justification. The current presence of non-Muslims in the land of the two holy places, then, is a provocation in itself, whether or not these non-Muslims support the Saud family or fight Muslims in Iraq and elsewhere. Perhaps use of a stronger proof-text, together with omission of the underlying reasoning, reflects the presence of at least one scholar among the signers:

And why should ye not fight in the cause of Allah and of those who, being weak, are ill-treated (and oppressed) [al-mustad’afin]? — Men, women, and children, whose cry is: “Our

51 The reference given is to ‘p. 298, question 217’ of volume 4. My edition has it at pp. 295–96, question 467.
Lord! Rescue us from this town, whose people are oppressors; [and raise for us from thee one who will protect;] and raise for us from thee one who will help!” (Q 4:75)

The bracketed passage exists in the original but has been omitted by the translators. To the authors, Qurtubi’s commentary once again must have seemed to be uncannily appropriate for the situation. He calls the verse ‘an instigation to jihad, which includes freeing the oppressed from the hands of the polytheist unbelievers …. And He — may He be exalted — has made jihad obligatory to raise His Word… and rescue the believers’ (al-Qurtubi, 1996, vol. 5, p. 180). Freeing prisoners of war is also obligatory, whether by arms or by ransom. ‘This town, whose people are oppressors’ is Mecca. This is the first occurrence in the Qur’anic text of the word mustad’afun/-in. The term was also important in the rhetoric of the Iranian revolution (see Q 4:97, 8:26).

Evidently, readers are not to identify the ‘one who will help’ with Usama bin Ladin, for the authors now call upon ‘every Muslim who believes in God and wishes to be rewarded to comply with God’s order to kill the Americans and plunder their money’ whenever possible, and they urge ‘Muslim ulema, leaders, youths and soldiers to launch the raid on Satan’s US troops’:

O ye who believe! give your response to Allah and His Messenger, when He calleth you to that which will give you life; and know that Allah cometh in between a man and his heart, and that it is He to Whom ye shall (all) be gathered. (Q 8:24)

The authors have observed the recommendation not to stop after the phrase ‘that which will give you life’. The bulk of Qurtubi’s commentary is philological, but he does note that no one disagrees that Q 8:24 is a call to all believers (see al-Qurtubi, 1996, vol. 7, p. 247):

O ye who believe! what is the matter with you, that, when ye are asked to go forth in the cause of Allah, ye cling heavily to the earth? Do ye prefer the life of this world to the Hereafter? But little is the comfort of this life, as compared with the Hereafter. Unless ye go forth, He will punish you with a grievous penalty, and put others in your place; but Him ye would not harm in the least. For Allah hath power over all things. (Q 9:38–9)

The juxtaposition of these two verses with Q 8:24 is interesting. The combination of promise with reproach and threat is clear enough without commentary. Qurtubi, however, agrees with those authorities who hold that Q 9:39 (with Q 9:120–1) has been abrogated by Q 9:122, which says that not all believers should go out into battle together: ‘If a contingent from every expedition remained behind, they could devote themselves to studies in religion and admonish the people when they return to them’ (al-Qurtubi, 1996, vol. 8, p. 91). By Qurtubi’s reasoning, the fact of being ‘called out’ to jihad (Q 9:38) adds nothing to the conditions that render jihad sometimes a collective, sometimes an individual, obligation, while both the divine reward of knowledge and the necessity to fight in the cause of truth will continue until the Day of Resurrection (see Q 9:122). But he ends both commentaries with the phrase ‘And God knows best’ (wa-Llahu a’lam), the conventional signal that one recognises one’s own limitations and the legitimacy of other opinions on a matter (see al-Qurtubi, 1996, vol. 8, pp. 91, 188).

We have already seen bin Ladin agree with Faraj that, after belief, nothing is more important than jihad. Faraj does not cite Q 9:122, but he (or the translator) titles Sections 63 and 64 of The Neglected Duty ‘To Be Occupied With the Quest for Knowledge’, one of a list of ‘excuses’ advanced by those trying to avoid jihad. Although we have seen Qurtubi ignored when convenient,
both Qurtubi and Faraj can be used to advantage when, by the authors’ previous conclusions, jihad becomes an individual duty: the US presence in Saudi Arabia is defined as a military occupation. Any Muslim anywhere is under attack. The interests of Israel are given priority despite its occupation of Jerusalem and ‘murder’ of Muslims there.\footnote{Note that the use of quotation marks in this paragraph signals a quotation, not necessarily a disagreement.}

So lose not heart, nor fall into despair. For ye must gain mastery if ye are true in Faith (Wa-antum al-a’lawn in kuntum mu’minin.) (Q 3:139)

This verse was revealed after the Muslims had been defeated at Uhud in the year 625. Qurtubi’s commentary, though only about half a page long, reproduces both literal and figurative interpretations. Qurtubi begins by paraphrasing the initial encouragement and consolation that God offered the Muslims. He then presents the view that the second sentence has a particular referent — namely, to those Muslim archers on the mountainside who held back the enemy as long as they kept their place but who brought defeat when they broke ranks in a quest for booty. His final words, however, apply to Muslims in general:

In this verse is made clear the virtue of this community (**ummah**), because He addresses them as He addressed the prophets …. (see. Q 20:68) And this expression (sc. al-a’lawn, ‘the uppermost’) is derived from His highest Name, for He — may He be glorified — is the Lofty, and He has said to the believers, ‘And you are the uppermost’. (al-Qurtubi, 1996, vol. 4, p. 140)

**Conclusions**

In all, the ‘tafsir’ of Usama bin Ladin has yielded some surprises. The greatest is that, contrary to my expectations, he does not explicitly cite the concept of textual abrogation in order to claim that the ‘verse of the sword’ (Q 9:5) abrogates all earlier verses that carry messages of peace. True, he completely ignores the Qur’an’s peaceful verses, and while his doing so is not inappropriate in a declaration of war, he makes not even a pretence of hoping for peaceful resolution of the issues in that he does not, in his own voice, clearly invite the enemy to accept Islam.

Bin Ladin’s reasoning depends upon three techniques.

First, he adopts as his basic premise Ibn Taymiyya’s and Muhammad ’Abd al-Salam Faraj’s assertion that jihad in Islam is more important than anything else except belief in God.

Second, he takes parts of Qur’anic verses out of context. To be sure, he does so in a way that respects most of the reading notations regarding permissible and impermissible stops. However, he ignores those instructions when it serves his purpose. More important, he ignores the broader context of the verses and partial verses that he quotes when that context can be interpreted as restricting the absolute applicability of the verses, such as the first and second parts of Q 9:5.

Third, he plays with definitions. He defines the Saudi rulers as non-Muslims — apostates in effect — for having invited US military aid against Muslim Iraq, and he defines that invited presence as military occupation. He can then include Muslims, Americans, Israelis and anyone else, including Iraqis who participated in the elections of January 2005,\footnote{See, for example, http://www.cbc.ca/story/world/national/2004/12/27/binladen041227.html.} among those who deserve
the worst punishments, and he can then define away actions that most Muslim legal scholars consider to be war crimes, such as the killing of noncombatants.

To assume that Usama bin Ladin sets the agenda for all Muslims in effect allows him to do so. It is clear from the foregoing analysis that if too many of his adversaries dismiss him as 'a devil quoting scripture' and concentrate solely upon the means of capturing him, they will not only remain ignorant of the intellectual and emotional basis of his support but also fail to grasp the single most important factor that, sooner or later, will deprive him of that support: credible, authoritative, text-based opposition from Muslims themselves. These opponents do exist. Identifying them, respecting them, analysing their arguments and supporting them in ways that do not bring discredit upon them are vital stages in remedying the current situation.

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al-Nahhas, 1903. al-Nasikh wa-al-Mansukh. al-Sa’ada, Egypt.