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The rise of militant Islamism in the 1980s was accompanied by a host of new publications on jihad. And their numbers rapidly mushroomed after 9/11. Muslim authors, sometimes representing Islamist groups, sometimes only themselves, wrote treatises focusing on the conditions under which fighting non-Muslims became obligatory, on what methods of warfare were permitted, and, as a corollary, under what circumstances Muslims who were killed would attain martyrdom. Many of these publications were controversial and provoked refutations. Ourghi has selected and presented nine contemporary positions and debates on religious justifications for the use of violence (including suicide attacks), on the meanings of martyrdom and, finally, on the present-day interpretation of the concepts of *Dār al-Islām* and *Dār al-Ḥarb*. These are preceded by a brief introduction on the notions of jihad and martyrdom. In the last chapter Ourghi summarily tries to answer the questions of what are the personal motivations and social background of those Muslims who advocate jihadi violence and how they use the sacred texts, Koran and hadith, to support their positions.

The author analyses nine cases, each with a short introduction describing their contexts. The cases are (1) the pamphlet “The Absent Duty” (*al-Farīda al-ghā’iba*), written by ʿAbd al-Salām Faraj around 1980, who argued that the assassination of president Sadat was not only lawful, but even obligatory, and its refutation by the Egyptian state mufti Jādd al-Ḥaqq; (2) the revision (*murājaʿa*) by the Egyptian Islamist group Jamāʿa Islāmiyya of their position on the use of violence against Egyptian and foreign civilians, which was discussed around 2000; (3) the controversy between the Syrian scholar Muḥammad Saʿīd Ramaḍān al-Būṭi, who argued that jihad is essentially defensive warfare and ʿAbd al-Malik al-Barrāk, who held that jihad is first and foremost warfare to spread Islam; (4) the ideas on jihad of ʿAbd Allāh ʿAzzām, the ideologue of globalized jihad; (5) the document “The Islamic Ruling on the Permissibility of Martyrdom Operations”, which was written after Hawa Barayeva, a Chechynian woman, drove a truck carrying explosives into a Russian military post in June 2000; (6) Yūsuf al-Qaraḍāwī’s stand regarding suicide operations; (7) the statement of Abū Basīr al-Ṭarṭūsī condemning the London Underground attacks of 2005 as unlawful under the sharia and an anonymous rebuttal; (8) the various meanings given to the term jihad by Hizbollah in Lebanon; and (9) the historical development of positions regarding Muslims under non-Muslim rule,
exemplified by fatwas on Muslims in Spain after the Reconquista, Rashid Riḍā’s opinions concerning the Bosnian Muslims after the establishment of Austrian rule and Syrian Muslims under the French Mandate and, finally, Tariq Ramadan’s reassessment of the notions Dār al-Ḥarb and Dār al-Islām.

The core message of the book is that the use of religiously justified violence by Muslims is not the direct result of belief, but of an assessment of the actual situation (“Situationsdiagnose”) against the background of the jihad doctrine, which itself is fairly constant. This is very much what lawyers do in general: trying to select and present the facts of a case in such a way as to classify them as a known legal conception from which the applicable legal rulings can be derived. However, in regard of matters of warfare and armed struggle, the political positions play an enormous role in the assessment of the situation. A telling example in connection with the jihad doctrine is the sharia rule that if Islamic territory is under attack it is incumbent on all able-bodied free Muslims in the region to fight the enemy in order to defend the Dār al-Islām. And if these Muslims are unable to defend their lands, then the duty extends to those living in adjacent regions, until finally it becomes incumbent on all able-bodies male Muslims. The rule seems clear, but depends on the actual assessment of the situation. Therefore, the concrete application the rule may entail diametrically opposed results. When, after the Iraqi occupation of Kuwait, the King of Saudi Arabia asked the U.S. to send troops in order to protect Saudi Arabia against Iraqi aggression, some Muslims regarded the stationing of American military personnel as a threat: the presence of the U.S. troops on sacred Islamic soil, in itself already unlawful according to the sharia, had to be resisted, since it was conceived as a part of an American master plan to subject and humiliate the Muslim world with the help of Israel. Therefore it was obligatory for Muslims to attack the Americans in order to expel them from the Arab Peninsula. This was the gist of a long declaration published by Usāma bin Lādin in 1996.1 On the other hand, Muslims scholars like the Egyptian state mufti al-Ṭanṭāwī argued that the presence of American troops was completely lawful by virtue of the sharia rule that a Muslim head of state may resort to asking military assistance from non-Muslims.2

1 I have not been able to find the original Arabic text. English translation in Yonah Alexander and Michael S. Swetnam, Usama bin Laden’s al-Qaida: Profile of a Terrorist Network (Ardsley, NY: Transnational Publishers, 2001), app. 1A.