

## Has Adam Gadahn Forsaken the Lawful *Jihad* for Anti-Americanism? A Case Study of Ideological Contradictions

by Paul Kamolnick

*And if you say that this barbaric style is known in your tribal traditions, or your people's traditions, or tolerated by your Shaykh or Emir, we would say: It is not allowed in our Islam . . . A fight that is not guided by the Shari'ah rules is not honored.[1]*

*We denounce any operation carried out by a Jihadi group that does not consider the sanctity of Muslims and their blood and money. We refuse to attribute these crimes to Qa'ida al-Jihad Organization. . . . This position and the judgment is not to be changed if the act is carried out in the name of Jihad or under the banner of establishing Shari'ah and the legal measures, or under the name of promoting virtue and preventing vice. As long as it is forbidden in God's religion, we are disassociated from it.[2]*

*I have no doubt that what is happening to the Jihadi movement in these countries is not misfortune, but punishment by God on us because of our sins and injustices, or because of the sins of some of us and the silence of the rest of us.[3]*

### Abstract

Despite his importance as a senior Al-Qaeda spokesman, no detailed examination exists of Adam Yahiyeh Gadahn's employment of *fiqh al-jihad*—that branch of Islamic jurisprudence regulating the lawful waging of *jihad*—to condemn or condone violence committed in the name of Al-Qaeda. This article first provides a detailed exposition of Gadahn's sharia-based critique of affiliates' conduct deemed by him in violation of Islamic law and involving the commission of major sins. Second, Gadahn's conception of *fiqh al-jihad* is contextualized and contrasted with the comprehensive *fiqh al-jihad*-based critiques produced by respected militant Islamist scholars. A key finding here is that Gadahn (unlike these scholars) illicitly truncates the application of *fiqh al-jihad* with the result that he demands sharia-compliance when criticizing intra-Islamist violence yet ignores sharia-compliance when targeting America and Americans. Third, reasons are considered for this incoherent application of *fiqh al-jihad* and attempted Islamic legalization of anti-American mass casualty terrorist attacks. Finally, the discussion concludes with implications for counter-Al-Qaeda strategy.

**Keywords:** Adam Gadahn, Al-Qaeda, *Fiqh al-Jihad*, Anti-American mass casualty terrorism, counterterrorism

### Introduction

The declassification of 17 documents captured during the United States government (USG) May 2, 2011 raid on then Al-Qaeda emir Usama bin Laden's compound in Abbottabad, Pakistan, offers scholars a rare opportunity to study candid internal discussions among Al-Qaeda's Senior Leadership (AQSL).[4] One of these documents is a 21-page single-spaced letter [5] authored by al-Qaeda senior communications operative Adam Yahiyeh Gadahn (aka: Azzam al-Amriki).[6] Composed about four months before the Abbottabad raid,[7] two themes are prevalent. In response to queries by AQSL's highest echelons, Gadahn supplies detailed suggestions for AQSL information warfare (i.e. 'media') strategy including a nuanced analysis of target audiences, messengers, messaging, and media.[8] He also produces a searing critique of certain affiliates and associates guilty of illicitly shedding Muslim blood. Though obviously frustrated by how this blood spilling subverts AQSL's messaging strategy, Gadahn's chief concern is moral and religious-legal. He boldly urges AQSL to formally disavow and disassociate from these groups' illegal, sinful conduct, and

actually pens a model declaration.

Analyses and commentary exist of Gadahn's media-related operations, [9] ascent to a surprisingly senior position in AQSL,[10] and his vehement denunciation of intra-Muslim bloodshed.[11] Beyond noting this latter concern, however, to date no systematic analysis exists of Gadahn's employment of *fiqh al-jihad*—that branch of Islamic jurisprudence regulating the lawful waging of jihad—to condemn or condone violence committed in the name of or in alleged sympathy with AQSL.

Why focus on Gadahn's employment of *fiqh al-jihad*? First, AQSL's legitimation as a salafist vanguard is based in its insistence that it fully emulates the path of the righteous ancestors (*al salaf al salih*) striving and struggling in the path of Allah to raise Allah's Word (*jihad fi sabil Allah li I'la' kalimat Allah*), and that it does so by righteously adhering to the Divine shari'a. Gadahn's letter provides decisive evidence, however, that he illicitly restricts the scope of *fiqh al-jihad* proscriptions and prescriptions to intra-Islamic bloodshed. By so doing he evades condemnation of, and often sanctions, other types of forbidden (*haram*) conduct including that associated with perpetrating mass casualty terrorist attacks against America and Americans. This finding is of particular relevance to United States Government (USG) personnel tasked with formulating strategy to disrupt, dismantle, and ultimately defeat this terrorist adversary.[12]

Second, it is prudent to take Gadahn's sharia-based justifications or condemnations of 'jihadist' terrorist actions very seriously: they are functionally-related to his current status as a high-visibility official AQSL spokesperson charged with inspiring, inciting, and mobilizing English-speaking *and* Arabic-fluent audiences to attack the 'Zionist-Crusader' alliance. Gadahn has appeared this past decade in over 42 videos produced by AQSL's official media site *al-Sahab* (The Clouds). His sharia-based arguments and agitational propaganda have been prominently displayed in five of twelve issues of *Al-Qaeda in the Arabian Peninsula's* (AQAP) English-language online magazine *Inspire*. Gadahn's article, "Besiege Them: Practical Steps Toward the Liberation of Palestine and the Restoration of the Caliphate," is the featured cover story in the Fall 2014 inaugural issue of *Resurgence*: AQSL's brand new English-language publication targeting the Indian Sub-continent.[13]

This analysis is organized as follows. First, a detailed exposition is provided of Gadahn's sharia-based critique of affiliates' conduct deemed by him to be in violation of Islamic law and involving the commission of major sins. Second, Gadahn's conception of *fiqh al-jihad* is contextualized and contrasted with the comprehensive *fiqh al-jihad*-based critiques produced by religious scholars associated with a group of militant Islamist scholars that can be collectively labeled a "Corrections Current" (a term explained later in this discussion). [14] A key finding here is that Gadahn, unlike these scholars, illicitly truncates the application of *fiqh al-jihad* with the result that he demands sharia-compliance when criticizing intra-Islamist violence yet ignores sharia-compliance when targeting America and Americans. Third, reasons are considered for this incoherent application of *fiqh al-jihad* and attempted Islamic legalization of anti-American mass casualty terrorist attacks. The article concludes with implications for counter-AQSL strategy.

### ***Gadahn's Shari'a Case Against Intentional Homicide Committed by Muslims***

Gadahn presents a shari'a-based critique of affiliates' conduct deemed by him to be in violation of Islamic law and involving the commission of major sins. *Qur'an*, *ahadith* (traditions of the Prophet Muhammad), *ijma* (scholarly consensus), *qiyas* (analogical reasoning), and empirical history—major sources used by religious scholars to render religious opinions or verdicts (*fatawa*)—are introduced as evidence in support of his vehement request that AQSL openly disavow and disassociate from these murderous Muslims.[15] This request rests on the following three sub-arguments:

*The Murderous Mujahidin*

Gadahh alleges that the Pakistani Taliban (*Tehrik-i-Taliban Pakistan*), Somalian *Harakat al-Shabab al Mujahidin* (aka: *al-Shabab*, ‘The Youth’), and the Islamic State of Iraq (ISI)[16] are guilty of the commission of major sins. This conclusion rests on two premises: that these groups commit intentional homicide; and that this spilling of Muslim blood is a major sin in Islam.

*Murderous Agents.*

First, Gadahn cites various facts that have been reported and corroborated by reliable sources, and representing a mere “drop from a flood.”[17] Fourteen bombings are cited responsible for the murder of hundreds of innocent Muslims, and maiming of thousands more. These attacks, designed to kill regime targets or tribal foes, were conducted in playgrounds, marketplaces, mosques, public thoroughfares, the University of Islamabad, a graduation ceremony for new medical doctors in Somalia, checkpoints, restaurants, and many places “crowded with pedestrians, residents, and shoppers.” As a direct consequence, these murderous Muslims turned everyday life into nightmarish scenarios, shattering lives and families, and supplanting Muslim security and sanctity with horrific carnage.[18]

Second, Gadahn demonstrates the logical absurdity of two attempts by the culpable party to disassociate themselves from murderous conduct. In an attempt to deny responsibility for the murder of 70 Muslims and maiming of many others, the TTP’s Tariq ‘Azam and Wali al-Rahman Mehsud contacted the press and laid blame on the security contractor Blackwater. They also, Gadahn claims, “denied any relation between [the] Taliban Pakistan movement and Faisal Shahzad, who tried to blast Times Square in New York.” Their blatant dishonesty is proven, however, since following these very incidents “there was a film broadcast by (‘Umar Studio) the[ir] media branch” claiming responsibility for these attacks. A second incident involved using an Uzbek propaganda outlet Umma Studio’s own words to confirm their murderous assaults, since they openly “pledge [i.e. promise] in all rudeness to explode the mosques, as revenge for the attack on the Red Mosque, and to bombard other mosques at the tribal areas.”[19]

Gadahh concludes this evidentiary phase of his case with two stories.[20] In the first he recounts a conversation with a young Arab volunteer who had been told by his father that Egyptian militant Sayyid Qutb’s writings demand that every existing mosque should be viewed as a den of spies, informers, and agents of the ruling regime, and therefore destroyed. “I told him,” Gadahn recounts, “fine, if you see that they are mosques of evil, tear them down, but do not explode them when the praying people are inside them.” He concludes: “Imagine; a young man ready to detonate a mosque with what it includes, based on a generalization of what was stated by Sayyid Qutb, may God bless his soul.”[21] The second story was relayed to him by a militant whose task it was to reinforce a Taliban unit. This person asked the Taliban commander what the commander would do if for some reason his designated target, the Pakistani army, did not show up. The commander in charge stated that they should then target the Shi’a, and if the Shi’a were not present, the religious hypocrites, and if no hypocrites, someone from the general public or a passerby. “The head of the outside group was so angered and disputed him, [and] the local leader was embarrassed and stated that he was joking. The head of the outside group replied, ‘How could you joke like that in front of your soldiers and members?’”

*Murderers are Major Sinners.*

It is permissible in the context of warfare with non-believers to kill (or risk having killed) innocent Muslims.

Known as Muslim Tirs or Human Shields (*al-Tatarrus*), this is only permissible, however, under conditions of extreme duress and dire necessity, as a last resort even if one is under attack, and only within the context of a truly defensive jihad (*jihad al-daf*).[22] Gadahn cites *Qur'an*, *Hadith*, and reasons by analogy to prove that the TTP, al-Shabab, and the ISI violate these stringent rules governing *al-Tatarrus* and therefore are guilty of committing murder.[23]

Beyond *Qur'an* and a hadith, Gadahn employs analogical reasoning (*qiyas*) to demonstrate that the murderous carnage of the present has direct parallels to previous epochs whether committed by ultra-fanatical Muslim sects, medieval genocidal warriors and tyrants, or more contemporary despotic regimes. There are also profound dissimilarities between past epochs of lawfully regulated warfare and present-day murderous mayhem. “It is known that taking over of mosques and spilling the [blood of] innocents, was known throughout history to be associated with the worst groups and individuals,” he states. And this despite the fact “that their blood is never allowed to be spilled, nor money taken or dishonor, or hurt him or branding him an infidel, except upon a legal proof clearer than the noonday’s sun.”[24] “Have you not remembered that you are fighting in the Muslim towns and not in the infidel’s fortresses?” Gadahn asks. And instead of a military-on-military fight against a predatory Crusader power’s army you “detonate a mosque full of praying individuals, or any other place where Muslims gather, just for the sake of killing one of the individuals present in that location.”[25] The indiscriminateness, viciousness, and lack of any necessity for this barbarism of method serves as undeniable evidence of the most heinous of sins possible in Islam, or any faith. “If that targeted person really deserves to be killed,” he declares, “why not employ another method rather than random attacks, which is not tolerated by any mind or religion.[One] [w]hich does not differentiate between an enemy and a friend, the child and the old man, the man and the woman and the Muslim and the infidel?”[26]

Finally, Gadahn identifies two additional religious-legal violations beyond *al-Tatarrus*. Retributive justice (*qisas*) in Islam demands that limits be honored and that the repayment for a wrong not exceed the harm caused: indeed, Allah is more desirous of generosity and forgiveness—of compassion and mercy—than strictest justice let alone punitive vengeance. For example, in *Quran* 2:190 placed by Gadahn at the head of his model Declaration of disavowal, it states: “God almighty has stated: “Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loveth not transgressors.”[27]

Violating retributive justice is joined by another egregious sin: the replacement of Allah’s shari’a by other sources of legislation that usurp Allah’s right to legislate. Calling the TTP’s murderous attacks on Muslims to task, he declares, “A fight that is not guided by the Shari’ah rules is not honored. If the fight adheres to the tribal traditions and human opinions that violate the Shari’ah whose ruling is no different from the constitutions and man-made laws, we should repudiate them and those rules should not be followed.”[28]

### *Mute Satans?*

After establishing responsibility for the sinfulness of murdering Muslims as fact and law, Gadahn’s second sub-argument is also empirical and legal, and deals with the question of AQSL’s potential complicity in sin. Specifically, is AQSL religiously obligated to openly disavow and disassociate from those whom it accuses of having committed major sins? And by implication, Does failure to do so make AQSL complicit in those major sins? Gadahn’s answer is “Yes” to each.

*The Religious Obligation to Publicly Condemn and Disavow Openly-Publicized Forbidden Wrongs.*

Gadahh begins by invoking the requirement binding on all Muslims as a matter of righteous living to enjoin the good and prohibit wrongful conduct (*al-amr bil-ma'ruf wa'l-nahy 'an al-munkar*).<sup>[29]</sup> This murderous sinful conduct committed by persons claiming an association with AQSL's jihad places greater responsibility on AQSL. The public professions made by these murderous Muslims can no longer be dealt with in secret as a matter of brotherly Muslim admonition and instruction of ignorant, wayward souls. The nature and publicity given this sinfulness, and AQSL's aversion to publicly and unreservedly disavow these sins, have now become a vital religious matter. AQSL's religious and legal responsibility substantially differs since:

*The known repudiated act is judged differently from that of which no one is aware except the one committing it. The last type works in secrecy, and not to announce it—with some exceptions—while the first type is where denial is in the open. This benefits the others who would be willing or planning to do it or imitate the one doing it. And for other reasons, this disclosure of denial is what we ignored here. This made our denial incomplete and not qualifying to its basics, and God knows best.<sup>[30]</sup>*

Gadahh's reasoned dissent from any path other than public disavowal is unequivocal. For example, he dissents from those who successfully influenced Shaykh Atiyatallah, a key AQSL religious scholar, to remove from his fatwa a specific condemnation of the groups involved. "Those who advised him to delete that part," Gadahn remarks, . . . "argued that we should not admit that such acts were committed from within our ranks: that means we have to impose a media silence!"<sup>[31]</sup> "This is a mistake from many aspects," he continues:

*The matter is religious and a fatwa and an order for virtue and a prevention of vice, and not a simple "organizational secret" of the type that we may impose a media silence on. Hiding the right, and delaying its details when in need, has strong religious implications, as is well known. Now that the matter is exposed to all, near and far, our silence will lead to be despised by people and despising ourselves, as we look in front of all as "Mute Satans." We see the forbidden committed, and make no move, or look like compromisers, praising the killers while they are alive, and condole them when dead, and count them as good doers, irrespective of what we know about them of immorality. We look in the best of cases as inattentive who are not aware of what is happening around us.<sup>[32]</sup>*

The necessity for a public disavowal is further buttressed by several related points. For example: Gadahn cites Prophet Muhammad's own public disavowal of a fellow Muslim soldier; the insufficiency of individual-level condemnations of specific personalities about whom one may be ignorant, and the demand to publicly renounce—"loving the actor for what it has in virtues and hating him for what he has of vices and deviating from the path of the Shari'ah."; current operational security concerns prohibit the type of private counsel that could be had if persons could be brought together to confront these sins with Shari'a proofs; <sup>[33]</sup> and "the narrowness of the visions of those spoken to, their small minds, and the inclination of their hearts to brutality, ruthlessness, excess and intolerance to the statements of men and their banners."<sup>[34]</sup>

The "level of the[se] repudiated acts and . . . type" demand severe, public accountability. But what of those who claim such a public disavowal will harm the 'jihadi' cause, for example by dividing the ranks of the mujahidin, or exposing the movement to enemy propaganda, or other reasons? To each of these Gadahn offers a rebuke. It is possible that a division of ranks will occur, but it is certain that these acts have "stained" the movement and it is therefore "better for them not to be in the ranks of the Mujahidin . . . [and that they] . . . should be removed and sanitized and cleared from the ranks." And as for exposing one's weaknesses to the enemy, there is no one but these bloody murderers and those complicit in their acts, who are to blame for the mosque preachers' and public's present revulsion.

*[T]hese attacks are—I swear—a greater shame and more horrible weak points, and it has been*

*exploited by the enemies to a great extent. It has been exploited to distort the picture of the pious and loyal Mujahidin. Now many regular people are looking at the Mujahidin as a group that does not hesitate to take people's money by falsehood, detonating mosques, spilling the blood of scores of people in the way to kill one or two who were labeled as enemies. . . . The blame—or most of it—is laid on our shoulders. We contributed to that by not clarifying our stand on those forbidden acts in a sufficient way. We also contributed to the continuation of the perpetrators in their acts, by deferring the accusation from the contributors and blaming Blackwater Company instead.[35]*

*Those (Including AQSL) Knowledgeable of Widely-Publicized Major Sins Who Do Not Disavow and Disassociate from Those Who Commit Them are Accomplices in Sin.*

An inescapable corollary follows from the above case proving murder, its sinfulness, and the publicized fanatical ruthlessness and openly-avowed vengeance driving these so-called mujahidin. To know, and not to disavow, is to partake and be complicit, in this sinful murder. “The acquittal of the organization,” he states, “[is] . . .not just an empty media-driven step.”[36]

In a model formal declaration, then, Gadahn provides all core elements which he believes should exonerate AQSL, himself included. “We refuse to attribute these crimes to Qa’ida al-Jihad Organization” and should it “be proven that those responsible for it are connected with the organization, the organization will take the appropriate measures towards them.” In his model “Acquittal and Warning,” he has AQSL openly denounce:

*[A]ny armed operation that targets the Muslims in the places of their gathering, and any operation that does not account for the sanctity of their blood, souls, bodies, belongings or money. . . .[T]he explosive operations that takes place in the center of markets, streets, restaurants, and hotels that are packed with Muslims. It also includes, as a first principal, the detonation of mosques on the heads of the innocent praying public, shattering their bodies. Associated with that is exposing the Qur’an and the religious books to indignation and destruction.[37]*

It is no longer possible to attempt to rectify these “horrible acts” using private channels; this sinning except for a few exceptions continues unabated since “there are some who insist on following a wrong method and a distorted jurisprudence for the sake of taking revenge. . . at the expense of innocent Muslims.” It is immaterial whether these acts are conducted “in the name of Jihad or under the banner of establishing Shari’ah and the legal measures, or under the name of promoting virtue and preventing vice” since as Gadahn declares “[a]s long as it is forbidden in God’s religion, we are disassociated from it.”[38] Finally, Gadahn cites Qur’an, hadith, and analogies to prove that it is Allah’s shari’a that must be followed and no obedience is owed to any man, including one’s emir, if it requires that one violate this shari’a. The gravity attending the taking of life is so great, its consequences so profound, Gadahn urges every available means to ensure this prohibition is not transgressed. In short, a Muslim’s “blood is never allowed to be spilled, nor [his] money taken or dishonor, or hurt him or branding him an infidel, except upon a legal proof clearer than the noonday’s sun.”[39]

*“Not Every Martyr in This World is A Martyr on the Day of Judgment.”*

Gadahn’s condemnation of murder—whether as direct perpetrator or indirect accomplice—concludes with a dire warning. One may claim to be engaged in acts deemed holy to Allah, in this case killing or being killed during various ‘jihad’ or ‘martyrdom’ operations. But whether that is actually the case is to be determined by Allah alone. Given the types of legal violation involved, i.e. intentional homicide, it is most unlikely that Allah has reserved Paradise for those guilty of such.

*Intentional Homicide is Unforgiven.*

Martyrdom is a privilege that may be granted by Allah to those who sacrifice by fighting and dying in the path of Allah to make Allah's Word supreme.[40] Gadahn identifies several categories of sinner whom despite their participation in the military jihad, Allah shall deny martyrdom—for example, persons who die without having discharged debts owed to creditors.[41] From this fact he then reasons by analogy, “how about he who has killed scores or even hundreds of Muslim souls that he killed in absolute injustice. He is more eligible to be denied the heaven.” [42] Or citing a tradition from *Sahih-Muslim* we learn that Prophet Muhammad denied an Islamic death to persons whose disobedience, narrow group biases, partaking of evils, and dishonoring of pledges led them beyond the faith community.[43] Forgiveness is, as we earlier saw, one of the cardinal qualities of Allah's nature. Nevertheless, according to Gadahn, Allah does *not* forgive on the Day of Judgment those who intentionally spill the blood of innocent Muslims. Citing *Qur'an* 4:93-94:

*If a man kills a believer intentionally, his recompense is Hell, to abide therein (Forever): And the wrath and curse of God are upon him, and a dreadful penalty is prepared for him. O ye who believe! When ye go abroad in the cause of God, investigate carefully, and say not to anyone who offers you a salutation: “Thou art none of a believer!” Coveting the perishable goods of this life: with God are profits and spoils abundant. Even thus were ye yourselves before, till God conferred His favors: therefore carefully investigate. For God is well aware of all that you do.*

And citing *Sahih-Bukhari*, “The Prophet (Peace Be Upon Him—PBUH) stated, ‘The believer is within the realm of his religion as long as he did not target forbidden blood. . .’”[44] Further, that Prophet Muhammad denied martyrdom and assured Hellfire to those, despite active participation in jihad, whose acts led them beyond the pale of belief.[45]

*The Fires of Gehenna Shall Consume the Flesh of Allah's Unforgiven Sinners.*

Eternal hellfire (*Gehenna*), not Paradise at the right hand of Allah, awaits those unforgiven and unredeemed sinners guilty of the willful, unnecessary, and brutally callous destruction of the life, honor, and property of innocent Muslims. Gadahn is emphatic in his demand: “We warn those responsible for those crimes, of disgrace in this lifetime and painful torture in the other. The consequences of injustice are grave, and injustice is the darkness of the Day of Judgment.”[46]

***Adam Gadahn's Critique in Light of the Militant Islamist 'Corrections Current' Scholars***

Gadahn has focused above on those elements of the TTP, al-Shabab, ISI, and others who mimic the methods of murderers whose sins Allah shall not forgive on the Day of Judgment. They are therefore destined to be privileged martyrs in Paradise but condemned sinners eternally consumed in Gehenna's flames. Gadahn alleges that this destined fate is an inescapable consequence of these Muslims having violated the shari'a regulating Muslim use of human shields (*al-Tatarrus*). A tactic that should be used as an absolute last resort under circumstances of dire necessity has instead become a tactic of choice leading to the indiscriminate slaughter of hundreds of Muslims whose only crime is to have been praying in the mosque at the time a revenge-seeking member of an organization detonated a bomb to ensure his target was shrapnel-filled and crushed beneath the concrete of its exploded structure.

The sins involved are among the gravest known to Islam, second only to the denial of Allah's indivisibility and absolute sovereignty. If one has unjustly taken a life given by Allah that by inviolable right is entitled to dignity, honor, and property, then one has denied Allah's shari'a since, as Kamali states, “[t]o say that Islamic

law originates in divine revelation implies that adherence to its rules is at once a legal and religious duty.”[47]

While it is highly likely that Gadahn in other communications has addressed the universal reach of Allah’s shari’a, intra-Muslim murder is the exclusive focus of the above-examined letter. And, as stated earlier, Gadahn’s principled legal and religious concerns clearly outweigh his pragmatic media-related frustrations. The present author has no knowledge of Gadahn’s potentially more extensive sharia-based critiques that explicitly engage Muslim rights and responsibilities in relation to non-Muslims, or of Muslims deemed sharia non-compliant but not guilty of violating *al-Tatarrus*. Two results follow. From Gadahn we neither learn about other types of religious-legal violations of *fiqh al-jihad*, nor of a broader Islamic moral universe within which potential religious-legal violations are *haram*. To read this letter, and only this letter, is to emphasize a single albeit very significant legal principle—*al-Tatarrus*. But what happens when we examine a fuller range of potential criticisms that concern not just intra-Islamist murder but *all* forms of *haram* conduct during the jihad?

From this perspective a more comprehensive account of potential *fiqh al-jihad* violations is useful, one that through comparison and contrast will permit greater awareness of the nature and intended scope of Gadahn’s shari’a critique. Many critiques of *haram* conduct during jihad have been produced by Muslim scholars and ulema. However, many contemporary scholars deny the religious obligation to wage jihad, or lack credibility because of their proximity to a ruling regime or regime-apologetic writings.[48] A credible alternative is available, however.

The “Corrections Current” is a label given by the present author for an emergent body of scholarship authored by militant Islamists whose credibility derives from three bases: they regard the military jihad as a genuine religious prescription binding on observant Muslims until the Day of Judgment; they have participated as activists, militants, and occasionally actual fighters, in jihad; they are regarded by observant militant Islamists as learned religious scholars of *fiqh al-jihad* possessing unimpeachable integrity.[49] Table 1 (provided below at the end of this discussion) presents these comprehensive *fiqh al-jihad* prescriptions and proscriptions. We first focus on shared premises, and then points of profound disagreement.[50]

### ***Shared Premises: Jihad-Realist Militant Islamist Common Ground in Fiqh al-Jihad***

Beyond the presumption of sincerity of intention, and the obligatory religious prescription to wage jihad,[51] Gadahn/AQSL and the Corrections Current *share* four premises.

- *Sacredness of Muslim Life*. The life, honor, and property of every Muslim is sacred and intentional homicide is a cardinal sin whose moral gravity is second only to the denial of the singularity and sovereignty of Allah.[52]
- *Moderation; al-Wasattiya*. Fanaticism, extremism, and immoderation violate explicit and unambiguous Islamic tenets and traditions. Immoderation is the gateway to violations of the shari’a, and most often results in undermining the interests and values of the Umma.[53]
- *Muslim Tirs. al-Tatarrus*. The sanctity of life, and specific conditions that must be met for jihad to be waged, almost always render impermissible the killing of a Muslim, even if it is done unintentionally.
- *Against Takfir of Persons, Society (of Muslims, versus Regimes)*. The impermissibility of *takfir*—declaring another Muslim an apostate, and therefore rendering their lives and property forfeit—stressing especially its historic consequence in undermining social solidarity, sowing chaos, creating disorder, facilitating dissension (‘fitnah’), and unleashing mayhem.[54]



These shared fundamentals are logically related to the maximizing of Islamic dignity, and its maximal expansion; grounded in the Allah-derived rights to life, honor, and property; and related to the very function of the shari'a in its role of protecting and advancing the five essentials (*al-daruyiyat al-khamsa*) of life, religion, property, intellect, and family, that anchor dignified Muslim existence.[55]

### ***Unshared Premises/Principled Disagreements: Militant Islamist Divergence in Fiqh al-Jihad***

In his letter, Gadahn only tangentially addresses the United States. But his few comments, especially when corroborated with additional open source comments, provide sufficient evidence for the judgment that he accepts the shariatic justifications AQSL has used in its declaration of war and terrorist attacks against America and Americans. For example, his discussion of media strategy focuses on the the 9/11 terrorist attacks (September 11, 2011) making reference to “the tenth anniversary of the Manhattan raid.”[56] He also invokes AQSL’s Manichean dichotomy—US Crusader/AQSL Defender—in referring to “Bush’s Crusade wars”[57] and following his discussion of earlier epochs of brutality directed at Muslims, to “the Americans, the Arab and foreign tyrants, like the kings of Hejaz and Najd, Syria’s rulers, and the Pakistani ruler Pervez Musharraf.”[58] His letter contains not a single shariatic reference or argument condemning 9/11 or the use of mass casualty terrorist methods to attack Americans on American soil. Finally, in a recent video entitled “The Crime of Kidnapping Abu Anas al Libi and its Repercussions,” Gadahn in the context of exonerating al Libi states: “Teach the Crusaders a lesson they will not forget. Teach them that the lands of Islam are a red line and there is no place in them for soldiers, forces and bases. . . Rise and have vengeance against America, the enemy of Islam and the Muslims, and restore us the glory of Nairobi, Dar es Salam, Aden, New York, Washington, Fort Hood, Benghazi and Boston.”[59]

Assuming then Gadahn’s sympathy for 9/11 and AQ’s terrorist modus operandi directed against America and Americans, Gadahn/AQSL fundamentally differs from the Corrections Current scholars on several key principles and rulings in *fiqh al-jihad* (see Table 1 below). These differences can be summarized as follows: [60]

#### *Jihad and Its Rightful Role in Islam.*

The goal of Islam is the raising of Allah’s Word by all permissible means, including the Call or preaching (*Da’wa*), enjoining the good and forbidding evil (*hisbah*), and—when legally permissible, advisable, and of definite benefit for Allah’s Word,—*jihad*. Jihad as a means is irreducible to its military dimension, however, and includes striving and struggling in the Way of Allah by combating one’s own immoral thoughts, soul, and deeds (*jihad bil nafs*); speech (*jihad bil lisan*) and the written word/knowledge (*jihad bil qalam/ilm*); behavioral and physical coercion to prevent evil and promote the good (*jihad bil yad*); and finally, the use of the sword (*jihad bis saif*). Restricting the universe of means available for raising Allah’s Word to one only—military jihad—is illogical and deviant. Imagine, for example, elevating prayer (*Salat*), alms (*Zakkat*), pilgrimage (*Hajj*), or the Ramadan fast (*Sawm*)” so that one could be a Salatist advocating “Salatism,” or one advocating “Zakkatism” or “Sawmism” or “Hajjism.” This is not Islam, but a deviant embrace of a singular means. ‘Jihadism’ and ‘jihadist’ are equally deviant when severed from their relation to other means, and the noble objective itself of Raising Allah’s Word.[61]

#### *Legal Military Jihad versus ‘Jihadism’.*

Jihad is an enduring religious obligation. However, because of the seriousness of such a declaration—the

equivalent of a declaration of just war in the West [62]—waging jihad is only permissible if one has taken explicit and careful account of abilities, circumstances, conditions, and the costs involved (relative to perceived benefits, and perceived alternative courses of action) that this ennobled religious prescription demands. ‘Jihadism’ is characterized by unlawful, inadvisable risk-taking in matters of military action—eschewing for example, legal and customary requirements regarding the relative strength of one’s opponents; capacity to wage jihad; availability of less-costly options (i.e. da’wa, enforcing the good and forbidding evil, isolation, emigration, etc.); and costs to the Umma.

*Prudent Military Jihad versus Reckless ‘Jihadism’.*

A pragmatic, prudential substrate exists in Islam, as in every other great faith, that relates desired ends to available means, and evaluates courses of action in relation to the actual benefits that arise for its intended beneficiaries. It is on these grounds that bin Laden’s unilateral decision to launch the 9/11 attack was calamitous for Islam. A deeply observant Muslim who is also wisely pragmatic may then ask: How has Usama bin Laden’s so-called jihad benefitted Islam? What has been the cost to Islam and Muslims worldwide of Al-Qaeda’s unilateral decision to declare, launch, and wage a terrorist campaign against America and Americans?

*The Sacredness of Every Human Life in Islam: Is Only Muslim blood Sacred to Allah?*

Despite the privileged sanctity Muslims hold within Allah’s shari’a, that shari’a is *universally* applicable and relevant to every possible violation of any part of Allah’s creation. Every creature, every feature of the universe, and, in the present context, every human being whether Muslim or non-Muslim, is of moral, legal, and religious concern within this shari’a. Due to the sacred nature of all life—its absolute sanctity—persons must be secure in their lives, persons, property, possessions, and honor. Allah is the Creator of all human souls. As *Qur’an* 4:1 states: “O mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, his mate, and from them twain scattered like seeds countless men and women.” While Allah privileges those who have sworn loyalty and disavowed the existence and worship of other deities, many categories of non-Muslim are deemed sacred in their blood, honor, and property and therefore inviolable.[63] This presumption is worth reciting in its holy context. For example: In *Qur’an* 5:32: “On that account: We ordained for the Children of Israel that if anyone slew a person—unless it be for murder or spreading mischief in the land—it would be as if he slew the whole people; and if anyone saved a life, it would be as if he saved the life of the whole people.”; *Qur’an* 6:151: “. . . Take not life, which Allah hath made sacred, except by way of justice and law”; The true servants of Allah, according to *Qur’an* 25:68 are “Those who invoke not, with Allah, any other god, nor slay such life as Allah has made sacred, except for just cause. . .”. The presumptive sanctity of all human life is based in the fact that Allah created all humans and invested them with the moral capacity to know and choose righteousness, and to know and avoid evil. Those guilty of unjustly slaying Allah’s Creation thereby deny the Sovereignty and rights of Allah over all life and death.

*Scholarly Authority in Islam: Practicing the ‘Jurisprudence of Justification’ (fiqh al-taḥrīr) and Fatwa Shopping.*

It is impermissible to corrupt *fiqh al-jihad* by opportunistically producing post-hoc justifications for illegal acts; or failing to recognize the legitimate authority of religiously-learned experts and scholars on matters pertaining to shari’a and its legitimate methodology. As a corollary, one must maintain deep skepticism about persons whose scholarly credentials in shari’a are insufficient, particularly in such weighty matters as

inflicting harm and violence on others.

*Declaring, Targeting and Attacking So-Called Apostate Governments: Takfir of Regime (Kufr al-Nizam).*

It is only under the most dire circumstances that violently overthrowing a government would not increase threats to the lives, security, honor, and possessions of the umma. Apostasy that qualifies for such violent rebellion must involve more than negligence, sinfulness, or non-enforcement of shari'a provisions. It must involve active disavowal of the Islamic creed, assisting the enemies of the Umma, and overtly preferring the rule of men to that of Allah. Further, any consideration of violent rebellion requires a deep knowledge and realistic understanding of the nature of politics, political leadership, political authority, the nation-state, and the contemporary context within which the shari'a can realistically function.

***Key Differences in Legal Rulings: Targeting and Attacking American and Americans in Islam.***

The principles listed above clearly distinguish Gadahn/AQSL from the Corrections Current scholars. AQSL's 'Jihadism' isolates and unduly privileges the military jihad as the exclusive means for raising Allah's Word. Imprudent actions have replaced prudent ones, despite Islamic obligations demanding otherwise. Unrecognized, though with possible exception in Gadahn/AQSL, is the inviolable nature of all humans in their lives, honor, and property, including non-Muslims. Instead of any genuine scholar possessing the imprimatur of genuine shari'a training in *fiqh al-jihad*, it is only those whose fatawa sanction, even retrospectively, anti-American mass casualty terrorism, whose rulings are considered. Finally, though the takfir of persons and society is not practiced, the takfir of governments and declaration that they are in states of unbelief (*kufr al-nizam*) is readily announced.

These principles described above will re-enter the analysis later in this article. But first it is necessary to highlight the divisions between Gadahn/AQSL and the Corrections Current scholars over a vital subset of legal rulings specifically germane to AQSL's anti-American terrorist modus operandi and 9/11 in particular. These constitute in essence the necessary and sufficient legal conditions required for declaring 9/11-facilitating conduct permissible within the context of the lawful military jihad. Gadahn's failure to explicitly dissent from the modus operandi in effect on 9/11 and the absence of any mention of *haram* conduct in relation to attacking America and Americans logically warrant his inclusion in the discussion to follow. Like the above, these are presented as Corrections Current rulings, though more directly highlighting their religious-legal impermissibility.

*It is Impermissible to Violate One's Oath (Bay'a) to, and Deny, an Emir's Indivisible Sovereignty in Matters of Foreign Policy*

Usama bin Laden despite having pledged loyalty (*bay'a*), knowingly and willfully disobeyed the Afghan Taliban emir Mullah Omar and deliberately attacked the United States from Afghan soil. Usama bin Laden was an invited guest enjoying complete security of person, property, and liberty of action, and was repeatedly told to refrain from provoking US hostilities. His impermissible actions are widely viewed as the proximate cause of the removal of the Taliban from power, and the calamitous consequences for Islamism arising from those events.

*It is Impermissible to Target the 'Far' Enemy.*

The targeting of the nearer enemy, not a far or the furthest enemy, is an essential Quranically-derived obligation. Without such quranic justification, then, the strategic decision by AQSL to target the US is devoid of religious warrant and deviates from standard scholarly judgment regarding the prioritizing of the umma's enemies.

*It is Impermissible for an Organization to Declare and Fight Offensive Jihad.*

The medieval circumstances dividing the world into Islamic (*Dar al-Islam*) and non-Islamic (*Dar al-Harb*; literally 'Abode' or 'House' of War) spheres, and conditions elevating the role of Caliph and Caliphate, no longer exists. Collective Muslim majorities are now territorially organized into sovereign nation-states, and the state is a political organ possessing a legitimate monopoly on the means and use of violence. If today jihad is to be declared and waged to discharge the lawful collective duty (*fard kifaya*) to wage offensive jihad to expand the Umma, this can only be declared by a legitimate sovereign on the basis of the shari'a.[64]

*It is Impermissible to Violate the Principle of Retributive Justice (Qisas).*

Not only does Islam maintain that charity, mercy, and forgiveness are even greater virtues than mere retribution—though retribution is certainly 'just' and does restore a lawful reciprocity—permissible conduct (i.e. retribution) has been replaced with terroristic conduct that is forbidden (*haram*). Violation of this core element of restitutive justice in the shari'a of lawful jihad is especially evident in select fatawa solicited by AQSL claiming that it is permissible to kill millions of American non-combatants allegedly guilty of directly and indirectly murdering millions of innocent Muslims.[65]

*It is Impermissible to Deny Muslim Responsibility for Muslim Actions in the World*

It is an essential principle in Islam and Islamic jurisprudence that Muslims are accountable for actions in this world and conspiracism is not an acceptable means for accounting for rewards and punishments experienced by the contemporary Muslim world. Though the free-will/determinism question in Islamic theology is a matter of scholarly contention, Islamic ethics and the very concept of legal culpability largely presumes that humans are free moral beings capable of a range of morally permissible or impermissible choices. Among these is the choice to worship Allah and pursue Allah's path and various methodologies for achieving Islamist objectives, not US treachery or design, that is ultimately responsible for the present Muslim world's malaise. [66]

*It is Impermissible to Deny the Need for Parental and Creditor Consent to Wage Offensive Jihad.*

Individuals participating in an offensive jihad must have these permissions. Persons participating in a defensive jihad, however, generally do not. The costs of abandoning one's parents, families, properties, and possessions, however, must be factored in, and the ulema have issued divided opinions. What is key here is the necessity of fully considering the practical implications for financial dependents of one's decision to sacrifice life, limb, and property in the obligation and commitment to wage the military jihad.

*The Impermissibility of Targeting on the Basis of Nationality.*

There is no precedent in Islam for killing persons on the basis of national affiliation. Since in the modern

era Muslims may, and often likely will be, living in non-Muslim societies, this invites the potential killing of Muslims. However, its impermissibility rests on a broader religious tradition that while distinguishing persons on the basis of faith, does not do so on the basis of territorial residency or citizenship. Usama bin Laden's and Ayman al-Zawahiri's claim that they are targeting "Crusaders" in the "Crusader-Zionist" alliance is shown to be another instance of the 'jurisprudence of justification.'

*It is Impermissible to Target Non-Belligerent Civilians, including and especially non-Muslim Civilians, Especially Women, Children, the Elderly, Scholars and Students of Knowledge.*

Islam singles out for special protection several privileged types of person among those who are *kufr* (non-believers). It is *haram* to violate their lives, honor, and property. What is essential is that persons least likely to represent a military threat are generally regarded as immune from combat-related violence.

*It is Impermissible to Target Civilians at Home for Occupation Abroad.*

Regardless of whether a country is presumed to be an occupying country, in this case AQSL's presumption that the United States is 'occupying Muslim lands,' it is impermissible to harm civilians or non-combatants in that home country. Though AQSL's terrorist modus operandi demands that symbolic violence be perpetrated on American non-combatant civilians, Islam does not practice 'guilt by association' nor deem collective punishment morally permissible.

*The Impermissibility of Treachery, Violation of Oaths and Pacts of Security Granted (implicitly, or explicitly) to Muslims in Non-Muslim Majority societies.*

The sanctity of oath-keeping in Islam is of paramount concern. Treachery is considered a cardinal sin in Islam, and Muslims are forbidden from dealing treacherously, even with their enemies. Further, a security pact (*aman*) governs the duty of Muslims who are provided the opportunity to enter, be secure in, and enjoy the liberties of life, property, possessions, and honor, in a non-Muslim society.[67]

*The Impermissibility of Targeting Commercial Aviation.*

Several blatant shari'a violations were committed through AQSL's intentional hijacking of commercial airliners with civilians aboard to conduct the 9/11 attack. Again, one may see how AQSL's terrorist modus operandi—requiring highly symbolic targets, fear-generating media exposure, and key target audiences—starkly contrasts with Islam's religious-legal demand that the fundamentals of civilized interaction, including commercial exchange, contracts, and implicit presumptions of good faith, be honored.[68]

Table 1: Principled Agreement and Disagreement among Jihad-Realists in *Fiqh al-Jihad*: AQSL/Gadahh versus the Salafist Islamist Corrections Current Scholars

Rulings in Fiqh al-Jihad/ Shari'a of Jihad	Jihad-Realist Militant Sunni Orthodoxy	
	Salafist Islamist Corrections Current	AQSL/Gadahh 'Jihadism'
<b>PRINCIPLED AGREEMENT</b>		
<input type="checkbox"/> Sacredness of Muslim Life.	Yes	Yes
<input type="checkbox"/> Moderation in Religion. Al-Wasat.	Yes	Yes
<input type="checkbox"/> Oppose Muslim Human Shields	Yes	Yes
<input type="checkbox"/> Oppose Takfir of Persons, Society	Yes	Yes
<input type="checkbox"/> Sincerity of Intention	Yes	Yes
<b>PRINCIPLED AGREEMENT</b>		
<input type="checkbox"/> Jurisprudence of Justification.	No	Yes
<input type="checkbox"/> Voiding Non-Muslim Security (aman)	No	Yes
<input type="checkbox"/> Jihadism = Islam	No	Yes
<input type="checkbox"/> Jihadism = Military Jihad	No	Yes
<input type="checkbox"/> Muslim Interests Sacrificed	No	Yes
<input type="checkbox"/> Retributive Justice (Qisas) Violated	No	Yes
<input type="checkbox"/> Offensive Jihad by Organization	No	Yes
<input type="checkbox"/> Advocate Violent Rebellion	No	Yes
<input type="checkbox"/> Only Muslim Life Sacred	No	Yes
<input type="checkbox"/> Targeting Non-Belligerent Civilians	No	Yes
<input type="checkbox"/> Treachery Permissible	No	Yes
<input type="checkbox"/> Targeting Nationality Permissible	No	Yes
<input type="checkbox"/> Deny Need for Parental Consent	No	Yes
<input type="checkbox"/> Emir Sovereignty is Divisible	No	Yes
<input type="checkbox"/> Targeting the 'Far' Enemy	No	Yes
<input type="checkbox"/> Muslim Responsibility Void	No	Yes
<input type="checkbox"/> Targeting Commercial Aviation	No	Yes

**Discussion**

It is clear from the above that Adam Gadahn insists on sharia-compliance when criticizing intra-Islamist murderous violence, but either disregards or fundamentally dissents from the Corrections Current scholars' use of this same body of Islamic jurisprudence to condemn as *haram* AQSL's anti-American terrorist modus operandi. The question then, is *why*?

Let us first consider two possible explanations. First, one might argue that Gadahn's letter has a narrower focus and the broader AQSL modus operandi is not its subject matter. Several sources of evidence were presented by the present author, however, internal to and beyond this particular letter confirming Gadahn's public stance defending AQSL's anti-American terrorist attacks: from the 1998 East African embassy bombings to the more recent targeting of military personnel and civilian non-combatants at Fort Hood and Boston.[69]

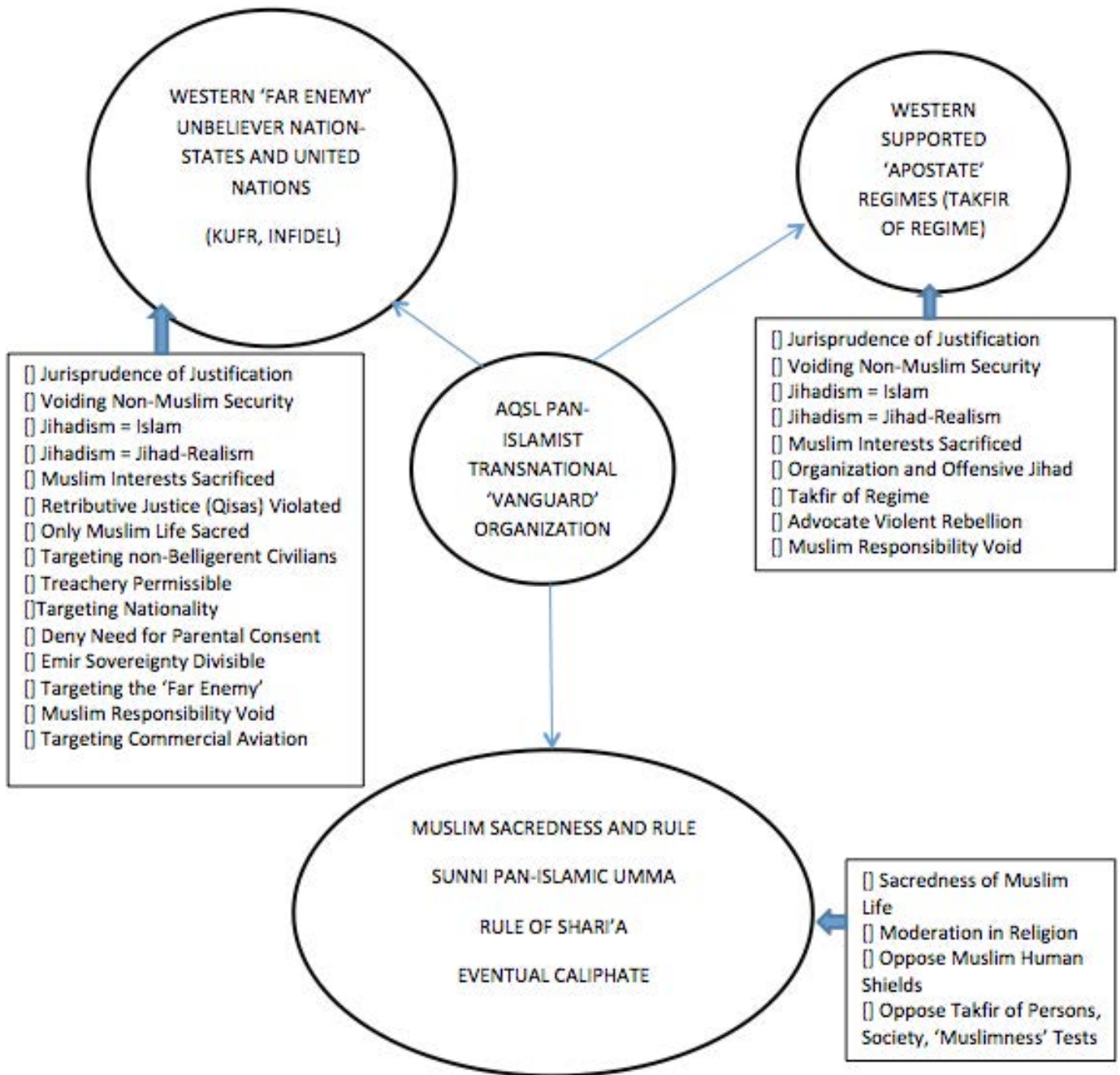
Second, one might argue that Gadahn rejects as insincere and coerced the *fiqh al-jihad* critiques of AQSL

authored by one of the most highly regarded Corrections Current scholars former Egyptian Islamic Jihad emir (ca. 1987-1993) and AQSL shari'a guide, Sayyid Imam Bin-Abd-al-Aziz Al Sharif. Current AQ emir Ayman al-Zawahiri claims, for example, that Sayyid Imam's writings are the coerced or insincere confessions of an imprisoned scholar forced to repent and in the process becoming a regime mouthpiece. However, a careful examination of al-Zawahiri's evidence reveals a contradiction that undermines this assertion. In Zawahiri's 2008 critique of Sayyid Imam, *Exoneration: A Treatise on the Exoneration of the Nation of the Pen and the Sword from the Denigrating Charge of Being Irresolute and Weak*[70], Sayyid Imam is also accused of having written in 1993—eight years previous to his Egyptian imprisonment—a major tome running several hundred pages, *Al Jami Fi Talab al-Ilm al-Sharif (The Compendium of Divine Knowledge)*, adumbrating those major rectifications of which he is accused while imprisoned and likely under duress.[71] In *Exoneration*, Al-Zawahiri writes in reference to Sayyid Imam's 2007 book, "I say: it is a great pity that these are the same words of the author in his book *Al Jami* with minor additions or deductions," and uses *as evidence* Sayyid Imam's 1993 book at length. Again, al-Zawahiri writes: "Regarding this [2007] document's author [Sayyid Imam], he [already] announced his revisionism in his book, *The Compilation [Compendium]* in 1994 [sic; 1993]. He then returned to private life under his real name in Yemen in a show of strange co-existence with the security services. After 11 September 2001, the Yemeni authorities arrested him on US orders and extradited him to Egypt . . ."[72]

But if Zawahiri's accusation that Sayyid Imam rejects AQSL's *modus operandi* beginning in 1993 is correct—a time during which Sayyid Imam *was not* under house arrest nor imprisoned but a free man who had returned to medicine and scholarship—how can his accusation [73] that this only occurred due to imprisonment and is first evidenced in Sayyid Imam's 2007 'revisionist' book, *Doctrine of Rationalization [i.e. Right Guidance] for Jihad Activity in Egypt and the World (Wathiquat Tarshid Al-'Aml Al-Jihadi fi Misr w' Al-Alam)*, also be correct?[74]

The present author advances what he considers a more compelling explanation of Gadhafi's highly circumscribed application of *fiqh al-jihad*, selective moral outrage, and attempted Islamic legalization of anti-American mass casualty terrorist attacks. Suppose one argues that AQSL conceives itself as a pan-Islamist Sunni revolutionary 'jihadist' vanguard and that expulsion of the United States and its strategic allies from Muslim majority lands is for them a pre-requisite for reestablishing Sunni caliphal rule to oppose the current international order based in nation-states.[75] Further, suppose AQSL's terrorist *modus operandi* has as its strategic goals on one hand, the inciting, catalyzing, galvanizing, uniting, and leading as vanguard this broader anti-American pan-Islamist front; and on the other, undermining U.S. resolve, morale, and legitimacy through a strategy of exhaustion, attrition, calculated and sophisticated information warfare, and attacking and dividing U.S. alliances.[76] Figure 1 below displays the variety of religio-legal rulings listed in Table 1 above, but organizes them based on the strategic logic of this AQSL pan-Islamic 'jihadist' revolutionary vanguardism.

Figure 1: Revolutionary Pan-Islamist Jihadist Vanguardism versus Salafist Islamist Fiqh al-Jihad: Explaining AQSL's Anti-American Mass Casualty Terrorism



Patterns otherwise incoherent, and conduct religiously and legally *haram* and vulnerable to severe criticism by knowledgeable militant Islamic scholars of *fiqh al-jihad*, are made intelligible by this analytical approach. Supposing this is the case, then, AQSL/Gadahm neither adhere to the path of *al salaf al salih* (the path of the righteous ancestors) nor to struggle and strive in the path of Allah (*jihad fi sabil Allah*), adhering to Allah's Shari'a. This is certainly the considered judgment of those Corrections Current scholars whose shariatic judgments may be regarded as learned and motivated by the desire to raise Allah's Word using all means, but only within the religious-legal confines of the shari'a. Could it be that AQSL is *not* a bona fide salafist organization but a pan-Islamist revolutionary political terrorist organization whose willingness to violate the shari'a of lawful jihad to achieve its objectives has come at the *expense* of Islam and the Islamic Call? Sayyid Imam, salafist scholar and former senior AQSL shari'a guide regards this as highly likely. He condemns AQSL's 'killing in masse doctrine' and its murderous methods while drawing a parallel to violent secular



revolutionary vanguardism.

*[F]or the Muslim to place an objective for himself that is beyond his capacity and not suitable to his conditions, even if it is legitimate in itself, and then follow any road to attain his objective, without being bound by the restrictions of Shari'a, then this would have given precedence to his quest from himself over his God's quest from him. This is not the way of the Muslims but the way of the revolutionary secularists. In Islam, there is no such thing as 'the end justifies the means', even if the end is noble and legitimate to begin with. On the contrary, a Muslim worships Allah through the means used just as he worships Him through the ends sought. If he dies before getting his end, he gets the reward for trying, and he is absolved from the sin of what he could not do.[77]*

To Sayyid Imam jihad is not an immoral, murderous rampage but a noble obligation that *must* abide by a definite religious-legal framework, and that *must* factor in the overall consequences for Muslims and Islam of the weighty decision to engage in *jihad bis saif* (jihad of the sword). “[H]e [Ayman al-Zawahiri] and Bin Ladin brought . . . gross calamities on the Afghani people in order to hit a number of buildings in the United States through treachery and betrayal [9/11],” Sayyid Imam asserts. “Does what brings catastrophes to the Muslims constitute legitimate jihad? Are those to be considered sane people? They neither spared the Muslims nor defeated their enemies. Jihad is a duty, but if it shirks Shari'a guidelines it becomes unethical warfare.”[78] “Those who fear Allah do not scale walls like thieves to reach their objectives,” he continues, “betraying their Emir [Mullah Omar], taking their enemy in cold blood [the United States of America], and bringing calamities to the Muslims. Those who do so like them are not men of goodness and piety. For the believers, this is Allah's verdict on them.”[79]

The Corrections Current scholars offer a unique internal shariatic critique based in a salafist Islamist conception of Allah's sharia that universalizes Allah's law and intended moral universe to *all* human souls. [80] A noble objective, Allah's religion, cannot be fought for using ignoble means. In contrast, Gadahn offers a limited moral universe and a falsely truncated set of alternatives. “My Mujahid brother . . . who is satisfied with those acts, or who orders them, or conducts them,” Gadahn states, “is either ignorant needing education, or an agent planted amongst the ranks for the benefit of the enemies of the Mujahidin.[81]

However, is it not the case as proven above that Allah forbids the shedding of *all* human blood, without justice, and that Allah also forgives, and forgives again, with Divine mercy and clemency? Allah's *Qur'an* states: “But, without doubt, I am (also) He that forgives again and again, to those who repent, believe, and do right—who in fine, are ready to receive True guidance” (20:8); “If Allah were to punish men according to what they deserve, he would not leave on the back of the (earth) a single living creature: but He gives respite for a stated term: when their term expires verily Allah has in His sight all His servants”(35:45); “Say: ‘O my servants who have transgressed against their souls! Despair not of the Mercy of Allah: for Allah forgives all sins for he is Oft-Forgiving, Most Merciful” (39:53).

Gadahn states that only two options exist to explain this intra-Muslim bloodshed: ignorance, or foreign agents planted amongst the mujahidin. But could he not also have said to them what can now be said of AQSL? It is neither ignorance nor others that are to blame, but willful and deliberate *haram* conduct by self-appointed ‘vanguards’ who elevate revenge and organizational survival above Allah's shari'a. In the case of the TTP, al-Shabab, and ISI, the victims are Muslim innocents—men and women, children and elderly, shoppers in markets, students in schools, children in parks, worshippers in mosques. In the case of AQSL, the victims are American innocents—non-Muslim *and* Muslim—men and women, children and elderly, shoppers in markets, students in schools, children in parks, and worshippers in churches and synagogues and mosques. Are these not also sacred souls in Allah's universe? [82] Does not the sharia of lawful jihad declare

as *haram* the treachery, betrayal, murder, and all ignominious conduct required to carry out terroristic acts to accomplish AQSL's organizational objectives? Far from fighting tyranny, has not AQSL made *itself* a tyrant: a lawless despot, a murderer of sacred souls, a defiler of Muslim honor among uncounted millions who might otherwise be prepared to hear, listen to, and possibly respond to Allah's Call? Does not the judgment Gadahn makes regarding Allah's unforgiving of intentional murder and Gehenna's eternal flames now, necessarily, apply to him?

If it is indeed correct that Adam Gadahn illicitly restricts the scope of *fiqh al-jihad* proscriptions and prescriptions to intra-Islamic bloodshed; and if by so doing he evades condemnation of, and often sanctions, other types of forbidden (*haram*) conduct including that associated with perpetrating mass casualty terrorist attacks against America and Americans; then, it has been proven that Gadahn—and by implication AQSL—is in violation of the very shari'a of lawful jihad it claims to fastidiously uphold. This finding may be leveraged as part of a broader information warfare strategy designed to delegitimize AQSL most especially in the eyes of that sliver of high value recruits and potential militants for whom upholding the sharia of lawful jihad is of paramount value.[83]

The fact that an Islamic law of war may be leveraged against AQSL anti-American mass casualty terrorism ironically discloses a fault-line at the very heart of AQSL's uniqueness as a transnational terrorist organization. The legal violations above confirm, if corroborated, that Gadahn and AQSL have elevated anti-Americanism above the shari'a of lawful jihad. While this 'Far Enemy' strategy may have much in common with other forms of revolutionary anti-imperialism, transnationalism, or terroristic targeting of perceived global adversaries, it has little in common with the evolved shari'a of lawful jihad which even in its militant expression, forbids and condemns treachery, targeting non-combatants, and the destruction of life, property, honor, and reputation of *Muslims and non-Muslims alike*. It is highly advisable that strategists apprise themselves of the militant critique of AQSL's shari'a violations of lawful jihad. Prudence dictates, finally, that such an internal critique, where and when available, is an extremely efficient and uniquely potent means for delegitimizing terrorist adversaries.

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## Notes

[1] Adam Yahiyeh Gadahn, SOCOM-2012-0000004-HT , p. 19 (p. 24 in English translation) at [www.jihadica.com/wp-content/uploads/2012/05/SOCOM-2012-0000004-Trans.pdf](http://www.jihadica.com/wp-content/uploads/2012/05/SOCOM-2012-0000004-Trans.pdf), accessed 5 May 2012; Arabic pagination referenced (21 pp. in Arabic text, 28 pp. in English translation). Arabic pagination is referenced in the remainder of the present article. An identical version is also available at: <http://intelwire.egoplex.com/CTC-Adam-Gadahn-Letter.pdf>, accessed 20 February 2014.

[2] *Ibid.*, p. 18.

[3] *Ibid.*, p. 15; See also p. 18: "Injustice is one of the reasons behind the defeat and disappointment, and the befallen miseries and sedition by the general public Muslims and Mujahidin . . . [T]hose who insist on this criminal and pre-Islamic behavior should know that he is doomed to the same destiny that faced leaderships and groups and other trends in various arenas, after they shed the blood of Muslims, in bias to their group, doctrines and banners, by arguments that were weaker than the spider's web" (a reference to a highly-popular metaphor in *Qur'an* 29:41).

[4] See, Will McCants, “Abbottabad Documents,” 3 May 2012, [www.jihadica.com/abbottabad-documents/](http://www.jihadica.com/abbottabad-documents/), for all 17 documents made available in easy to access format, in Arabic and English; See also especially, Nelly Lahoud, Stuart Caudill, Liam Collins, Gabriel Koehler-Derrick, Don Rassler, and Muhammad al-‘Ubaydi, *Letters from Abbottabad: Bin Ladin Sidelined?*, Harmony Program, The Combating Terrorism Center, West Point, U.S. Military Academy, 3 May 2012, [www.ctc.usma.edu](http://www.ctc.usma.edu), who describe these as consisting of electronic letters or drafts, totaling 175 pages in the original Arabic and 197 pages in the English translation, dating from between September 2006 and April 2011. See also their Appendix ( pp. 54–59) for a brief summary of the facts surrounding and an interpretation of each letter. Initially evacuated from the site by United Special Operations Command (USSCOM) operatives, these documents were exploited and stored in the Harmony Data Base overseen by the Office of the Director of National Intelligence (ODNI), and upon request, released to the Combating Terrorism Center, West Point, for purposes of furthering academic analysis and research on AQSL. It is important to keep in mind that these 17 documents were non-randomly selected for declassification and release to the broader public and represent a very small fraction of the tens of thousands recovered from the Abbottabad raid. Analyses based on these select documents is therefore subject to revision pending further release of additional documents. See Nelly Lahoud, Stuart Caudill, Liam Collins, Gabriel Koehler-Derrick, Don Rassler, and Muhammad al-‘Ubaydi, *Letters from Abbottabad: Bin Ladin Sidelined?*, pp. 6-7; Bruce Hoffman, “Al Qaeda’s Uncertain Future,” *Studies in Conflict and Terrorism*, 2013, Vol. 36, No. 8, p. 638.

[5] SOCOM—2010-0000004-HT, at [www.jihadica.com/wp-content/uploads/2012/05/SOCOM-2012-0000004-Trans.pdf](http://www.jihadica.com/wp-content/uploads/2012/05/SOCOM-2012-0000004-Trans.pdf), accessed 5 May 2012; Arabic pagination referenced (21 pp. single-spaced in Arabic text, 28 pp. in English translation).

[6] Available biographical background on Adam Yahiyeh Gadahn is sparse. As a child “shy, bookish, and by all accounts exceptionally bright,” he acclimated to the secular Judaism of his paternal grandparents, and later experienced the heart-felt born-again Christian spirituality of his parents. Gadahn met Muslims initially through his father—a goat-raising butcher furnishing ‘halal’ meat to an Islamic Food Mart near an Islamic Center in downtown Los Angeles. After an intense exploratory adolescent immersion and participation in the ‘Death Metal’ sub-culture—a choice most unsettling to his parents—he eventually sought out and attended Islamic religious training and worship. Not persuaded by what he describes as the apocalyptic ranting of various Christians and the logical absurdities that attend the Christian conception of a Trinitarian Godhead, converting to Islam at age 16, Gadahn eventually made his substantial intellectual and communicative talents available to al-Qaeda in the latter 1990s. He can fluently recite the Qur’an in classical Arabic. His given name Adam Yahiyeh Gadahn—Adam John Gideon—was provided by his parents. Adam’s father Phil changed the family surname from Pearlman to Gadahn (‘Gideon’) after his conversion, with Adam’s middle name being supplied by the Christian prophet John the Baptist. Gadahn was indicted in October 2006 on federal charges of treason and aiding terrorists. For sources consulted by the present author, see Adam Yahiyeh Gadahn, “Becoming a Muslim,” 1995, <http://www.haventoday.org/becomingamuslim.php>, accessed 28 October 2013; Raffi Khatchadourian, “Azzam the American,” *The New Yorker*, 22 January 2007, : 50. Academic OneFile. Web, accessed 28 October 2013.; <http://go.galegroup.com>. Wikipedia, “Adam Yahiyeh Gadahn,” [http://en.wikipedia.org/wiki/Adam\\_Yahiyeh\\_Gadahn](http://en.wikipedia.org/wiki/Adam_Yahiyeh_Gadahn), accessed 24 October 2013; CNN Library, “Adam Gadahn Fast Facts,” 23 August 2013, [www.cnn.com/2013/03/23/us/adam-gadahn-fast-facts/](http://www.cnn.com/2013/03/23/us/adam-gadahn-fast-facts/), accessed 28 October 2013; Anti-Defamation League, “Adam Gadahn: Al Qaeda’s American Voice,” 2008, [http://archive.adl.org/terrorism/profiles/Adam\\_Gadahn/background.asp?m\\_flipmode=4](http://archive.adl.org/terrorism/profiles/Adam_Gadahn/background.asp?m_flipmode=4), accessed 28 October 2013; NBCNews.com, “‘Azzam the American’ charged with treason,” 11 October 2006, [www.nbc.com/id/15222167](http://www.nbc.com/id/15222167), accessed 23 May 2014.

[7] See Nelly Lahoud, Stuart Caudill, Liam Collins, Gabriel Koehler-Derrick, Don Rassler, and Muhammad al-‘Ubaydi, *Letters from Abbottabad: Bin Ladin Sidelined?*, p. 15, n. 50 who state internal and external evidence place the letter “in January 2011 or soon thereafter” and after 21 January 2011 because the “author [Gadahn] referred to the resignation of Keith Olbermann” which occurred on that date.

[8] See, SOCOM-2012-0000004-HT, pp. 1-11 which furnishes these specifics in response to requests by Usama bin Laden to “brother Azzam” in his letter to Sheikh Atiyya (20 October 2010; SOCOM-2012-0000015), esp. pp. 7-8.

[9] J. M. Berger, “Abbottabad Documents Shed Light on Al Qaeda’s Use of Internet,” <http://news.intelwire.com/2012/05/abbottabad-documents-shed-light-on-al.html>, accessed 30 October 2013.

[10] Brian Dodwell, “The Abbottabad Documents: The Quiet Ascent of Adam Gadahn,” *CTC Sentinel*, May 2012, Vol. 5, Issue 5, pp. 19-22.

[11] See, for example: Nelly Lahoud et al., *Letters from Abbottabad: Bin Ladin Sidelined?*, esp. 15-16, 21-22, 27-28, 37-38; Dodwell (see citation above) refers in Gadahn’s letter to his “scathing critique of what he saw as the unjust and counterproductive activities of certain regional jihadist groups” (p. 20).

[12] This point is more fully explored in the Discussion section below.

[13] Gadahn’s letter and one from Usama bin Laden to Shaykh Mahmud Aytiiyah (SOCOM-2012-0000015-HT, 20 October 2010), led to questions over whether Gadahn’s influence extended beyond senior media advisor and sometime English-language propagandist to one whose considered opinions and judgments actually influenced AQSL policy and strategy (see, for example: Dodwell, “The Abbottabad Documents: The Quiet Ascent of Adam Gadahn.”; Daveed Gartenstein-Ross,

“Did Adam Gadahn Play a Significant Role in bin Laden’s al Qaeda?” 30 May 2012, <http://gunpowderandlead.org/2012/05>, accessed 26 November 2013; Wes Bruer, “Expanded role for American mouthpiece of al Qaeda,” 25 September 2012, <http://security.blogs.cnn.com/2012/09/25>, accessed 4 December 2014). For Gadahn’s appearance in at least 42 al-Sahab videos, see Waterman’s citation of evidence furnished by IntelCenter covering Gadahn from 2004 to 10 July 2013 (Shaun Waterman, “American al Qaeda member Gadahn calls for Syrian jihad in video,” *The Washington Times*, 10 July 2013, [www.washingtontimes.com/news/2013/jul/10/american-al-qaeda...](http://www.washingtontimes.com/news/2013/jul/10/american-al-qaeda...), accessed 2 December 2014).

For Gadahn’s statements in *Inspire*, see: Winter 2010, Issue #4, Adam Gadahn, “Know that jihad is your duty,” p. 17; Fall 2011, Special Issue, #7, p. 4, Advertised as “coming soon”: “The Arab Intifada: Hopes, Concerns & Dangers: An Exclusive Interview with Adam Yahye Gadahn (Azzam al-Amriki);” Fall 2011, Issue #8, p. 4; Spring 2013, # 10: the front cover announces “*Inspire* Exclusive: From Adam Gadahn,” which is followed by featured placement in the table of contents — “Exclusive: An extract from the promised interview ‘The Arab *intifada*. Brother Adam sends three messages to the world)’” — and finally page 36 exclusively dedicated to Gadahn’s photo and excerpts with bold subtitles: (“To the Mujahideen around the World”; “. . . [T]o Those Calling to Islam and Jihad in General, and Those Working in Jihadi Media on the Internet in Particular.”; Spring 2014, #12, p. 6: in the section “@heartthetworld: A Collection of quotes from friend and foe,” Gadahn is listed as “Al-Qaeda Mujahid (As-Sahab Media)” and quoted, “Stand, revenge on America the enemy of Islam and Muslims. Remind us of the glories of Nairobi, Dar-es-Salam, Aden, New York, Washington, Fort Hood, Benghazi and Boston. . . [etc.].”

See finally, *Resurgence*, Fall 2014, Vol #1, pp. 47-55, for Gadahn’s article (advertised as cover story) for AQSL’s latest English-language endeavor to incite galvanize, and mobilize on behalf of Al-Qaeda in the Indian Subcontinent (AQIS).

[14] This Corrections Current will be fully discussed in a subsequent section.

[15] See esp. SOCOM-2012-000004, pp. 11-17. For a brief discussion of the scope and importance of these fundamental sources of fiqh (*Usul al-Fiqh*), see P. Kamolnick, *Delegitimizing Al-Qaeda: A Jihad-Realist Approach*, pp. 38-39, note 32.

[16] It is this affiliate, rebranded the Islamic State of Iraq and al-Sham (ISIS) from whom in early February 2014 AQSL formally disassociated. See, for example: VOA News, 3 February 2014, “Al-Qaida Disavows Syria Militant Group,” [www.voanews.com/articleprintview/1843042.html](http://www.voanews.com/articleprintview/1843042.html), accessed 4 February 2014; Thomas Joscelyn, “Al Qaeda’s general command disowns the Islamic State of Iraq and the Sham,” 3 February 2014, [www.longwarjournal.org/archives/2014/02/al\\_qaedas\\_general\\_co-print.php](http://www.longwarjournal.org/archives/2014/02/al_qaedas_general_co-print.php), accessed 4 February 2014. Gadahn’s urgent request in this letter for a formal declaration of disassociation from this Iraqi associate predates the latter by nearly *three* years. Gadahn proclaims here: “I do not see any obstacle or bad act if al-Qa’ida organization declares its discontent with this behavior and other behaviors being carried out by the so-called Islamic State of Iraq, without an order from al-Qa’ida and without consultation. I see that this is done immediately or lately, favorably sooner. I see that the organization should declare the cutoff of its organizational ties with that organization. The relations between al-Qa’ida organization and (the state) have been practically cut off for a number of years. The decision to declare the State was taken without consultation from al-Qa’ida leadership. Their improvised decision has caused a split in the Mujahidin ranks and their supporters inside and outside Iraq. What is left between al-Qa’ida organization and (the State), but the link of faith and Islam, which urges us to submit advice and apply the rule of propagating virtue and preventing vice, and the support of good deeds. This is the only solution facing al-Qa’ida organization, otherwise its reputation will be damaged more and more as a result of the acts and statements of this group, which is labeled under our organization (the blessed with God’s will).”

[17] SOCOM-2012-000004, pp. 15.

[18] *Ibid.*, pp. 12-14.

[19] *Ibid.*, p. 14.

[20] *Ibid.*

[21] *Ibid.*, pp. 14-15.

[22] See Kamolnick, “Al Qaeda’s Sharia Crisis: Sayyid Imam and the Jurisprudence of Lawful Military Jihad,” pp. 398-399, and notes 28 and 29 (p. 413), for further examination of the definition and jurisprudence regulating Muslim Tirs.

[23] See Anwarullah Khan, “Suicide bombing in Pakistani market kills 20,” AP, 4 May 2012, [ap.stripes.com/dynamic/stories/A/AS\\_PAKISTAN?SITE=DCSAS&SECTION=HOM](http://ap.stripes.com/dynamic/stories/A/AS_PAKISTAN?SITE=DCSAS&SECTION=HOM), accessed 4 May 2012, for noting the prominence granted in the Abbottabad Letters to accusations of al-Tartarrus violations in the writings of AQSL members Adam Gadahn, Abu Yahya al-Libi, and Abu Abd al-Rahman Atiyyat Allah (aka: Attiyya, Atiyatullah).

[24] SOCOM-2012-000004-HT, p. 15, 20.

[25] *Ibid.*, p. 19.

[26] Ibid., p. 15.

[27] Ibid., p. 18. I have used the Ali translation in place of the Letter's less felicitous English translation which reads: 'And fight those who are fighting you and do not be aggressive as God does not like the aggressors.'

[28] Ibid., p. 19.

[29] Ibid., p. 19 for citing hadith in al-Tirmidhi, extracted in al-Albani; For Qur'anic authority, see: 3:104, 110; 5:78, 105; 7:164; 9:67, 9:71; 22:41; 31:17. For an exhaustive, comprehensive (702 pp.) scholarly account of this concept, see: Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought*, Cambridge University Press, 2000.

[30] Ibid., p. 17.

[31] Ibid., p. 16.

[32] Ibid.

[33] Ibid.

[34] Ibid., p. 15.

[35] Ibid., p. 16. Indeed, that is exactly what Gadhafi at that time (2009) did. The context was the TTP's rise beginning in 2007 to become a murderous opponent of the Pakistani State and in the process "killed more than 2,670 people in attacks in Pakistan mostly blamed on the Taliban in the last two-and-a-half years" (AFP, 12 December 2009, "Al-Qaeda 'not behind bloodshed': US militant; also, boston.com, "Al Qaeda denies killing civilians in Pakistan: Claims Pakistani, US forces behind deaths of 500," 13 December 2009, www.boston.com/news/world). Gadhafi is quoted in the latter article as saying: "The perpetration of such deplorable acts and the pinning of responsibility for them on the mujahideen, only serves the enemies of Islam and Muslims, who are today staring defeat in the face. . . the mercenaries of the ISI, RAW [India's intelligence agency], CIA, or Blackwater are the real culprits behind these senseless and un-Islamic bombings." The former article quoting from the translated video, "The Mujahideen Don't Target Muslims," further quotes Gadhafi referring to these "un-Islamic bombings which target Muslims in their markets, mosques, schools, shops and streets. . . The mujahideen declare themselves innocent of these attacks, and pronounce them part of a cynical, calculated and clandestine international campaign by the secular political forces."

[36] Ibid., p. 18.

[37] Ibid.

[38] Ibid.

[39] Ibid., p. 21.

[40] For *Qur'an* and Hadith, see Kamolnick, *Delegitimizing Al-Qaeda: A Jihad-Realist Approach*, pp. 31-33, note 20.

[41] Ibid., p. 18. Citing traditions in Nawawi.

[42] Ibid., p. 18.

[43] Ibid.

[44] Ibid., p. 20.

[45] Ibid. For sake of argument, Gadhafi's assertion that Allah does *not* forgive intentional homicide is supposed.

However, the *Qur'an* presents two additional versions: that only the sin of joining other gods with Allah is unforgiven, or, that all sins are potentially forgiven. For example: *Qur'an* 4:48: "Allah forgiveth not that partners should be set up with Him; but He forgiveth anything else, to whom he pleaseth; to set up partners with Allah is to devise a sin most heinous indeed."; *Qur'an* 4:116: "Allah forgiveth not (the sin of) joining other gods with Him; but He forgiveth whom he pleaseth other sins than this: one who joins other gods with Allah, hath strayed far, far away (from the right)"; *Qur'an* 4:110: "If anyone does evil or wrongs his own soul but afterwards seeks Allah's forgiveness, he will find Allah Oft-Forgiving, Most merciful." *Qur'an* 39:53: "Say: 'O my servants who have transgressed against their souls! Despair not of the Mercy of Allah: for Allah forgives all sins for he is Oft-Forgiving, Most Merciful.'"

[46] Ibid., p. 18.

[47] Mohammad Hashim Kamali, *Shari'ah Law: An Introduction*, Oxford: One World Press, 2008, p. 46.

[48] See Kamolnick, *Delegitimizing Al-Qaeda: A Jihad-Realist Approach*, p. 53, note 57 for a select listing of these; and for a discussion of Saudi former dissident

scholar Sheikh Salman al-Oudah, pp. 6-8, pp. 46-47 (notes 35-39).

[49] Key scholars and organizations associated with this current include: Dr. Sayyid Imam Bin-Abd-al-Aziz al-Sharif, former Egyptian Islamic Jihad emir and AQSL shari'a guide; senior leaders of the Egyptian Islamic Group shura council (Isam Dirbalah, Najih Ibrahim, Ali al-Sharif, Madi Abd-al-Rahman); senior leadership of the Libyan Islamic Fighting Group (LIFG), including: emir Abdul Hakim al-Khwalidi Balhaj (aka Abu Abdullah al-Sadiq); deputy emir, Khalid Muhammad Al-Sharif; spiritual leader, Sami Mustafa Al-Saadi (aka: Abu al-Munzir al Saaidi); its first emir, Miftah al-Mbruk al Thawadi (aka: Abdul Ghaffar); military commander, Musafah Al-Said Qunayid (aka Abu al-Zubair); and, Abdul Wahhab Muhammad Qayid (aka: Abu Idris, former AQSL sharia scholar and propagandist Abu Yahya al-Libi's eldest brother) . The term "corrections" and not "revisionist" is accurate since these scholars wholly embrace Islamist orthodoxy and do not advocate revisions to fundamental Muslim principles, dogma, or theological imperatives. Rather, they advocate a return to legality and rejection of errant interpretations and false shariatic justifications for conduct that in light of these corrections they now deem *haram*. Other terms that convey the spirit of this Current could be recantations, retractions, or rationalization. Vahid Brown similarly refers to "the genre of 'revisions' or 'recantations texts' (*muraji'at*), a growing body of literature by major jihadi figures offering *mea culpas* for former errors and diagnosing the ills besetting contemporary jihadi activism" (see, "Abu Gaith and al-Qa'ida's dissident faction in Iran," 11 March 2013, [www.jihadica.com/abu-ghaith-and-al-qaidas-dissident-faction-in-iran/](http://www.jihadica.com/abu-ghaith-and-al-qaidas-dissident-faction-in-iran/), accessed 6 March 2014). See also in Vahid Brown's blog post a quote from Abu Ghaith's book *Twenty Counsels on the Path of Jihad*, released online November 2010 (Ghaith is a Kuwaiti cleric, bin Laden's son-in-law, and former al-Qaeda spokesman known for his vitriolic advocacy of mass casualty terror directed at the United States)—in which he states: ". . . [I]t has become necessary to issue the like of this series of educational essays to correct the path, direct the activity, treat the illnesses, apply balm to the wounds, refine the hearts, and provide the field and its members what they need in terms of guidance to remind and assist them and to raise them to a level that befits them." Gadahn's own letter may be viewed as a highly restricted contribution to this same genre. He states, for example, that he has prepared his formal disavowal "for the sake of correcting the path and repenting what has happened, and to call for victory and relieve the affliction that is encountering us. . . I hope that God would help the scholars to study and review and correct, or record similar statements—copying here is desired for documentation and influencing the receiving side. They should remember that words dispersed here and there, as those embedded in books and the speeches are not enough to explain the problem. What we need is direct speeches, defined and specialized on that subject" (SOCOM-2012-0000004-HT, p. 17).

[50]The present is a mere summary of these legal prescriptions and proscriptions. The extensiveness of proofs prohibits the present author from re-presenting the detailed shari'a arguments pertinent to each legal principle discussed. For the original militant Islamic source material from which the following discussion derives, see:

For the Egyptian Islamic Group (*al-Gama'a al-Islamiyya*), see: Book 1 excerpts—Usamah Ibrahim Hafiz and Asim Abd al-Magid Mohammed, *The Initiative to Cease Violence: A Realistic Vision and a View Based on the Shari'a* (Mibadarat waf al-'unf: ru'ya wagi'iyya-wa-nazra shar'iyya), Cairo: Maktabat al-Turath al-Islami, 2002—in Muhammad Salah, "Report Views Attempt to Rebuild Egypt's Jihad Group, IG's Change of Ideas," *Al-Wasat*, 11-17 February 2002, pp. 22-23 in Arabic, 11 February 2002, in [www.opensource.gov](http://www.opensource.gov). Book 1 excerpts—Usamah Ibrahim Hafiz and Asim Abd al-Magid Mohammed, *The Initiative to Cease Violence: A Realistic Vision and a View Based on the Shari'a* (Mibadarat waf al-'unf: ru'ya wagi'iyya-wa-nazra shar'iyya), Cairo: Maktabat al-Turath al-Islami, 2002—in Muhammad Salah, "Egypt: IG Outlines Reasons for Peace Initiative, Islamic Movements' Future," *Al-Hayah in Arabic*, 2 February 2002, p. 5, in [www.opensource.gov](http://www.opensource.gov). Book 1 excerpts—Usamah Ibrahim Hafiz and Asim Abd al-Magid Mohammed, *The Initiative to Cease Violence: A Realistic Vision and a View Based on the Shari'a* (Mibadarat waf al-'unf: ru'ya wagi'iyya-wa-nazra shar'iyya), Cairo: Maktabat al-Turath al-Islami, 2002, in Ahmad Musa, "Egypt: Islamic Group Leaders Confirm 'No Violence Initiative,'" in *Al-Ahram* in Arabic, 9 February 2002, in [www.opensource.gov](http://www.opensource.gov). Book 2 excerpts—Hamdi 'abd al-Rahman 'Abd al-Azim, *Shedding Light on the Errors That Were Committed During the Waging of Jihad*, (Taslit al-adwa 'alama waga' fi' al-jihad min akhta'), Cairo, Maktaba al-Turath al-Islami, 2002, in Muhammad Salah, "Egypt's Islamic Group Spells Out 'Controls' and 'Rules' Governing Jihad," in *Al-Hayah (Internet Version-WWW)* in Arabic, 3 February 2002, p. 6, in [www.opensource.gov](http://www.opensource.gov). Publication of part 1 of AQ's 2003 book, *The Strategy and Bombings of Al-Qai'ida: Errors and Perils* (Abd-al-Latif al-Minawi, "Part 1 of Book Review: Egyptian Islamist Leaders Fault Al-Qaida's Strategy," in *Al-Sharq al-Awsat* in Arabic, 11 January 2004, in [www.opensource.gov](http://www.opensource.gov)); several installments of 8<sup>th</sup> book, Najih Ibrahim, *Authority: Shari'a View and Realistic Vision* (Al-Hakimah: Nzrah Shar'iyah wa Ru'yah Wagi'iyyah), serialized in *Al-Sharq Al-Awsat*, 2005: 1<sup>st</sup> installment: "Egyptian Islamic Group Defends Muslim Governments Against Infidel Charges," *Al-Sharq al-Awsat* in Arabic, 27 July 2005, in [www.opensource.gov](http://www.opensource.gov). 2<sup>nd</sup> installment: 28 July 2005, "Egyptian Islamic Group Book Al-Hakimiyah: Judging Rulers to Be Infidels (Part 2)," in [www.opensource.gov](http://www.opensource.gov). 5<sup>th</sup> installment: 31 July 2005, "Serialization of Latest Book by Egyptian Islamic Movement—Part 5," in [www.opensource.gov](http://www.opensource.gov), accessed 8 January 2013; MEMRI extensive excerpts from translating from Arabic 2006 book, *Islam and the Laws of War* (Al-Islam wa-tahdhib al-hurub) appearing in *Al-Sharq Al-Awsat* authored by Issam Al-Din Dirbalah, deals with themes of fatawa permitting killing of civilians, takfir, suicide bombings, and categorical rejection of West and its Muslim allies; MEMRI, *Special Dispatch* No. 1301, "Al-Gama'a Al-Islamiya vs. Al-Qaeda," 27 September 2006. excerpts from interviews and 2003 book by Isam al-Din Dirbalah, *The al-Qa'ida Organization's Strategy and Bombings: Mistakes and Rulings* (Istratijiyyat wa Tafjirat al-Qa'ida: al-Akhta wa al-Akhtar). Y. Carmon, Y. Felder, and D. Lav,

“The Al-Gama’a Al-Islamiyya Cessation of Violence: An Ideological Reversal,” 22 December 2006; interviews with the historic leadership: Interview with Hamdi Abd al-Rahman. Abdul Zinah, “Egypt: Islamic Group Leader on His Background, Group’s ‘Revisions,’ Other Issues,” *Al-Sharq al-Awsat*, 24 March 2002. Makram Muhammad, “Egypt: Interview With Islamic Group Leaders on Recent Revision of Their Ideology,” *Al-Musawwar* in Arabic 21 June 2002. Makram Muhammad Ahmad, “Correction: Islamic Group Leaders Tour Prisons with Non-Violence Message, Wholesale Release—adding editorial notation,” in Arabic in *al-Musawwar*, 28 June 2002, pp. 4-20, in [www.opensource.gov](http://www.opensource.gov). Q & A, between Muhammad Salah and imprisoned Najih Ibrahim; questions sent with a relative who visited him during the weekly visit, and answers sent back: Muhammad Salah, “Egypt’s IG Ideologue Says al-Qa’ida’s Operations Bring Ruin, Weaken Muslims,” *Al-Hayah*, 28 May 2003, p.6, in [www.opensource.gov](http://www.opensource.gov). Statement issued by historic leaders criticizing Abu-Hamza Al-Masri a copy of which was published by the following press: Abd-al-Latif al-Manawi, “Egyptian Islamic Group Leaders React to Abu-Hamza Al-Masri’s Criticism,” *Al-Sharq al-Awsat* in Arabic, 4 July 2003, p. 7, in [www.opensource.gov](http://www.opensource.gov). Report of an interview conducted with Najih Ibrahim in relation to then-recent Riyadh bombings 8 November 2003 that killed several Muslims in the Saudi capital, *FBIS Report* in Arabic, 22 November 2003, in [www.opensource.gov](http://www.opensource.gov). Interview with Najih Ibrahim contrasting Islamic Group with AQ: Abdul Zaynah, “Egypt: Islamic Group Theoretician on Political Future, Disputes with al-Qa’ida,” *Al-Sharq al-Awsat* in Arabic, 13 August 2006. Discussion between 9 -17 August 2006, on jihadist website forum between IG’s Ibrahim Hafiz and AQ spokespersons contrasting visions of jihad, and alternative policies: *Jihadist Websites—OSC Report* in Arabic, “Discussion With Al-Qa’ida, Islamic Group Concludes, No Consensus,” 29 August 2006, [www.opensource.gov](http://www.opensource.gov). Interview with several “Islamist jihadi leaders” but Ibrahim Hafiz is key: Muhammad Nasr Karum, “Egyptian Islamists on Impact of Bin Ladin’s Killing,” *Al-Quds al-Arabi* in Arabic, 4 May 2011, in [www.opensource.gov](http://www.opensource.gov); Interview with Karam Zuhdi: Sabrin Shamardal, “Egypt: Former Islamic Group Amir Karam Zuhdi on Civil State, Copts, Violence,” in *Al-Sharq al-Awsat Online* in Arabic, 17 October 2011. Interview with Najih Ibrahim: Ni’mat Majdi, “Egyptian Islamic Group Member Regrets Al-Sadat Assassination, Criticizes Mubarak,” in *Al-Ra’y Online* in Arabic, 25 October 2011; Suhayb Sharayir of Dubai *Al-Arabiyyah Television*, “Egyptian Experts Discuss ‘Jurisprudential Revisions’ in Al-Jama’ah al-Islamiyah,” 23 November 2012, in [www.opensource.gov](http://www.opensource.gov); Najih Ibrahim, Untitled, in *Al-Misri Al-Yawm*, “Egypt: Statement by Leading Islamic Group Figure Says No-Violence Initiative Strong,” 02 July 2007; Najih Ibrahim, “Egypt: Former Islamic Group Leader Condemns Attack on Army Unit in Sinai,” in *Al-Misri al-Yawm* in Arabic, 9 August 2012, p. 12, in [www.opensource.gov](http://www.opensource.gov).

For Dr. Sayyid Imam Bin-Abd-al-Aziz Al-Sharif: Sayyid Imam, *Doctrine of Rationalization [i.e. Right Guidance] for Jihad Activity in Egypt and the World* [Wathiqat Tarshid Al-‘Aml Al-Jihadi fi Misr w’Al-Alam], November 2007, serialized in *Al-Sharq al-Awsat in Arabic* and partially available on [www.opensource.gov](http://www.opensource.gov); Sayyid Imam, *Exposure of the Exoneration Book* [Al-Ta’riya li Kitab Al-Tab’riya], completed by the author March 25, 2008, and published in 13-parts in Arabic by *Al-Misri Al-Yawm*, between November 18 – December 2, 2008, available via [www.opensource.gov](http://www.opensource.gov). See also, the majority of a 10-hour, 2-day exclusive first-ever interview conducted in Turrah Prison, n.d. conducted just after release of ‘Rationalization,’ serialized in Arabic in *Al-Hayah*, and available in English translation through [www.opensource.com](http://www.opensource.com).

For the Libyan Islamic Fighting Group (LIFG): Libyan Islamic Fighting Group (LIFG), *A Selected Translation of the LIFG Recantation Document*, Transl. Mohammed Ali Musawi, Quilliam Foundation, [www.quilliamfoundation.org/images/a\\_selected\\_translation\\_of\\_the-lifg.pdf](http://www.quilliamfoundation.org/images/a_selected_translation_of_the-lifg.pdf), 2009. English translation of prefatory and introductory passages key to document’s intentions and context, and also summaries of each chapter appearing in the original Arabic provided by the document’s authors at the end of each chapter. The document, *Revisionist [or Corrective] Studies of the Concepts of Jihad, Hisbah [Accountability], and Takfir [Judging others’ ‘Muslimness’]* —is approximately 400 pages organized in nine chapters and made available to the public 6 September 2009. Its six authors comprise the LIFG’s highest echelon leadership: current emir, Abdul Hakim al-Khwailidi Balhaj, aka: Abu Abdullah al-Sadiq; deputy emir, Khalid Muhammad Al-Sharif; spiritual leader, Sami Mustafa Al-Saadi, aka: Abu al-Munzir al Saaidi; its first emir, Miftah al-Mbruk al-Thawadi, aka: Abdul Ghaffar; military commander, Musafah Al-Said Qunayid, aka: Abu al-Zubair; and, Abdul Wahhab Muhammad Qayid, aka: Abu Idris (remarkably, also the elder brother of senior Al-Qa’ida ideologue Abu Yahya al-Libi. For background, commentary, and additional analysis, see “The Daily Star: Deradicalizing Jihadists, the Libyan Way,” April 26, 2010, [www.opensource.gov](http://www.opensource.gov); Noman Benotman, “Al-Qaeda: Your Armed Struggle is Over,” September 10, 2010, [www.quilliamfoundation.org/images/stories/pdfs/letter-to-bin-laden.pdf](http://www.quilliamfoundation.org/images/stories/pdfs/letter-to-bin-laden.pdf); Rania Karam, “Former LIFG leader: Bin Laden lacks Islamic authority to wage ‘Western Jihad,’” May 5, 2010, [www.magharaebia.com](http://www.magharaebia.com); Camille Tawil, “Noman Benotman criticizes al-Qaeda in bin Laden letter,” September 23, 2010, [www.magharaebia.com](http://www.magharaebia.com); Rania Karam, “Former LIFG leader questions bin Laden rationale,” April 29, 2010, <http://al-shorfa.com>; Camille Tawil, “Al-Qaeda yet to respond to corrective studies forbidding killing of civilians,” September 15, 2009, <http://al-shorfa.com>; Camille Tawil, “Libya closes the case of the Libyan Islamic Fighting Group,” March 30, 2010, <http://al-shorfa.com>; Nic Robertson and Paul Cruickshank, “In bid to thwart al Qaeda, Libya frees three leaders of jihadist group,” March 23, 2010, <http://edition.cnn.com/2010/WORLD/africa/03/23/libya.jihadist.group>; Wahid Brown, “A First Look at the LIFG Revisions,” September 14, 2009, [www.jihadica.com/a-first-look-at-the-lifg-revisions/](http://www.jihadica.com/a-first-look-at-the-lifg-revisions/); Camille Tawil, “The Libyan Islamic Fighting Group’s revisions: one year later,” July 23, 2010, [www.magharaebia.com](http://www.magharaebia.com); Jarret Brachman, “Why the LIFG’s Revisions are Falling on Our Deaf Ears,” September 21, 2009, <http://jarretbrachman.net/?p=1036>; Thomas Hegghammer, “Libyan Jihad Revisions,” September 8, 2009, [www.jihadica.com/libyan-jihad-revisions/](http://www.jihadica.com/libyan-jihad-revisions/); Camille Tawil, “Libyan Islamists Back Away from al-Qaeda Merger in Reconciliation with Qaddafi Regime,” *Terrorism Monitor*, Vol.7, no. 17, June 18, 2009, [www.jamestown.org](http://www.jamestown.org);

Jarret Brachman, "Abu Yahya al-Libi's 'Human Shields in Modern Jihad'" *CTC Sentinel*, Vol. 1, No. 6, May 2008, pp. 1-4, [www.ctc.usma.edu](http://www.ctc.usma.edu); Alison Pargeter, "LIFG Revisions Unlikely to Reduce Jihadist Violence," *CTC Sentinel*, Vol. 2, No. 10, October 2009, pp. 7-9, [www.ctc.usma.edu](http://www.ctc.usma.edu); Paul Cruickshank, "LIFG Revisions Posing Critical Challenge to Al-Qa'ida," *CTC Sentinel*, Vol. 2, No. 12, December 2009, pp. 5-8, [www.ctc.usma.edu](http://www.ctc.usma.edu); Ian Black, "Libya's jihadis reject violence as leader bids for acceptance," September 4, 2009, [www.guardian.co.uk/world/2009/sep/04/libyan-islamist-fighters-reject-violence](http://www.guardian.co.uk/world/2009/sep/04/libyan-islamist-fighters-reject-violence); *Oea Online*, "Libyan Islamists' ideology revision serialization to start 6 Sep – paper", (Text of report by Libyan pro-government newspaper *Oea*: "*Oea* will, as of tomorrow [Sunday 6 September 2009], begin a serialization of the ideological revisions 'corrective studies' prepared recently by the Libyan Islamic Fighting Group [LIFG]"), September 6, 2009, [www.opensource.gov](http://www.opensource.gov); Kamil al-Tawil [Camille Tawil], "Libyan Islamist Criticizes Tripoli's Refusal to Release the Libyan Islamic Fighting Group Prisoners," (*Al Hayah* Online in Arabic, "Report by Kamil al-Tawil, 'Libyan Islamist Criticizes Tripoli's Refusal to Release the Libyan Islamic Fighting Group's Prisoners'"), February 22, 2010, [www.opensource.gov](http://www.opensource.gov); *BBC Monitoring* in Arabic, "BBC Monitoring: Review of Al-Qa'ida Activities in North Africa 16 Feb – 1 March [20]11," [www.opensource.gov](http://www.opensource.gov); Paul Cruickshank, "How Muslim Extremists are turning on Osama Bin Laden," June 7, 2008, [www.nydailynews.com](http://www.nydailynews.com).

[51] Gadahn also explicitly warns his readers against abandoning this perennial duty: "It is not acceptable to consider these personal crimes as a pretext to deny the compulsory Jihad duty, as a mistake does not justify a bigger mistake." (SOCOM-2012-0000004-HT, p. 18).

[52] See also the above discussion of *Qur'an* and ahadith in relation to the sinfulness of intentional homicide.

[53] This moderation will strike persons ignorant of AQSL's religious Sunnite ecumenicalism as incorrect, but there is ample support documented by AQSL analysts. For one important recent study of this, see Nelly Lahoud *Beware of Imitators: al-Qa'ida through the lens of its Confidential Secretary* (Harmony Program, 4 June 2012, The Combating Terrorism Center at West Point, [www.ctc.usma.edu](http://www.ctc.usma.edu), accessed 8 June 2012). Gadahn does not offer a frontal assault on immoderation beyond his critique of fanatical blood shedding, but one brief aside is telling. He states in reference to the potential downside of going public on these horrific attacks: "Now many regular people are looking at the Mujahidin as a group that does not hesitate to take people's money by falsehood, detonating mosques, spilling the blood of scores of people to kill one or two who were labeled as enemies. While they shy away from listening to music or looking at a foreign woman—while those issues means very little to the common public, who see it as trivial issues. They are not, but [there is] no comparison to the sins that we are talking about." Gadahn's moderation vis-à-vis Sunnite orthodoxy is also evident in his harsh criticism of online 'jihadi' discussion groups: "As for the Jihadi forums, it is repulsive to most of the Muslims, or closed to them. It also distorts the face of al Qa'ida, due to what you know of bigotry, the sharp tone that characterizes most of the participants in these forums. It is also biased toward "Salafists" and not any Salafist, but the Jihadi Salafist, which is just one trend of the Muslim trends. The Jihad Salafist is a small trend within a small trend." (SOCOM-2012-0000004-HT, p. 4). In reference to a specific forum run by Muhammad al-Misra'ri he states that though "he has excellent comments on Jihadi forums . . . his forum 'al-Tajdid' is not any better." While agreeing with al-Misra'ri's critique in relation to the ISI's murderous rampage in Iraq, Gadahn nevertheless states: "As for other issues, like his definition of unification, some Fiqh theses, his exaggerated stiffness with the Shia, and those adhering to the buried, rejunerators of myths and pagan appearances" Gadahn states "not at all." (Ibid., p. 5).

See Mohammad Kamali, *Shari'a Law: An Introduction*, pp 288-296, for a discussion of moderation and balance (*al Wasatiyya*) as a key Islamic religious precept.

[54] For key additional evidence confirming AQSL's adherence to these shared premises, see Nelly Lahoud, *Beware of Imitators: al-Qa'ida through the lens of its Confidential Secretary*, 4 June 2012, Harmony Program, Combating Terrorism Center, West Point, [www.ctc.usma.edu](http://www.ctc.usma.edu).

[55] Mohammad Kamali, *Shari'a Law: An Introduction*, p. 3.

[56] Ibid., p. 5; Also, when discussing whether media overexposure could undermine bin Laden's persuasive influence, Gadahn expresses no moral revulsion and matter of factly reports: "It is all right if the Shaykh appeared now [early in 2011], then appeared in the 10<sup>th</sup> anniversary of the attacks of Manhattan and Washington."

[57] Ibid.

[58] Ibid., p. 15.

[59] Cited in Thomas Joscelyn, "Analysis: Al Qaeda seeks to spin capture of top operative," 1 December 2013, [www.longwarjournal.org/archives/2013/12/analysis\\_al\\_qaeda\\_se-print.php](http://www.longwarjournal.org/archives/2013/12/analysis_al_qaeda_se-print.php), accessed 2 December 2013.

[60] See note # 49 for original source material from which these disagreements are derived and compiled.

[61] Three additional arguments against reducing Islam to 'jihadism' may be made: (1) a rejection of the sectarian Kharijite claim that *jihad bis saif* is equivalent to faith as a pillar of Islam; (2) defense of the claim that while the five pillars of faith, prayer, alms, fasting, and pilgrimage are obligatory at a personal level (*fard 'ayn*), the offensive jihad is a collective obligation that may be met by a section of the community on behalf of others; and (3) that being a 'jihadist' only means that one has met the eight qualifications for potential offensive jihad if required and declared, for example, that one is: a believer, mature and sound-minded, male, able-bodied,



economically independent, received parental permission, motivated by good intentions, capable of obedience and loyalty, will neither desert nor retreat, will be honest, straightforward, avoid treacherous acts including granting secure passage to enemies, and if he has killed, he must not mutilate. See Majid Khadduri, *War and Peace in the Law of Islam*, Baltimore: Johns Hopkins University Press, 1955, esp. pp. 67-69, 83-93.

[62] See for example: Alia Brahimi, *Jihad and Just War in the War on Terror*, Oxford: Oxford University Press, 2010; See also, her excellent, “Crushed in the Shadows: Why Al Qaeda Will Lose the War of Ideas,” *Studies in Conflict and Terrorism*, 2010, Vol. 33, pp. 93-110.

[63] It is possible that Gadahn is partially willing to admit this. He states, for example (SOCOM-2012-0000004-HT, p. 15): “If that targeted person really deserves to be killed why not employ another method rather than random attacks, which is not tolerated by any mind or religion.[One] [w]hich does not differentiate between an enemy and a friend, the child and the old man, the man and the woman and the Muslim and the infidel?” He clearly states here that it is “not tolerated by any mind or religion,” not just Islam, and that these indiscriminate methods violate Allah’s forbidding of the shedding of blood of non-Muslim children, women, and old men.

[64] For the evolution of Islamic law toward the recognition of a community of sovereign Muslim nation-states, see: Majid Khadduri, *War and Peace in the Law of Islam*, pp. 42-48; Majid Khadduri, *The Islamic Law of Nations: Shaybani’s Siyar*, Transl. by Majid Khadduri, Baltimore, Johns Hopkins Press, 1966, esp. pp. 1-22, 60-70.

[65] Gadahn (SOCOM-2012-0000004-HT, p. 18) cites a classic verse bearing on retribution from the Qur’an (2:190) at the opening of his model disavowal—“God almighty has stated: “Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loveth not transgressors.” In its present context, however, it is exclusive to intra-Islamic blood shedding and therefore cannot be extended to Gadahn’s understanding of retributive justice in relation to non-Muslims.

[66] It appears that Gadahn, while publicly declaring a “Crusader-Zionist” conspiracism, in his letter is far closer to recognizing Islamic responsibility for the present catastrophe facing the AQSL ‘jihadists.’ For example, he states: “I have no doubt that what is happening to the Jihadi movement in these countries is not misfortune, but punishment by God on us because of our sins and injustices, or because the sins of some of us and the silence of the rest of us. I do not see that my statement is an exaggeration and intimidation, as the Qur’anic verses, the Hadith and the scholar’s statements are plenty, and there is no need to state them” (SOCOM-2012-0000004-HT, p. 15). And again: “Injustice is one of the reasons behind the defeat and disappointment, and the befallen miseries and sedition by the Muslims public and the Mujahidin” (p. 18). For the jurisprudential requirements for full legal competency, see: Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, Third Revised and Enlarged Edition, Cambridge, UK: Islamic Texts Society, 2003, pp. 411-454.

[67] Bin Laden apparently found the TTP-sponsored attempted mass-casualty terrorist attack in New York City’s Times Square by naturalized American citizen Faisal Shahzad just such a treacherous breach. Pakistani-American Faisal Shahzad is now serving a mandatory life sentence for his guilty plea on ten felony counts for attempting to murder pedestrians in the failed 1 May 2010 vehicle-borne improvised explosive device (VIED) deployed in Times Square. For Bin Laden, as a Muslim having taken an oath of citizenship, he was thereby dutifully bound from violating that oath. In one of the Abbottabad letters (SOCOM-2012-0000015-HT) Bin Laden writing to Sheikh Atiyyatullah says: “Perhaps you monitored the trial of brother Faysal Shahzad. In it he was asked about the oath he took when he got American citizenship. And he responded by saying that he lied. You should know that it is not permissible in Islam to betray trust and break a covenant. Perhaps the brother was not aware of this. Please ask the brothers in [the] Taliban Pakistan [TTP] to explain this point to their members. In one of the pictures, brother Faysal Shahzad was with commander Mahsud; please find out if Mahsud knows that getting American citizenship requires taking an oath not to harm America. This is a very important matter because we do not want al-Mujahidin to be accused of breaking a covenant” (p. 7). We shall return to this matter in a subsequent section. In another letter presumably from bin Laden or possibly Sheikh Atiyyatulah to Al-Qaeda in the Arabian Peninsula (AQAP) emir Nashir al-Wuhayshi (aka: Abu Basir) written post-October 2010 (SOCOM-2012-0000016-HT) he states in relation to encouraging attacks on United States soil: “If the [Yemeni] government does not agree to a truce, concentrate on the Yemeni emigrants who come back to visit Yemen and have American visas or citizenship and would be able to conduct operations inside America as long as they have not given their promises not to harm America. We need to extend and develop our operations in America and not keep it limited to blowing up airplanes.”

[68] This Egyptian Islamic Group shari’a critique of the numerous shari’a violations arising from the 9/11 terrorist operandi is well worth citing at length: “Hijacking planes and blowing them up involves frightening and killing those whom it is forbidden to terrorize and kill, either because there are Muslim passengers on the plane, or because there are non-Muslim children and women and elderly, whom it is not permitted to kill even in a state of war—in addition to the possibility of killing those whom it is not permitted to kill if the plane crashes into a civilian target when the hijacker does not know who is there. In addition, hijacking and blowing up planes involves a breach of faith towards the company that owns the plane and towards the passengers. The company gave the hijacker a ticket to use its plane on the condition that he not endanger its wellbeing and the wellbeing of the passengers, and when the hijacker hijacks and blows up the plane, he has violated this pledge. Likewise, the passengers all believe that the other passengers do not want to harm them and do not harbor any ill will, and this is based on custom and

the established usage among those who do business with airlines. This amounts to a guarantee of security [aman], or something approaching it, which forbids one to inflict harm. . . Hijacking planes and using its passengers as bargaining chips in order to achieve [the hijackers'] demands, and terrorizing them, and perhaps [even] killing them in order to put pressure on the governments of their countries or those countries' occupiers, is forbidden in shari'a, because this is tantamount to punishing innocents (i.e. the passengers) in order to compel the occupier or transgressor to comply with the demands of the hijacker, and because most of these passengers do not have anything to do with the hijackers' cause, and perhaps they are even sympathetic to them without the hijackers' knowing this, and all of this is contrary to justice." (See, *Islam and the Laws of War [Al-Islam wa-tahdhib al-hurub]*), in MEMRI #1301, "Al-Gama'a Al-Islamiyya vs. Al-Qaeda," 27 September 2006, p.3).

[69] Army Major Nidal Malik Hasan, M.D., Army psychiatrist, was convicted and on 15 April 2013 sentenced to death for the 5 November 2009 shooting and murder at Fort Hood, Texas of 13 soldiers, and wounding of 31.

Dhokhar and Tamerlan Tsarnaev detonated two pressure cooker bombs during the Boston marathon, killing four (two females, aged 29 and 23; an 8 year-old boy; and MIT police officer, Sean A. Collier, killed three days after the bombing), and injuring 264 others, many seriously and requiring amputation, including the serious wounding of a Transit Police officer.

[70] Released January 2008 on the web at [www.megaupload.com/?d=3TEBKJW](http://www.megaupload.com/?d=3TEBKJW), accessed by author 12 January 2011. In its English translation (by Anonymous translator) it runs 268 pages; in Arabic referred to as running either 188 or 216 pages.

[71] See al-Zawahiri, *Exoneration*, especially, pp. 4 (b), 12 (b), 76, 95, 113, 116, 120, 149, 151, 153, 197, 246, 247, 249, 258, 259, 263. Pagination is not furnished on this downloaded text so persons who seek to corroborate this must first paginate the text.

[72] *Ibid.*, p. 4 b. See also Sayyid Imam's rebuttal of al-Zawahiri's claim (see, *Exposure*, Part 2, p. 4) that persons like Sayyid Imam who criticize al Qaeda must "serve the Crusading Zionist interests" even though al-Zawahiri admits that "what I denounced in The [Rationalization] Document I denounced previously in my 1993 book *Al-Jami [fi talab al-Ilam al-Sharif]*, and actually before I wrote the book" (p. 4).

[73] See al-Zawahiri, *Exoneration*, esp. pp. 1-76.

[74] Al-Zawahiri's contradiction is key, but it is also the case that his *ad hominem* critique can be true, yet irrelevant to the validity or lack thereof of Sayyid Imam's shariatic case against AQSL. For this informal fallacy that seeks to refute the validity of a claim by attacking the validity of the claimant, see Irving M. Copi and Carl Cohen, *Introduction to Logic*, 13<sup>th</sup> ed., Upper Saddle River, New Jersey, Pearson Prentice Hall, 2009, Pp. 127-131.

[75] See, for example: Thomas Hegghammer, *Jihad in Saudi Arabia: Violence and Pan-Islamism since 1979*, Cambridge: Cambridge University Press, 2010; Nelly Lahoud, *Beware of Imitators: al-Qa'ida through the lens of its Confidential Secretary*. Nasser al-Wuhaiishi, present emir of Al-Qaeda in the Arabian Peninsula (AQAP), and AQSL second-in-command, in a March 2014 video posted to a militant Islamist website states: "The Crusader enemy, dear brothers, still possesses cards which he moves around. We have to remember that we are always fighting the biggest enemy. . . . We have to remove the cross, [and] the bearer of the cross, America." (See: Reuters, "Yemen's al-Qaida Leader Vows to Attack America in New Video," 16 April 2014, [www.voanews.com/1894546.html](http://www.voanews.com/1894546.html), accessed 17 April 2014).

[76] For a comprehensive analysis of AQSL's terrorist modus operandi in relation to its core political and strategic objectives, see P. Kamolnick, *Countering Radicalization and Recruitment to Al-Qaeda: Fighting the War of Deeds*, Letort Papers, Strategic Studies Institute, US Army War College, Carlisle Barracks, PA, 2014.

[77] *Rationalization*, Part 1, pp. 4-5; citing *Qur'an* 4:100, 5:27, 5:64, and 99:7-8; and two agreed upon ahadith, one in *Sahih-Muslim*, the other agreed upon by Ibn Abbas; Also, Sayyid Imam citing *Qur'an* 99:7-8: "[T]he Almighty said: "Then shall anyone who has done an atom's weight of good, see it [taken into account on the Day of Judgment]. And anyone who has done an atom's weight of evil, shall see it."

[78] *Exposure of the Exoneration Book [Al-Ta'riya li Kitab Al-Tabri'ya]*, Part 10, p. 2; see also, *Exposure*, Part 3, p. 2.

(Text completed by the author March 25, 2008, and published in 13-parts in Arabic by *Al-Misri Al-Yawm*, between November 18 – December 2, 2008, available via [www.opensource.gov](http://www.opensource.gov)).

[79] *Ibid.*, Part 5, p. 4.

[80] For a most comprehensive conception that includes but extends beyond humankind to the entire Created world with emphasis on the earth's environment, see: Professor Mustafa Abu-Sway, [n.d.] "Towards an Islamic Jurisprudence of the Environment: *Fiqh al-Bi'ah fil-Islam*, at [www.iol.ie/~afifi/Articles/environment.htm](http://www.iol.ie/~afifi/Articles/environment.htm), accessed 18 December 2013.[n.d]

[81] SOCOM-2012-0000004-HT, p. 18.

[82] Thirty-two Muslims (26 men, and six women) were murdered in the 9/11 attacks. Twenty-eight Muslims died in the twin towers of the World Trade Center,

and three were among the passengers on the hijacked planes. These three were a husband and wife, who was at that time seven-months pregnant. Nationalities include: Pakistan, Bangladesh, Guiana, Sri Lanka, Gambia, Ivory Coast, Yemen, Iran, Ethiopia, Turkey, Trinidad and Tobago, Burma, Albania, Greece, and India. According to *al Arabyia*, “the most famous Muslim victim is the only Arab among all 9/11 victims, the Yemeni Abdul Salam Mallahi, who worked at the Marriott Hotel in World Trade Center. He was very brave and helped people escape the building. His body has never been found. The oldest victim was an Iranian woman who was 69 years old, and the youngest were two 25-year old men, Zohoto Ibis, from Turkey, and a Pakistani, Khaled Shahid” (Kamal Kobeisi, “Remembering the Muslims who were killed in the 9/11 attacks,” <http://english.alarabiya.net/articles/2011/09/11/166286.html>, accessed 5 March 2014). Murder left in its wake many family tragedies. “Baraheen Ashrafi’s husband, Mohammed Chowdhury, died atop the north tower, where he was a waiter at Windows on the World. Ashrafi, 38, lives in Edmond, Oklahoma, where she moved with her two children to be near her sister.; “Ysuff Salie’s daughter Rahma, who was seven months pregnant, and Rahma’s husband, Michael, were passengers aboard the jet that crashed into the north tower. Ysuff, 64, and his wife, Haleema, 58, live in Newton, Mass, and run two bakery-cafes”; “Mehr Tariq’s husband Taiq Amanullah, an assistant vice president at Fiduciary Trust, died in the south tower. She is 49 and lives with her two young adult children in California’s Silicon Valley, where she moved in 2005 to be near her brothers.” (Cited in Rick Hampson, *USA Today*, “For families of 9/11 victims, a new pain,” 9 September 2010, [http://usatoday30.usatoday.com/news/nation/2010-09-03-1Amuslims911\\_CV\\_N.htm?csp](http://usatoday30.usatoday.com/news/nation/2010-09-03-1Amuslims911_CV_N.htm?csp), accessed 5 March 2014): In the East African embassy bombings (see, Indictment, *United States v. Usama bin Laden et al.*, S(2) 98 Cr. 1023 (LBS) (S.D.N.Y. Nov. 4, 1998)), 7 August 1998, excluding Americans, ten employees of the US embassy compound were murdered in Dar es Salaam (lit: ‘Abode of Peace’; Counts 224-234 in the Federal indictment, see pp. 81-82): Abdurahman Abdulla, Elias Elisha, Hassan Siyad Halane, Ramadhani Mahundi, Abdallah Mohammed, Abas William Mwila, Shamte Yusuph Ndange, Omari Yusufu Nyumbu, Mtendeje Rajabu, Said Rogathi, and Dotto Selemani; In the US Embassy in Nairobi, Kenya, Counts 11-223 apply to the 212 embassy compound employees murdered, see, pp. 71-79).

[83] See endnote 76 for the author’s advocacy of a broader War of Deeds’ within which AQSLs failure to adhere to the shari’a of lawful jihad is but one key component.