

# INSIGHT

Egypt's Dar al-Ifta Combats Extremism

ISSUE # 10



**Exposing**

**the fallacies of**

**ISIS KHLAFAH**


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# The concept of a **KHILAFAH**

The concept of a Khilafah (caliphate) harks back to a centuries old politico-religious tradition, and has since the early 20th become consigned to history. The historical Islamic Khilafah first came into being after the death of Prophet Muhammad who performed the role of the spiritual, political, and military leader of the nascent Muslim state established in Medinah. The reign of the first four khulafa' (caliphs), Abu Bakr al-Siddiq, Umar ibn al-Khattab, Uthman ibn Affan, and Ali ibn Abu Talib, known as al-khulafa' al-rashidun or the rightly guided caliphs, constituted the golden age of the Islamic Khilafah. Under their rule, the political, social, religious, administrative, and judicial institutions of the Islamic state were established and solidified.







This special issue of the insight magazine sets out to give to challenge the claim of the terrorgroup, ISIS, of having tresurrected the historical Islamic Khilafah. Its basic premise is that the purported khilafah created by ISIS is fundamentally a spurious entity that is straining to show the world its success as fully functioning complete with all the components of a legitimate state.

In order to prove the group's fallacious pretensions, this issue explores the concept of the khilafah as a political order in the historical context. It then cites the conditions laid down by scholars on the functions, qualifications, and appointment of a khalifah, reflecting the serious and important nature of the issue.

Crucial to the purpose of this issue, is the juxtaposition of the relevant conditions prescribed by erudite Muslim scholars with the qualifications of the impostor Abu Bakr Al-Baghdadi, the so-called khilafah, and the means of his appointment in an attempt to gauge how far the delusional 'state' or does not.

It also raises the question whether the 'state' really exist or if its existence is merely propaganda designed to convey the notion of a functioning state.

It will furthermore disqualify the notion of ISIS khilafah, Abu Bakr al-Baghdadi as a khalifah, the purported khilafah under international law, its illegal components of statehood, the Islamic legal designation of the militant group, and describe their delusional construction of reality.

Finally, this special issue will quote firsthand accounts from ISIS defectors that serve to verify the Islamic traditions on the characteristics of the Khawarij.



# The Nature and Basic Concept of the Khilafah

The khilafah is the title of a form of rulership in Islam. It emerged after Prophet Muhammad's death when the Muslims debated on how they wanted to run the religious, political, social, and military affairs of the community. Their leader up until the time of his death was Prophet Muhammad. Since he was the last of the prophets, the Muslim community agreed that they had to find a new model of leadership in order to continue his work in preserving the religion, maintaining justice and administering the mundane life of the community. The khilafah was therefore expected to be ruled with the Shari'ah precepts as state law and maintain the unity of Muslims under a single ruler.

According to Lisan Al-Arab, the word khilafah is derived from the root word 'khalafah' which means 'to come after, to be followed, succeeded, or to remain after another that has perished or died'. The institute of khilafah assumed many manifestations and realizations and existed on one form or another until its abolishment.

Religious scholars have maintained that khilafah is synonymous with imamah 'udhma or supreme leadership. Imam al-Haramayn, al-Juwaini defined imamah or khilafah in Ghiyath al-Umama fi Tibyan al-Dhulam as, "Absolute and general leadership over all people concerning their religious and temporal affairs. Its functions include the defense of [Muslim] territories, looking after the interests of its citizens, establishing the da'wah by proof and the sword, warding off danger and preventing injustice, redressing oppression, recovering usurped dues and returning them to their owners."

Imam al-Mawardi, the Shafi'i scholar, asserts in Al-Ahkam al-Sultaniyyah, "Imamah means succession to prophethood in safeguarding religion and administering the affairs of this world by it."

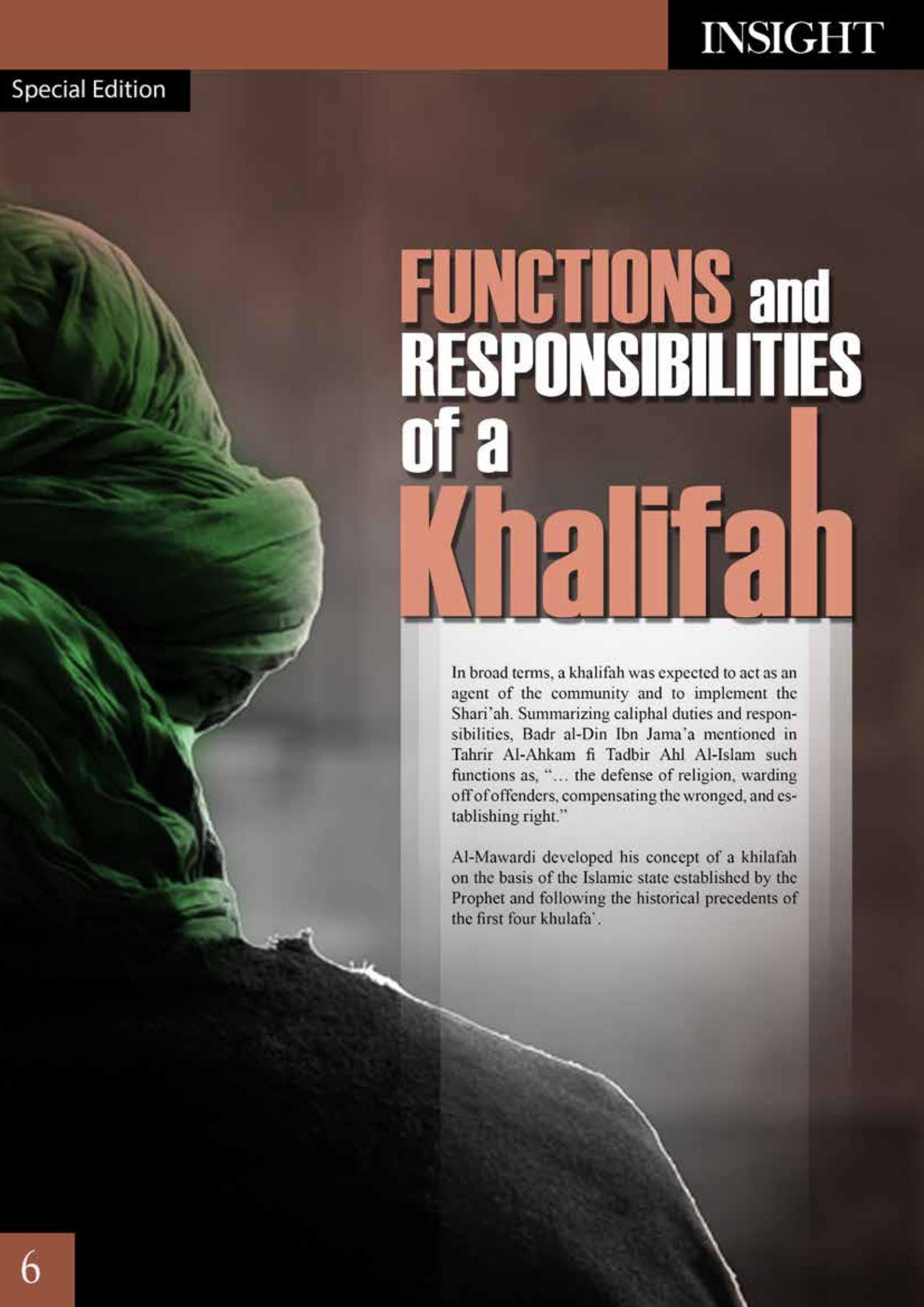
Ibn Khaldun contends that the term khilafah means shouldering the trust of administering the Shari'ah in the interest of the people concerning their affairs of this world and the hereafter since all worldly affairs have bearing upon the interests of the hereafter.

Imam al-Ghazali wrote in *Al-Iqtisad fil I'tiqad*, "It is clear that it is important to have an executive authority for the organization of worldly affairs. The organization of worldly affairs is necessary for the organization of religion, and the organization of religion is necessary for success in the hereafter which, without doubt, is the purpose of [sending] prophets. Hence, the obligation of appointing an imam is one of the necessities of the Shari'ah."

He maintained in *Fada'ih al-Batinah*, "If the imamah becomes void so would the delegation of authority. Judges would be suspended and they would join the ranks of the people. The disposal of rights with regards to life, blood, honor, and wealth would be prevented and the Shari'ah would cease to be applied in all of these important matters."

Abd al-Qahir al-Baghdadi asserted in *Al-Farq Bayn al-Firaq*, "They [the scholars of ahl ul-Sunnah] that the khilafah/imamah is an obligation imposed upon the [Muslim] community for the purpose of establishing an imam who would appoint for [the people] judges and ministers, secure their borders, mobilize their armies, divide the fay', and mete out justice to the oppressed."





# FUNCTIONS and RESPONSIBILITIES of a Khalifah

In broad terms, a khalifah was expected to act as an agent of the community and to implement the Shari'ah. Summarizing caliphal duties and responsibilities, Badr al-Din Ibn Jama'a mentioned in *Tahrir Al-Ahkam fi Tadbir Ahl Al-Islam* such functions as, "... the defense of religion, warding off of offenders, compensating the wronged, and establishing right."

Al-Mawardi developed his concept of a khilafah on the basis of the Islamic state established by the Prophet and following the historical precedents of the first four khulafa'.

According to Al-Mawardi the duties of a khalifah functions are:

- 1- Guarding and protecting Islam by upholding the community's established sources, suppressing heretics and dissenters, and promoting true faith.
- 2- Enforcing law and settling disputes.
- 3- Protecting the state.
- 4- Implementing hudud.
- 5- Strengthening borders to deter enemies; protecting and defending territories and the lives of Muslims and Dhimmis.
- 6- Waging expansionary jihad.
- 7- Managing fiscal affairs and collecting legal taxes and zakat on the basis of text and the exercise of judgment.
- 8- Making appropriate payments from the public treasury.
- 9- Appointing reliable and competent men to perform state functions.
- 10- Overseeing the affairs of state and ensuring the well-being of the community.


In addition, a khalifah was responsible for leading public prayers, appointing ministers, judges, governors, market inspectors, and commanding right and forbidding evil. Non-Shar'i duties (recommended but not mandatory) included, inter-alia, providing medical services, education, social welfare, building roads, bridges, mosques and other infrastructure.

According to Ibn Khaldun, the function of a khalifah is to accomplish the objective of an Islamic state which will only be achieved as long as he performs his duties. Otherwise, the community will spiral into disorganization and, at worst, fail to establish the Islamic state according to Islamic principles.

The functions and duties of a khalifah were subject to change according to the situation and conditions of the society itself. However, the implementation of certain religious functions such as administering justice and observance of God's laws were considered among the most fundamental caliphal duties. A khalifah who conducted himself according to the Shari'ah was considered to have fulfilled his obligation to God and the people.







# Qualifications of a Khalifah

Scholars debated the conditions for the most suitable and qualified candidate for the office of a khalifah:

- 1- He must be a Muslim.
- 2- He must be possessed of legal responsibility.
- 3- He must be sane.
- 4- He must be free.
- 5- He must not have a physical defect in hearing, sight, or speech.
- 6- He must not have a physical disability affecting his capacity to move.
- 7- He must be possessed with wisdom and discernment in order to lead his subjects and see to their best interests and to be able to administer state affairs.
- 8- He must be brave.
- 9- He must be upright.
- 10- He must be capable of exercising ijtihad (legal reasoning).
- 11- He must belong to the Quraysh tribe.

Ibn Kaldun noted, "The khalifah is the deputy of the Prophet, the exponent of Shari'ah, and his functions are the protection of religion and government of the world. He must belong to the tribe of Quraysh and possess other personal qualifications laid down by Al-Mawardi."

## Methods by which a Khalifah May be Invested with Office

Examining the practice of the first four caliphs, Sunni scholars maintained that the khalifah may ascend the caliphal office through three main means:

1- Election by ahl al-hal wal 'aqd (a group of people who have discretionary power to enact or dissolve a pact). This was the case with first khalifah to assume office, Abu Bakr al-Siddiq, the Prophet's companion and father-in-law. Initially, there was disagreement between the Muhajirin or Emigrants (the Meccan followers of the Prophet) and the Ansar or Medinians (Helpers) over who should hold the office. Imam Al-Qurtubi narrates in *Al-Jami' li Ahkam Al-Quran* that the Companions agreed on electing Abu Bakr after the dispute that occurred in the courtyard of Bani Sa'ida. The Medinians said, "We will appoint one emir from us and one from you." But Abu Bakr, Umar, and the rest of the Muhajirin said, "The Arabs will never submit to anyone other than a Qurayshite," and they related narrations on this matter, so the Helpers retracted and accepted.

In *Ahkam Al-Sultaniyyah wa Wilayat Al-Diniyyah*, Al-Mawardi maintained that when ahl ul-hal wal 'aqd meet to select a khalifah, they are to examine the state of the available qualified candidates and give precedence to the best and most fully qualified of them whose imamah the people will readily accept. When there is only one candidate whom their reasoning leads them to select, they offer him the position. If he accepts, they swear an oath of allegiance to him. Otherwise, he is not forced to accept and they are to turn to another qualified candidate.

He also said, "It is necessary for the electors to agree to his imamah and that once agreed, it comes into effect because the imamah is a contractual agreement and it is not brought about except by the contracting partner." When Abu Bakr was elected, he addressed the people saying, "O People! I have been appointed over you, though I am not the best among you. If I do well, then help me. And if I act wrongly, then correct me ... If I disobey God and His Messenger, then I have no right to your obedience.

2- Istikhlaf or testamentary designation. This is the second process for appointing a khalifah. The first precedent for this form of investiture was that of the second khalifah, Umar Ibn Al-Khattab. Abu Bakr appointed Umar as his successor and khalifah of the Muslims. Abu Bakr, as his successor during his lifetime. In this kind of succession, however, the actual rule of the nominee is suspended until the current khalifah dies. Jurists later used the precedent of Abu Bakr's designation of Umar as his successor to sanction the later practice of hereditary rule.

The second precedent for istikhlaf was established by the second khalifah. While on his deathbed, Umar Ibn Al-Khattab appointed a committee of six to choose his successor from among themselves; the committee comprised Ali, Uthman, Zubayr, Abdul-Rahman Ibn Awf, Sa'd Ibn Al-Waqqas, and Talha. The choice ultimately fell on Uthman who became the third khalifah. This kind of nomination is legally binding and it is obligatory to accept the outcome of the committee's choice.

3- The third and final means of assuming the caliphal office is through seizure of power or conquest by way of oppression. This kind of takeover is valid even though such an act of usurpation is considered a disobedience, the reason being the prevention of anarchy and strife that would no doubt ensue if the takeover was to be contested and fought.

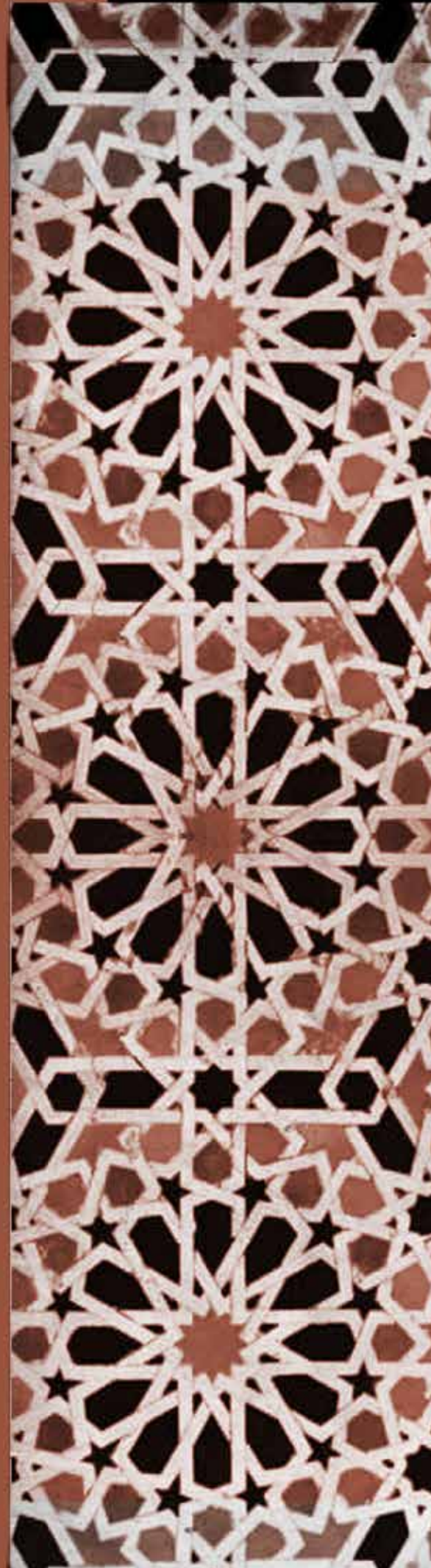
After a revolt against and the murder of Uthman, the third khalifah, the community was divided into two groups over who should succeed him and assume power. One group appointed Ali while the other was led by the rival contender, Mu'awiyah.



After a brief period as khalifah, Ali was murdered by the Kharijites and his son, Hasan, who was appointed by the community was poised to succeed him. However, fighting broke out between a group of Muslims who upheld the validity of his khilafah and another who supported Mu'awiyah's claim to the caliphal office, Imam Al-Hasan relinquished the office in favor of Mu'awiyah to avoid war and bloodshed. It was to protect the khilafah, which he rightly realized was no more than a means to preserve the lives of Muslims, that Al-Hasan did not fight his contender. Had the khilafah been an end in itself, Al-Hasan would not have forfeited his right to it. He knew however, that assuming the office should never be at the expense of lives, religion, honor, property and intellect i.e. the universal objectives that the Shari'ah came to protect. Al-Hasan's primary concern was to avoid bloodshed, preserve the lives and interests of the people and preserve the stability of the country tipped the scale in favor of Mu'awiyah, the fifth khalifah of Muslims and the first of the Umayyad dynasty.

The Quran and Sunnah, the two authoritative texts and scriptural sources of Islam, do not prescribe a particular model of governance. Scholars therefore turned historical precedents, particularly to the early years after the Prophet's, as a reference point for the mode of appointment of a khalifah.

The khalifah's legitimacy of authority can only be drawn from bay'ah (allegiance) from the Muslim ummah through its representatives, ahl al-hal wal 'aqd, or designation by a previous khalifah. The third alternative, taghallub or actual seizure of power, not only became a sufficient condition for the existence and acceptance of power but was also recognized as a de facto situation that ensured the continuation of peace, order, and stability of the country. Ibn Hajar Al-Asqalani maintained that jurists have reached a consensus over the obligation to obey one who forcibly usurps authority and to wage jihad by his side. He also said that obeying such a ruler is better than revolting against him to prevent bloodshed.





# ISIS and Their Khilafah

On the first day of the holy month of Ramadan, 29 June 2014, the terrorist organization known as QSIS announced the re-establishment of the Islamic Khilafah in the territory under their dominion in Iraq and Syria. They proclaimed their leader, Abu Bakr al-Baghdadi the khalifah and emir al-Mu'mineen (the leader of the believers). The caliphal claim is nothing more than an attempt to gain political and religious legitimacy. According to John L Esposito, Professor of Religion and International Affairs and of Islamic Studies at Georgetown University, for the majority of Muslims, the group certainly has no legitimate existence though it is necessary not to dismiss the danger they pose. "In terms of legitimacy—unless you are someone who is ready to join a terrorist group at this point, for the majority of Muslims there is no legitimacy with this group," he said. "Though there is no appeal to the greater Muslim community, the danger is to what extent they can enhance their appeal, and therefore their legitimacy, in terms of other potential recruits,"





In his inaugural speech as the self-declared khalifah of a self-declared khilafah, Abu Bakr Al-Baghdadi addressed the people and said, "O Muslims everywhere, glad tidings to you and expect good. Raise your head high, for today—by the grace of Allah—you have a state and khilafah, which will return your dignity, might, rights, and leadership.

It is a state where the Arab and non-Arab, the white man and black man, the easterner and westerner, are all brothers.

It is a khilafah that gathered the Caucasian, Indian, Chinese, Shami, Iraqi, Yemeni, Egyptian, Maghrabi (North African), American, French, German, and Australian. Allah brought their hearts together, and thus, they became brothers by His grace, loving each other for the sake of Allah, standing in a single trench, defending and guarding each other, and sacrificing themselves for one another.

Their blood mixed and became one, under a single flag and goal, in one pavilion, enjoying this blessing, the blessing of faithful brotherhood.

If kings were to taste this blessing, they would abandon their kingdoms and fight over this grace. So all praise and thanks are due to Allah."

The end of the Ottoman Empire in 1924, created the present Middle East, effectively ending a near 14-century tradition. The area was divided into various individual states were controlled by European powers like Great Britain and France, eventually giving rise to a growing sense of national and ethnic nationalism.

Though calls for the restoration of the khilafah surfaced in the twentieth century, they have largely been modest and unsuccessful. The last group to make a serious attempt at restoring the khilafah is QGIS. They make no secret of their ambition to establish a political and religious hegemony over the region and the world with the aim of creating an Ummah, community, based on Shari'ah law. Yet the trajectory they have followed since their emergence casts serious doubts on the solidity of their claim to establishing a functioning khilafah. Evidence for this comes from no other than their own words.

## The Qualifications of a Khalifah

Though no one can contest Abu Bakr Al-Baghdadi being free, without any physical defect in hearing, sight, speech or a disability affecting his capacity to move, and courageousness the same cannot be said about the rest of the necessary conditions.

### - Islam

The first and most evident requirement for the office of a khalifah is that he be a Muslim. While he is considered a Muslim by the majority of Muslims, yet much is left to be said about Baghdadi's and his followers' conduct as true Muslims following the rule of God.

Since its inception, the alleged state has waded knee-deep in blood with the blessings and urgings of its leader. ISIS' pedantic adherence to its own interpretation of Islam and Islamic law have rendered it an unyielding, barbaric enemy up against the entire world. Their primary strategy is excommunication of Muslims who do not support their deviant ideology and all non-Muslims. As 'khalifah' Al-Baghdadi has the power to punish and even execute anyone in the territories under his domain "whose faith is not absolute". In addition, he ordered many beheadings and even burning alive of those he deemed enemies. Sunni tribesmen and government soldiers who defied him were executed en masse and dumped into anonymous graves. He called upon the state's would be 'martyrs' to attack the enemy and "make rivers of their blood". The power to excommunicate Muslims and exact punishments, no matter how brutal, is likewise the prerogative of QGIS fighters and 'state' personnel.

Turning to the primary sources of Islam, let us see the duty of a Muslim. There are numerous Quranic verses commanding Muslims to obey the Prophet, much less a leader.

"Say, [O Muhammad], "If you should love Allah, then follow me, [so] Allah will love you and forgive you your sins. And Allah is Forgiving and Merciful" (Quran 3:31).

"Say, "Obey Allah and the Messenger." But if they turn away - then indeed, Allah does not like the disbelievers" (Quran 3:32).

"These are the limits [set by] Allah, and whoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment" (Quran 4:13).

"The only statement of the [true] believers when they are called to Allah and His Messenger to judge between them is that they say, 'We hear and we obey.' And those are the successful" (Quran 24:51).

"It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair. And whoever disobeys Allah and His Messenger has certainly strayed into clear error" (Quran 33:36).

"Indeed, We have sent to you a Messenger as a witness upon you just as We sent to Pharaoh a messenger. But Pharaoh disobeyed the messenger, so We seized him with a ruinous seizure" (Quran 73:15-16).

All of the above verses stipulate obedience to the Prophet and demonstrate that this obedience is tantamount to obedience to God. Disobedience to the Prophet then constitutes misguidance whose punishment is nothing less than torture in the hereafter. If we are to follow and obey God, then we must also obey the Prophet who said:

"The Muslim is he from whose tongue and hand all people are safe" (Al-Nisa'i).

"Reviling a Muslim is immorality, and fighting him is disbelief" (Bukhari).

"If a man says to his brother, 'O kafir (unbeliever)', then surely one of them is such" (Bukhari and Muslim).

"And whoever takes a life, he will be tormented in hell-fire. And to curse a Muslim, is the same as killing him. And whoever calls another Muslim a kafir, it is the same as killing him" (Bukhari and Ahmad).

"A man does not call another fasiq (corrupt) or kafir except that he will be the apostate if the other is not" (Bukhari).

"The Muslim is the brother of his fellow Muslim. He does not wrong him, abandon him or look down upon him. Taqwa [Piety] is right here [and the Prophet pointed to his chest three times]. It is evil enough for a Muslim to look down upon his Muslim brother. The Muslim's blood, property, and honor are forbidden for another Muslim" (Muslim).

"By God, he does not truly believe! By God, he does not truly believe! By God, he does not truly believe!" Someone asked, "Who, O Messenger of God? He said, 'He whose neighbor is not safe from his hurtful behavior'" (Bukhari).

"O Aisha! God is gentle and He loves gentleness. He bestows for the sake of gentleness what He does not bestow due to harshness" (Muslim).

"Verily your blood, your property and your honor are as sacred and inviolable as the sanctity of this day of yours, in this month of yours and in this town of yours. Verily! I have conveyed this message to you" (Bukhari and Muslim).

Abdallah Ibn Umar said, "Once I saw the Messenger of God circumambulating the Ka'bah and he was addressing it, saying, 'How excellent you are and how sweet your smell is! How grand you are and grand your sacredness is! By the One in Whose hands is the soul of Muhammad, the inviolability of a believer's property and blood is greater in the sight of God than your sacredness'" (Ibn Majah).

"Do not revert as unbelievers after me by striking one another's necks" (Bukhari).

"God will not accept any act of worship, obligatory or supererogatory, from the one who attacks a Muslim and kills him" (Abu Dawud).

"Indeed, God shall inflict His torment upon those who torture people in the life of this world" (Muslim).

"The Messenger of God dispatched a military force and appointed one of the Ansar as its leader. He ordered them to heed and obey him. The leader became annoyed at the troops on account of something and said, 'Gather firewood for me.' The he said, 'Kindle the fire.' The he said, 'Has not the Messenger of God instructed you to obey me?' They replied, 'Of course.' The leader said, 'Then plunge yourself into it.' The troops looked at each other ... They said, 'We fled to the Messenger of God to save ourselves from the fire.' They continued to procrastinate until the fire went out and the leader's anger had subsided. When they returned and submitted the episode to the Messenger of God, he said, 'If they had entered it, they would have never come out of it. Obedience is only in that which is right'" (Bukhari).



“Any Muslim who unjustly kills a non-Muslim with whom there is a peace treaty, God will make paradise forbidden for him” (Al-Nisa’i).

“When the Messenger of God would dispatch his troops, he would tell them, ‘Do not act treacherously, do not steal the spoils of war, do not maim dead bodies, and do not kill children and priests’ (Ahmad Ibn Hanbal).

“Do not kill any feeble old man, or any infant or young child or woman” (Abu Dawud).

“It is not fitting that anyone but the Lord of fire to punish with fire” (Abu Dawud).

These hadiths are a drop in the ocean compared with the vast hadith literature on the conduct of a true Muslim with regard to the sanctity of human life and property; respect for all humans, alive or dead; the prohibition of obeying leaders commanding disobedience; the danger of accusing Muslims of disbelief, and harming and torturing others in general. All of these hadiths are authentic and therefore constitute a command from the Prophet. Hence, to act contrary to them, is a disobedience to the Prophet, which, the Quran tells us, is tantamount to disobedience to God Himself. Imagine then the enormity of falsely misinterpreting them and acting in opposition to them! This first requirement in itself undermines Al-Baghdadi’s claim to the office of khalifah!

### - Wisdom and discernment

In Dabiq’s first issue, Al-Baghdadi is quoted as saying, “Soon, By Allah’s permission, a day will come when the Muslim will walk everywhere as a master, having honor, being revered, with his head raised high and his dignity preserved. Anyone who dares offend him will be disciplined, and any hand that reaches out to harm him will be cut off.

Whoever was heedless must now be alert. Whoever was sleeping must now awaken. Whoever was shocked and amazed must comprehend. The Muslims today have a loud, thundering statement, and possess heavy boots. They have a statement to make that will cause the world to hear and understand the meaning of terrorism, and boots that will trample the idol nationalism, destroy the idol of democracy, and uncover its deviant nature.”

This speech is crucially important in that it serves to counter QSI’s very notion of protecting Islam and according respect, veneration, and dignity to Muslims. How does QSI go about promoting Islam and inspiring respect for Muslims? They strive to do this by undermining the very ideals they claim to uphold. In Baghdadi’s own words, QSI will achieve their sublime goal by their “heavy boots” that will show the world the “meaning of terrorism”! So moronic and obtuse, Al-Baghdadi fails, or rather chooses to ignore, the repercussions of his radical strategy for world dominion, that he is ready to sacrifice Islam and mainstream moderate Muslims at the altar of his perverse vanity and ambitions! He makes no effort to hide his arrogance and pathetic ignorance of the very religion he claims to defend. If this is not the very antithesis of wisdom and discernment, we do not know what is!

# Knowledge and CAPABILITY Exercising of IJTIHAD

Al-Baghdadi, the son of a man who taught Quran recitation in a local mosque, followed his father's footsteps and started leading the neighborhood children in Quranic recitation. As an undergraduate in the University of Baghdad, Al-Baghdadi studied the Quran and later enrolled in Saddam University for Islamic Studies where he obtained a master's degree in Quran recitation and later a Ph.D. in Quranic sciences.

Already espousing stringent religious views, Al-Baghdadi was further radicalized during his period in Bucca prison where he was incarcerated. According to another fellow inmate who was interviewed by a reporter with Al Monitor, new recruits to extremist organizations were "prepared [in prison] so that when they were released they were ticking time bombs." Al-Baghdadi was one such recruit. Because of his scholarly credentials, was put in charge of QSI's religious affairs committee in some provinces and later was appointed the supervisor of the Shari'ah Committee.

In spite of his studies and credentials, Al-Baghdadi's radical jihadist ideology and beliefs render him inherently and absolutely incapable of valid and legitimate ijtihad. His views are distorted and his interpretation of primary texts are twisted and manipulated to suit his goals.





The most critical element of the vocation of a mujtahid (a scholar who exercises *ijtihad*) is moral integrity. Al-Shatibi proposed a method of selection, giving precedence to one mujtahid over another. This method incorporates the notion of the mujtahid as a moral ideal or model. A mujtahid's life, and not just his learning credentials or outward piety, should represent moral excellence evinced by the consistency between his private actions and public pronouncements. Looking at the life and actions of Al-Baghdadi, his incarceration, radicalization, affiliation to terror groups, and subsequent leadership of the most notorious and violent groups in modern times, it is absurd to assume that he demonstrates any capacity for moral probity and, in turn, any ability to make sound *ijtihad*. His sanctioning of the atrocities perpetrated by his henchmen and the heinous acts committed under his command are all a testament of his absolute malevolence and heartlessness. Al-Baghdadi is too self-interested in his own agenda to behave morally, so he consistently chooses only that which serves his interests.

#### **- Uprightness**

The khalifah must be a pious and upright Muslim who strictly observes all Islamic commandments.

Al-Baghdadi's speeches paint a disturbing picture of a sadistic, ego-inflated murderer. He urges his followers to murder old and young, males and females, Muslims and non-Muslims, combatants and non-combatants. He commands his followers to carry out suicide attacks when the Prophet clearly prohibits killing oneself. He condones the rape of women and forced marriage and sanctions slavery and human trafficking. If this is righteousness, we shudder to think what evil is!

To his followers, Abu Bakr Al-Baghdadi is an impeccable imam and fits the job description of a khalifah. Perfectly. They blindly obey him and are committed to defending him at all cost, "We will strike the neck of anyone—whoever he may be—that attempts to usurp his leadership, and we will remain patient in the face of tribulation with the help of Allah Al-Hakim (the Most Wise) and Al-Manan (the Most Gracious). So let those inclined to such [sin], leave us to our affairs, for we will remain upon our allegiance, neither revoking it nor requesting to be released from it."

Some scholars such as Al-Ghazali have argued that "the existence of any ruler is better than chaos, no matter what

the origin of his power", and Ibn Taymiyyah said, "even an unjust ruler is better than strife and dissolution of society". Yet, it can hardly be argued that this is the case with Al-Baghdadi who himself is the genesis of bloodshed, takfir, discord, genocide, mass killings, suffering, forced marriage and female enslavement, terrorism and everything that a khalifah is required by his office to safeguard society against!

#### **The Functions of the Khalifah**

Ibn Khaldun said, "The khalifah is the deputy of the Prophet, the exponent of the Shari'ah, and his functions are protection of religion and government."

Al-Mawardi speaks of ten functions of a khalifah the most salient of which are guarding and upholding Islam, promoting true faith, protecting the state, appointing reliable and competent delegates to perform state functions, overseeing the affairs of the state and ensuring the well-being of the Ummah.

We are indeed hard-pressed to find one of the above functions that Al-Baghdadi performs in compliance with the Divine precepts.

#### **- Guarding and Promoting the Faith**

Al-Baghdadi has made a fine job of demonizing and tarnishing the image Islam and Muslims across the globe. Instead of peacefully promoting Islam, he together with other militant Islamists, has unleashed unprecedented fear of Islam and Muslims and triggered vicious backlash against terrorist attacks perpetuated by QGIS members and sympathizers. They are the leading factor at present responsible for the growing alienation of Muslims worldwide. Regarding the function of the khalifah in promoting faith and guarding Islam, Abu Bakr Al-Baghdadi has failed miserably.

#### **- Protecting the State**

In the article "A Call to Hijrah" published in Dabiq magazine, Al-Baghdadi is quoted as saying, "Therefore, rush O Muslims to your state. Yes, it is your state. Rush, because Syria is not for the Syrians and Iraq is not for the Iraqis." According to Esposito, the idea of creating an international Islamic state is certainly not a new one. He says, "They talk about reversing the Sykes-Picot Agreement, playing into the notion that that was when the Muslim world

became divided. In order to mobilize broad support in the Muslim world, mobilize fighters, and legitimize what they want to do, they talk about the creation of this identity.”

It seems that Al-Baghdadi and his cronies, are appealing to those who wallow in nostalgia for a by-gone ideal that lost much of its idealistic resonance over the course of its history. “This is not the first border we will break, we will break other borders,” a militant from QGIS said in a 2014 video titled “End of Sykes-Picot”. Times have changed and the Islamic Khalifah, created by the Rashidun khalifahs for the protection and propagation of Islam, is no longer necessary or desirable. In fact, it is no longer an option or even a possibility. The reality of the division of the Ottoman Empire pursuant to the Sykes-Picot agreement is a historical fact; it cannot be contested. Nor is it possible to deny that the controlling western powers were left to determine and shape state boundaries within the area of present-day Middle East. Yet, this partitioning of the Ottoman provinces into independent states has been the status quo for approximately a century. Given this, it would be disastrous for the whole region to reverse the Sykes-Picot Agreement. What this would do, is at the very least plunge the entire region in a conflict, or maybe even start a civil war in every present-day state. A clash between those who wish to establish governance upon religion at the expense of minority populations and those who have developed specific identities distinct from their neighbors and seek nationhood based on notions of nationalism would be inevitable.

In July 4 2014, Al-Baghdadi vowed in a speech at the Grand Mosque of Al-Nuri that, “This blessed advance will not stop until we hit the last nail in the coffin of the Sykes-Picot conspiracy.”

Instability, civil discord, and turbulence would destabilize the region, invite foreign interference and ultimately subjugation of independent nation states (which is more or less the situation in Iraq).

The function of a khalifah is to protect the state, deter enemies, strengthen borders, and ensure the well-being of the community. The cornerstone of QGIS’ ambition is to eliminate borders and recreate a transnational state.



# Does the Khilafah of ISIS Meet the **CRITERIA** to Be Considered **a Legitimate State** Under International Law?

A state is defined in many different ways depending on different criteria. However, the most accepted definition of statehood is that put forward by the declarative theory of statehood as expressed by the Montevideo Convention of 1933. Accordingly, a state is defined as an international person that should possess a permanent population, a defined territory; a government, and capacity to enter into relations with other states.

In light of the above qualifications, many consider ISIS a proto-state or to exhibit state-like qualities. However, careful consideration of each condition seems to prove otherwise.

**A permanent population:** This is defined as citizens living (freely willing or otherwise) within the territory claimed by a political entity. There is certainly a population comprising a significant number of citizens living under QGIS' authority. Seeing itself as a state, QGIS has created a distinct identity to its caliphal residents by issuing 'khilafah passports' to citizens living under its rule.

However, due to certain precipitating factors, this condition of a permanent population has yet to come to full expression. As QGIS continues to violate every religious, ethical, and moral principle and human rights, refugees from Iraq and Syria are fleeing by the masses. Moreover, there is constant movement of population by the steady influx of gullible religious fools and bloodthirsty and psychopathic individuals who are attracted to join the 'jihad' under the seal of divine sanction and blessing.

In July 2014, the 'khalifah' urged Muslims from around the world to make hijrah or migration to Islamic State. "Rush O Muslims to your state. Yes, it is your state. Rush, because Syria is not for the Syrians and Iraq is not for the Iraqis," he said. He added, "O Muslims everywhere, whoever is capable of performing hijrah to the Islamic state, then let him do so, because hijrah to the land of Islam is obligatory."

In 2015, The International Centre for the Study of Radicalization and Political Violence (ICSR) issued a report shedding light on an increasing number of recruits who have grown disillusioned and abandoned the militant group.

Defectors were repulsed by the violent brutality against other Sunni Muslims, the senseless and random executions, rampant corruption among senior group members, promises that proved hollow, and the austerity of life in the so-called Islamic State.

A defined territory: Any state requires a defined territory over which it will exercise authority and exert influence. ISIS is pursuing the 'grand' goal of dissolving borders in the Middle East by reclaiming territory lost to the Sykes-Picot Agreement drawn up in 1916. Their intention is more ambitious though; they want to establish a global khilafah governed with their own brand of Shari'ah law.

The terrorist group had gained a significant territorial foothold in Syria and Iraq since it first emerged. Drawing inspiration from the historical Islamic Khilafah, ISIS has divided territories it does not control into wialyas (provinces) outside of Iraq and Syria. These include the Wilayats Barqa, Fezzan, and Tripoli in Libya; Wilayat Sina in Egypt; Wilayat al-Jaza'ir in Algeria; Wilayat Khorasan between Afganistan and Pakistan; Wilayat Qawqaz in the Causcus; Wilayat Gharb Afriqya in West Africa; Wilayat Yaman in Yemen; and finally Wilayat Najd and Wilayat al-Haramayn in Saudi Arabia. In spite of this, the glorious days of QGIS are steadily losing their luster as multiple forces fighting it in the Middle East are liberating large swathes of areas previously under its control.

Setting its sight on the entire world, ISIS does not recognize the established international borders or any other state and demands recognition as the only legitimate state on the planet. While this criterion places statehood out of its reach, there is another territorial issue that directly affects the question of its legitimacy.

# Islamic State



Article 11 of the Montevideo Convention on the Rights and Duties of States declares the following:

The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force whether this consists in the employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily.

Based on this, the means by which ISIS acquired the territory under its control—conquest through force, indiscriminate and brutal violence and gross violations of international and human rights laws—is in direct violation of this article—is enough to remove the *de jure* legitimacy of the group's territorial expansion though these areas may remain *de facto* under its control.

### Islamic Legal Designation of ISIS

Ibn Nujaym defined *Bughat* as, "... the plural of *baghy* (rebel). He who 'transgressed (*bagha*) against the people' is the one who oppressed and committed excess. It also means that he spread mischief. From it comes the term *al-firqa al-baghiyah* (the rebellious sect), because it deviated from the middle path ... the *fi'a baghiyah* (the rebellious group) is one that does not obey the writ of the government." *Bughat* is the accurate term to characterize this miscreant group.

Based on this definition, the *bughaht* consider themselves as upholding justice and seek to replace it with, what is in their view, an existing unjust and illegitimate system, with a just and legitimate order. According to Al-Mawardi in his *Ahkam Sultaniyyah* and Ibn Qudamah in *Al-Mughni*, there are three components that a group must possess to be considered as *baghy*: (i) They must commit *khuruj* i.e. any action that exhibits rebellion or treason against the imam (ruling authority). (ii) They must have *ta'wil*, a type of reasoning or ideology that justifies their rebellion. (iii) They must have *shawka*, influence and power.

ISIS, as a group, meets all three elements. Individual members, on the other hand, fit the bill of either the first element alone or both the first and second.

Each fighter that has joined the terrorist group has made *khuruj*, rebelled against the legitimate ruler of his country. A video posted in April 2014 shows foreign recruits ripping their passports and throwing them into the flames. Each one of them asserts his commitment to the group and to the group's version of *jihad* by making a declaration of faith and a promise to fight against the ruler of the country of origin.

A report issued by researchers from the market research company, Lebanon-based Quantum Communications, offers insight into the motivational forces and personal characteristics that drive some people to join a terror group that sits at the extreme end of the evil spectrum. Quantum stratified QSI fighters into nine types: status seekers, identity seekers, revenge seekers, redemption seekers, responsibility seekers, thrill seekers, ideology seekers, justice seekers, and death seekers. ISIS target people from all over the world via social media. The fighters' different backgrounds and stereotypes suggest that religious ideology is not the only element that plays a leading role in the ISIS terrorist narrative, destroying their alleged 'credibility'.

# INSIGHT

Magazine