Accusations of Unbelief in Islam

A Diachronic Perspective on Takfīr

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Contents

The Sum of its Parts: The State as Apostate in Contemporary Saudi Militant Islamism

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1   Introduction

For a long time the state of Saudi Arabia has hardly been targeted at all by militant Islamists.[1] Unlike Egypt, for example, where terrorist attacks against state institutions and political functionaries were widespread, Saudi Arabia was for a long time spared this fate.[2] So far the focus of Saudi Islamists has been mainly on the so-called "far enemy", represented not least by the numerous Western foreigners living in the kingdom. Their ideology has been shaped in particular by Pan-Islamist elements, which find their expression in the call to Muslims to defend the Muslim *umma* against any external threat.[3] This notion has apparently been emphasized even more since fifteen of the nineteen 9/11 attackers were identified as Saudi citizens and the kingdom gained the reputation of being a major exporter of radical Islamists, notwithstanding the constant assurance of the Saudi government that it actively contributes to the "War on Terror".[4] Even the events in and around the year 2003, when the Saudi branch of *al-Qāʿida* (later known as *al-Qāʿida fī Jazīrat al-ʿArab*) perpetrated a number of attacks on Saudi soil,[5] still seemed to follow this logic, because these attacks

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1   In this article the terms "radical Islamism" and "militant Islamism" will be used interchangeably. They will describe those Islamist currents that consider the exertion of violence (e.g., *jihād*) as appropriate means to challenge the political and/or religious status quo.

2   On the nature and extent of militant political activism in Saudi Arabia, see Hegghammer, "Jihad, Yes".

3   Hegghammer even goes as far as describing this extreme elaboration of Pan-Islamism as xenophobic. See idem, "Jihad, Yes," pp. 404, 411–413; idem, *Jihad, passim.*

4   See al-Banyān, "al-Saʿūdiyya taqṭaʿ ʿalāqātihā"; Saud al-Faisal, *Speech.*

5   Attacks have been carried out after 2013 as well; in fact, they became most frequent in spring 2004. This study, however, does not consider these later events, as they no longer coincided with the activities of ʿAlī al-Khuḍayr, Nāṣir al-Fahd und Aḥmad al-Khālidī. See Hegghammer, "Jihad, Yes," p. 402. In 2009 the Saudi Arabian and Yemenite branches of *al-Qāʿida* merged and proclaimed the result of this fusion as *al-Qāʿida fī Jazīrat al-ʿArab*. That some writers in *Ṣawt al-Jihād*—mouthpiece of *al-Qāʿida* in Saudi Arabia—had applied this label to some

were directed exclusively against Western foreigners in Saudi Arabia and the institutions they represented.[6]

Nonetheless, around this time a new dynamic evolved within militant Saudi Islamism, though it stood well covered under the cloak of this outward-oriented activism. At its core the notion emerged of the Saudi state as an infidel enemy. While Western foreigners and their institutions—the epitome of moral decline and unbelief—no doubt remained the primary target of the *jihād fī sabīl Allāh* ("*jihād* for the sake of God"), reference to the Saudi state as itself being a political opponent—justified primarily by its being allegedly ruled by un-Islamic principles—increased notably in the literature produced by and for militant Islamists.[7] The seriousness of the implications of this new dynamic can hardly be overestimated; after all, the kingdom's self-understanding is that of an Islamic state whose constitutional framework is largely based on the Qurʾān and Prophetic *sunna*.[8] Therefore, to question the religiosity of the Saudi state and, as an ultimate consequence of this questioning, to practise *takfīr* ("accusation of unbelief") against it should be regarded as a major novelty.

Besides the aforementioned representatives of *al-Qāʿida* in the Arab Peninsula the main protagonists of this later development were the three radical scholars ʿAlī b. Khuḍayr al-Khuḍayr (b. 1954), Nāṣir b. Ḥamad al-Fahd (b. 1968 or 1969), and Aḥmad b. Ḥamūd al-Khālidī (b. 1969). Because of their writings pertinent to this topic and their explicit endorsement of the attacks of *al-Qāʿida fī Jazīrat al-ʿArab* they have been labelled the "Takfīrī Trio" (*thulāthī al-takfīr*) by the media, and all three were eventually arrested in May 2003 and

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Saudi cells already in 2003 indicates that before 2009 the designation of the Saudi branch of *al-Qāʿida* appears not to have been consistent. Therefore we shall take up Hegghammer's suggestion to use the label "al-Qāʿida fī Jazīrat al-ʿArab" consistently for all phases of the development of the organization. See Hegghammer, "Islamist Violence," p. 56 n.12.

6   The attack on the residential complex Muḥayyā, near Riyadh, in November 2003 appears somewhat exceptional only at a first glace. While the victims of this attack were almost exclusively Muslims, according to various statements in *Ṣawt al-Jihād* the intended targets were in fact exclusively foreigners. According to these statements, the naming of Muslims amongst the victims must strongly be rejected as a strategy of the Saudi authorities to defame the *mujāhidūn*. See, e.g., anonymous, "al-ʿAmaliyya al-ʿaskariyya".

7   The logic of "far enemy" and "near enemy" behind the actions of *al-Qāʿida fī Jazīrat al-ʿArab* appears clearly in the various writings of its adherents: while the infidel Western foreigners in Saudi Arabia remained the main target, the subversion of the Saudi government has become a subsequent one. See al-Madanī, *Hākadhā narā al-jihād,* p. 16; anonymous, "Liqāʾ".

8   See al-Mamlaka al-ʿarabiyya al-saʿūdiyya. Majlis al-shūrā, *al-Niẓām al-asāsī*; also see Fürtig, *Demokratie*, pp. 59–61.

jailed.[9] That their public statements, both oral and written, had been understood as accusation of unbelief (*takfīr*) against the state became unequivocally clear in late 2003: in November and December of that year all three scholars appeared in interviews on Saudi national television in which they publicly revised their earlier radical views. The fact that they were only released for these television appearances and were put back behind bars directly afterwards strongly suggests that, despite their public recantations, the Saudi authorities still regarded them as a serious threat to national security.

This appears not to have been accidental. After all, al-Khuḍayr, al-Fahd and al-Khālidī certainly earned the label "Takfīrī Trio", owing to their open *takfīr* of critical writers,[10] reformist and moderate religious scholars,[11] and eventually, although certainly not as explicit as in the other cases, various state institutions. Therefore, it is not surprising that during the interviews all three were repeatedly asked for their opinion on the Saudi state and whether they considered it to be Islamic[12]—a point all three scholars were apparently most willing to concede to their interviewer.[13] The fact that they were asked to affirm the kingdom's true Islamicity suggests that their former views on the Saudi state were widely understood as *takfīr* against the state as a whole. Moreover, that such an understanding had indeed been the intention of the three scholars was made plain in 2004 by Nāṣir al-Fahd when, only three months after his publicly televised revisions, he rejected them, saying "I have not committed any mistake in accusing the state of unbelief (*lā zalaltu ukaffiru l-dawla*), I do not revoke this."[14] Therefore what the three scholars practised may well be considered as *takfīr*. However, what appears striking and requires some explanation is how the emphasis in understanding and practising *takfīr* among young radical Saudi religious scholars (*ʿulamāʾ*) has broadened from initially single individuals and clearly defined groups of people to a rather abstract entity such as the state (*dawla*). In this context it is critical to answer the question who, or what—in the eyes of these authors—actually constitutes the "state",

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9   See al-ʿAzūz, "al-Khālidī"; al-Hindī, "al-Amīr Nāyif".

10   See al-Khuḍayr, *Fatwā*.

11   See al-Khuḍayr, *Uṣūl al-ṣaḥwa*; al-Fahd, *Ṭalīʿa*; idem, *Tankīl*, vol. 2.

12   See al-ʿAydarūsī/al-Wahībī, "Fī thānī iʿtirāf ījābī "; anonymous, *Muqaddim*.

13   It is interesting to note that it was widely discussed whether these revisions could be considered "sincere" *murājaʿāt*, or whether they were the result of mere political calculation, or even of the scholars' treatment in prison. See al-ʿAtīq, "al-Fahd yuʿlin tarājuʿahu"; al-ʿAwfī, "Ṣāliḥ al-ʿAwfī"; Ibn Maḥmūd, *Khawārij*; al-Rashīd, *Hashīm al-tarājuʿāt*.

14   al-Fahd, *Tarājuʿ*, p. 2; also published as *Risāla min al-Shaykh al-asīr Nāṣir al-Fahd*, p. 2.

and what they accuse it of in order to justify the pronunciation of *takfīr* against this rather abstract entity.

What appears to have been unprecedented in the Saudi context had been rather common practice elsewhere. In Egypt, for example, radical Islamists have, mainly in the wake of severe prison experiences, increasingly shifted the focus of their *takfīr* to the political establishment as the most vivid manifestation of unbelief [15] and, even more narrowly, to the ruler (*ḥākim*) as the ultimate source of unbelief (*kufr*), thus legitimizing *takfīr* against him (*takfīr al-ḥākim*).[16] This focus has been justified by the ruler's specific responsibility as the "shepherd of the flock",[17] and because of the extraordinary importance for the maintenance of "true" religion ascribed to him. The ruler was thus regarded as the epitome of the state; as a consequence Muslims were either called upon to contribute actively to the overturn of the infidel ruler (mostly associated with *jihād*), or to withdraw their obedience from the state as a whole.[18]

15　The instrumentalisation of *takfīr* in order to delegitimise a political authority—particularly a head of state—was first explicitly elaborated by the radical Egyptian Muslimbrother Sayyid Quṭb (executed 1966). Relying heavily on the writings of the Indo-Muslim thinker Abū l-Āʿlā Mawdūdī (d. 1979), Quṭb described the present Muslim societies as religiously ignorant (*jāhilī*) and the Muslim states as infidel (*kāfir*). By incorporating the legal practice of *takfīr* into an ideological framework he justified to overthrow the ruler, an act which he labelled *jihad*. The such established conceptual trias of *jāhiliyya*, *takfīr* and *jihad*, finally, constituted an ideological cornerstone for later militant Islamists in and beyond Egypt. See Damir-Geilsdorf, *Herrschaft* 3, pp. 76–88, 179–190, 249–271; Hartung, *System*, pp. 193–221.

16　According to Jansen, *The Neglected Duty*, pp. 152–154, 156 n.1, this conceptual term was prevalent already in the 1950s and 1960s, as discussed by Yūsuf al-Qaraḍāwī in his *al-Ṣaḥwa al-islāmiyya bayn al-juḥūd wa-l-taṭarruf* (Cairo/Beirut 1984). The impact of this concept on the Egyptian discourse on *takfīr* is proven, e.g., by ʿAbd al-Raḥmān, *Kalimat ḥaqq*, pp. 56, 82, 107.

17　This term refers to a *ḥadīth* transmitted by ʿAbd Allāh b. ʿUmar: "Everyone of you is a shepherd and every one is responsible for his flock. The *amīr* [al-Bukhārī: *imām*], who stands above the people, is a shepherd and he is responsible for his flock." *Ṣaḥīḥ al-Bukhārī*, kitāb al-aḥkām, ḥadīth no. 7.138, p. 1791; *Ṣaḥīḥ Muslim*, kitāb al-imāra, bāb faḍīlat al-imām al-ʿādil wa-ʿuqūbat al-jāʾir wa-ḥathth ʿalā l-rifq bi-l-raʿīya wa-nahy ʿan idkhāl al-mashaqqa ʿalayhim, ḥadīth no. 4.617, p. 930.

18　This logic was pursued by radical Islamists in the Egyptian context, for whom the concept of *takfīr al-ḥākim* played a decisive role: based on the assumption that the head of polity is also very much *imām* and therefore responsible for the religious guidance of his subjects, *takfīr* was therefore mainly directed explicitly against the head of state. See al-Faraj, *Jihād*, pp. 5, 14.

Whether similar developments can be identified for the Saudi Arabian context will be investigated in this contribution through the example of the three scholars, al-Khuḍayr, al-Fahd, and al-Khālidī. It will be argued here that the three scholars did not ascribe political authority solely to the head of a polity, whose own religious orientation would then affect all of his subordinates. Unlike the Egyptian radicals, they targeted all state institutions, because they considered them all intertwined and—by chain of command—inseparably linked to the head of state. Thus, *takfīr* against state institutions, as practised by the scholars, could be interpreted as equivalent to *takfīr* of the ruler, which, by implication, serves to delegitimise the entire state, understood as the sum of its different institutional parts.

2 The Scholars and *Takfīr* of Ruler and State in the Thicket of Events

The shift towards a critical appraisal of the state by the three radical scholars, and the increasing appeal of *takfīr* against ruler and state in the Saudi context is the result of a number of important and intricately intertwined events.

Although *takfīr* constitutes an integral part of the original Wahhabi creed and was a crucial political tool at least in the processes of consolidation of power and expansion of the sphere of influence of the first states,[19] *takfīr* of the ruler or political officials hardly played any role at all. Throughout most periods of Saudi rule, the self-conception of the Saudi state as an Islamic one has not been questioned by its citizens—or at least possible doubts as to the Islamicity of state and ruler did not lead to any specific political activism within its territory.[20] This was to change considerably with the emergence of the "Islamic Awakening" movement (*al-ṣaḥwa al-islāmiyya*) in the 1960s and 1970s, the first direct and massive trend of opposition against the policies of the

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[19]   See Commins, *Wahhabi Mission*, pp. 22–25, 46f. Today's Kingdom of Saudi Arabia is referred to as the "Third Saudi State". The first two polities governed by the Āl Saʿūd between 1744–1818 and 1824–1891 are usually labelled as "states", although they did not correspond to our current understanding of the concept. See, e.g., Steinberg, *Religion*, pp. 18–28.

[20]   The criticism hurled by Saudi expatriates against their own government looks quite different. For example, the deprecating statements on the Saudi government by some London-based Saudi dissidents in the 1990s almost border on *takfīr*. See al-Rasheed, *Contesting the Saudi State*, pp. 121, 132f; idem, "Saudi Religious Transnationalism"; Fandy, *Saudi Arabia*, pp. 130f.

government.[21] During the first Gulf War, the deployment of US troops in the Saudi Kingdom, religiously legitimized by a legal opinion (*fatwā*) of ʿAbd al-ʿAzīz b. ʿAbd Allāh b. Bāz (d. 1999), who was soon to become Grand *muftī* and the highest religious authority in the state, served as a major catalyst for the increased political significance of the *Ṣaḥwa* movement in the 1990s.[22]

However, while the criticism of the scholars of the *Ṣaḥwa* was sparked off by foreign policy, and first and foremost by the manifold relations between Saudi Arabia and the USA,[23] it extended also to internal issues. Prominent among these were the debate on the strengthening of women's rights, the increasing impact of liberal and secular thought, the increasingly weak role of the *ʿulamāʾ* in the political decision-making processes, and doubts regarding the conformity of Saudi legislation with the *sharīʿa*—all of which, however, was understood as the result of the damaging cultural influence of the West.[24]

Very much in line with the classical understanding of the consultatory role of the *ʿulamāʾ* in relation to a corrupt but not infidel ruler, the scholars of the *Ṣaḥwa* movement sought to exert their influence on Saudi politics through moralizing and admonishing letters and memoranda.[25] So far all that was new was that this well-intentioned advice was expressed in public. *Takfīr*,

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21   The first assault on the authority of the current Saudi state was the spectacular occupation of the *Masjid al-ḥarām* in Mecca on 20 November 1979 by Juhaymān al-ʿUtaybī (executed 1980) and a small group of followers. However, while in justification of this, al-ʿUtaybī evidently criticized the Saudi king, he nonetheless made it clear that to declare him an unbeliever is not necessary. In one of his letters he stated: "The oath is not incumbent on the Muslims and they are not obliged to be obedient to them (i.e., the *ḥukkām al-muslimīn al-yawm*). Nevertheless, all this does not result in the need to practise *takfīr* against them (*takfīruhum*)." Sayyid Aḥmad, *Rasāʾil*, p. 82. For a thorough assessment of al-ʿUtaybī's ideology, see Hegghammer/Lacroix, "Rejectionist Islamism," p. 111.

22   For details on the background of this *fatwā*, see Teitelbaum, *Holier than Thou*, p. 28. On the damage to the religious credibility of the state-supportive *ʿulamāʾ* after they religiously legitimized this political decision by the Saudi government, see Steinberg, "The Wahhabi Ulama," pp. 30–32.

23   See Pollack, "Saudi Arabia". While partisans of the *Ṣaḥwa* movement criticized these policies already in the 1980s, this criticism gained momentum with the deployment of American troops in the kingdom in 1990. See Lacroix, *Awakening*, p. 154.

24   On the harsh criticism of *Ṣaḥwa* scholars on the increasing empowerment of women in Saudi Arabia, see Teitelbaum, *Holier than Thou*, p. 31; Fandy, *Saudi Arabia*, pp. 49, 62; Krämer, "Good Counsel," p. 263.

25   See Okruhlik, "Networks"; Teitelbaum, *Holier than Thou*, pp. 33, 39; Krämer, "Good Counsel," p. 263; Fürtig, *Demokratie*, p. 21; Fandy, *Saudi Arabia*, pp. 50–60; Alshamsi, *Islam and Political Reform*, pp. 78f.

however, was neither practised against state nor against the ruler:[26] the religious legitimacy of the Saudi state was never questioned even in the slightest. At this stage, the sole enemy remained infidel foreigners, here first and foremost the Americans, because it was they who were considered a latent threat to the cohesion of the Muslim community. Consequently, although still non-violent, the criticism expressed by the partisans of the *Ṣaḥwa* movement was especially harsh against the foreign policy of the Saudi state and its perceived inability to resist growing Western influence.[27]

The publicity of this criticism, however, prompted the Saudi authorities to consider the adherents of the *Ṣaḥwa* movement a vital threat to internal security, which in 1994 led to the arrest of its leading members, among them Safar b. ʿAbd al-Raḥmān al-Ḥawālī (b. 1950), Salmān b. Fahd al-ʿAwda (b. 1955 or 1956) and Nāṣir b. Sulaymān al-ʿUmar (b. 1952). While these arrests brought their critique against the policies of the state effectively to an end, the vacuum thus created in the opposition to the state triggered the increasing emergence of more radical views.[28] This void became even more apparent towards the end of the 1990s, when the scholars of the *Ṣaḥwa* movement came back from jail as reformed men, and when, in reaction, another group of radical *ʿulamāʾ* began to claim to be the legitimate heirs to these scholars who were seen as traitors to their former cause.[29] The figurehead of this group was initially Ḥamūd b. ʿUqlāʾ al-Shuʿaybī (d. 2002), a former supporter of the *Ṣaḥwa* movement, who rose to prominence especially with his applause for the attacks of 9/11 and his call for support for the Afghan Taliban in the "War on Terror".[30] After he passed away, the baton was taken over by his closest confidants, ʿAlī al-Khuḍayr and Nāṣir al-Fahd, and later by Aḥmad al-Khālidī as well.[31]

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26   See Krämer, "Good Counsel," pp. 261, 264f.

27   See Hegghammer, "Islamist Violence," pp. 703f.; Fandy, *Saudi Arabia*, pp. 62, 86f., 112f.

28   In addition, Hegghammer refers to the development of a theological power vacuum after the demise of the three influential scholars ʿAbd al-ʿAzīz b. Bāz, Muḥammad b. ʿUthaymīn (d. 2001) and Nāṣir al-Dīn al-Albānī (d. 1999) around the turn of the millennium. See Hegghammer, *Jihad*, p. 83.

29   The radical scholars were not the only ones who made this claim. On the other "legitimate heirs", see Lacroix, *Awakening*, pp. 241–55.

30   This lead the "Council of Leading Scholars" (*hayʾat kibār al-ʿulamāʾ*) to issue a decree prohibiting al-Shuʿaybī from issuing further legal opinions. Al-Shuʿaybī's faithful supporter ʿAlī al-Khuḍayr discussed and ultimately rejected the allegations and the decree of the Council in *Difāʿan ʿan al-Shaykh Ḥamūd b. ʿUqlāʾ al-Shuʿaybī*.

31   Hegghammer (*Jihad*, pp. 85f.) speculates whether and to what extent al-Fahd and al-Khuḍayr, among others, issued legal opinions under the name of al-Shuʿaybī already before the death of the blind and ailing scholar.

As ʿulamāʾ all three of them had completed a higher religious education: al-Khuḍayr studied at the Faculty of Uṣūl al-Dīn ("principles of religion") at the Imām Muḥammad b. Saʿūd University in Riyadh and the Qaṣīm Province, joined the Ṣaḥwa movement in the early 1990s, and was arrested in 1994 after he had vehemently demanded the release of Salmān al-ʿAwda. In the Ḥāʾir prison he met Nāṣir al-Fahd, an assistant professor at the Sharīʿa Faculty of the same university. Because of his radical writings in which he questioned, among others, the morality of the wife of prince Nāyif b. ʿAbd al-ʿAzīz (d. 2012), the Minister of Interior and the half-brother of king ʿAbd Allāh b. ʿAbd al-ʿAzīz (b. 1923), al-Fahd was arrested in 1994. The two scholars were released from prison in 1997 and 1998 respectively, and were eventually joined by al-Khālidī, a Kuwaiti, who had, among others, studied with al-Khuḍayr and had also been imprisoned between 1995 and 1996. All three scholars seem to have become more radical during their respective time in jail, a fact that is not least reflected in their proximity to al-Shuʿaybī and in their intensified publishing activities.[32]

Besides the apparent resignation of the leading adherents to the Ṣaḥwa movement, widely perceived as the failure of their non-violent strategy to end the American presence in Saudi Arabia,[33] there were at least two further impulses that eventually caused the radical scholars to shift their focus towards the Saudi state.[34] One is the geo-political shift that resulted from 9/11, especially the wars against the Taliban in Afghanistan and against the regime of Saddam Hussein in Iraq, which caused the Saudi government increasingly to prove itself as a worthy ally of the USA.[35] The explicit endorsement of the "War on Terror" by the Saudi state, in turn, exacerbated a radicalization in the criticism of the kingdom's willing cooperation with the West that was initiated by the Ṣaḥwa movement. Now radical scholars such as al-Khuḍayr, al-Fahd and al-Khālidī began increasingly to question the actual Islamicity of the Saudi state, which, after all, had apparently shifted its loyalty away from

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32   Anonymous, Nubdha; anonymous, ʿAlī b. Khuḍayr; al-Jāsir, "Abraz"; al-Rayyis, "al-ʿAwājī," p. 6; Brachman, Global Jihadism, p. 64; Hegghammer, Jihad, pp. 86–89.

33   In his 1996 declaration of war on the USA, Osama bin Laden condemned the detention of the scholars of the Ṣaḥwa movement. With their arrest, so he argued, the Saudi state had prevented the possibility of a non-violent eviction of the American troops from Saudi Arabia, and had left the people with no alternative to the militant option (ʿamal al-musallaḥ). See Ibn Lādin, Iʿlān al-jihād, pp. 6, 10.

34   On the relevance of personal experiences for this, see Hegghammer, Jihad, pp. 87f.

35   See Prados/Blanchard, "Saudi Arabia," pp. 6f.

upright but persecuted Muslims, such as the Taliban, towards Western powers that defamed these Muslims as "terrorists".[36]

The other major impulse that linked the increasingly radical statements of al-Khuḍayr, al-Fahd and al-Khālidī to more concrete activities was the establishment of an *al-Qāʿida* branch in Saudi Arabia from 2002 onwards under the leadership of Yūsuf al-ʿUyayrī (d. 2003), a former bodyguard of Osama bin Laden. In the course of massive recruitment efforts al-ʿUyayrī intensified his contacts with al-Shuʿaybī, and later with al-Khuḍayr, al-Fahd and al-Khālidī, to gain their support for his endeavours. Although there is no hard evidence that any of these *ʿulamāʾ* ever became a member of the *al-Qāʿida* network proper or participated in the preparation of terrorist attacks (or even had concrete knowledge of them), their overt sympathy contributed significantly to preparing the ground for recruitment in Saudi Arabia.[37] It is in this context that a crucial role was played by the numerous public statements of the three scholars, because in these they provided retroactive religious legitimization for *al-Qāʿida* attacks in the kingdom. In so doing the three scholars ultimately broke away from the strategy of moralizing admonition employed by the *Ṣaḥwa* and shifted their emphasis explicitly to advocacy of open activism. Thus, while the attacks of al-ʿUyayrī's network still almost exclusively targeted Western foreigners and their institutions in Saudi Arabia,[38] the statements of the three scholars demanded from all Saudi citizens the adoption of a clear position either in support of the activists of *al-Qāʿida*, who saw themselves as

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36   In stark contrast to their assessment of the Taliban, al-Khuḍayr, al-Fahd and al-Khālidī regarded Saddam Hussein as an infidel. Despite this, however, they excoriated the solidarity of the Saudi state with the Americans in the war in Iraq and demanded support for "Islamic forces" against the *Baʿth* regime instead. See al-Khuḍayr, *Ḥukm.*

37   There is plenty of evidence to prove the existence of personal contacts between the three scholars and the leader of *al-Qāʿida fī Jazīrat al-ʿArab* Yūsuf al-ʿUyayrī and his followers. Al-ʿUyayrī established contact with the scholars to attune them to his activism by directing their focus to all those issues he considered relevant for this, such as, for example, the campaign against the Taliban in Afghanistan. This initial contact became solidified by the fact that some students of the three scholars later joined the *al-Qāʿida* cell. When, between February and May 2003, al-Khuḍayr, al-Fahd, and al-Khālidī were forced to go underground, these relationships may have become even tighter. See Hegghammer, *Jihad*, pp. 97, 152–54.

38   While the focus of *al-Qāʿida fī Jazīrat al-ʿArab* was plainly on the expulsion of the American enemy from Saudi soil, the writings of its protagonists suggest nonetheless their questioning of the religiosity of the Saudi state. Again, however, it has to be stressed that political change in the kingdom remained only a subordinate goal to the eviction of Western foreigners from Saudi Arabia. See anonymous, *Liqāʾ*, pp. 24–6; al-Ḥasan, *Nabʿ*, pp. 2f.

mujāhidūn ("those who strive in the course of God") in the battle against the enemies of an endangered Islam, or of the Saudi state which declared these attacks to be criminal offences and persecuted the attackers as "terrorists". Because they took sides with the *mujāhidūn*, the three scholars' criticism of a state whose activities were directed against the alleged saviours and protectors of Islam and the *umma* caused serious doubts to spread as to the state's actual religiosity. It was therefore not really surprising that, after an attack perpetrated by the *al-Qāʿida* cell in Riyadh in May 2003, al-Khuḍayr, al-Fahd and al-Khālidī were arrested and jailed for conspiracy.[39]

In order to answer the question of how *takfīr* was eventually extended to an entire state instead of remaining confined to clearly defined individuals or groups of people, it is necessary to take a closer look at how the three scholars understood "state". In order to do so, we will have to consider the particular patterns of argumentation that are observable in many of their writings: as will become clear, the "state", in the scholars' definition, is not an end in itself but rather a necessary proposition required to legitimize their practice of *takfīr* against it. *Takfīr*, as pronounced by the scholars, thereby centres on offences rather than on the offender. Alongside their particular understanding of "state", this specific approach to *takfīr* allowed al-Khuḍayr, al-Fahd and al-Khālidī to conceal it in the guise of criticism (*tanqīd*), and thus to avoid a direct confrontation with the Saudi authorities.

3   What Offence had been Committed?

Nāṣir al-Fahd's popular work *al-Tibyān fī kufr man aʿāna al-amrīkān*, prefaced by ʿAlī al-Khuḍayr, provides some indication of what offences committed by the state constitute unbelief on its part and therefore legitimize the pronunciation of *takfīr* against it. Al-Fahd attempted to prove the illegitimacy of the American military campaigns in Afghanistan in 2001 (treated in the first volume of the work) and in Iraq in 2003 (treated in the second volume). Especially in comparison to the revered "Islamic Emirate" of the Taliban, the United States is portrayed as a morally corrupt country that has used the events of 9/11 as a convenient pretext to target Islam in the name of the "War on Terror".[40] In reality, according to al-Fahd, this war is only one example of the clear and

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39   Already in February 2003 the scholars were forced into hiding, where they wrote their most radical writings. See al-Hindī, "al-Amīr Nāyif"; al-Muṭawwaʿ, "al-Amīr Nāyif".

40   See al-Fahd, *Tibyān*, p. 5.

everlasting enmity between unbelievers (*kuffār*) and Muslims.[41] What distinguishes a Muslim from an unbeliever, as al-Fahd explains in line with classical Wahhabi doctrine, is his unconditional belief in *tawḥīd*, which implies the rejection of any authority other than God.[42] Inseparably linked to the concept of *tawḥīd* ("monotheism") is, according to al-Fahd, loyalty towards Muslims, while at the same time dissociating oneself from unbelievers, that is to say, the application of the legal concept of *al-walāʾ wa-l-barāʾ* ("loyalty to fellow Muslims and dissociation from non-Muslims").

Being a fully trained legal scholar (*faqīh*), however, al-Fahd was still able to differentiate between three forms of interaction between Muslims and unbelievers, each of which has different juridical consequences. Thus, while he acknowledged that there is permissible interaction (*muʿāmala jāʾiza*), expressed, for example, in the extension of justice and fairness towards peaceful unbelievers, there are other forms that he labelled *muwālāt* ("assistance"). These forms, although they do not fully qualify as unbelief (*kufr*), are still highly problematic, since they may ultimately lead to unbelief. In this category falls, among others, the showing of sympathies towards unbelievers. The third form of interaction, termed *tawallī*, however, is in itself an act of apostasy and must therefore be penalized accordingly. It is to this category that al-Fahd assigned assistance to the *kuffār* in actions against Muslims,[43] which—with reference to the American involvement in Afghanistan and Iraq—he described as "[a]ny assistance to them [*the kuffār*] in their war, whether this assistance is physical, with weapons, with the tongue, with the heart, with the pen, with wealth, with opinion". All this, he concluded, "is *kufr* and apostasy from Islam".[44] He then went even further in his explication by describing *tawallī* as a characteristic of "those who have a sickness in their hearts, and are, therefore, hypocrites

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41   The somewhat eschatological theme of an eternal war between Muslims and unbelievers is also very common in the radical writings of members of *al-Qāʿida fī Jazīrat al-ʿArab*. See, e.g., anonymous, *Liqāʾ*; anonymous, "Tatimmat al-liqāʾ"; al-ʿUyayrī, *Thawābit*, pp. 3–5, 6f.; idem, *Mustaqbal*, pp. 6–9; Meijer, "Yūsuf al-ʿUyayrī," p. 447.

42   al-Fahd refers here to the tripartite understanding of *tawḥīd* as *tawḥīd al-ulūhiyya, tawḥīd al-rubūbiyya* and *tawḥīd al-asmāʾ wa-l-ṣifāt*, a differentiation that is constitutive to Wahhabi doctrine as laid down in the writings of Muḥammad b. ʿAbd al-Wahhāb. See Ibn ʿAbd al-Wahhāb, *Majmūʿat al-tawḥīd*, pp. 152–56; Peskes, *Muḥammad b. ʿAbdalwahhāb*, pp. 21–33.

43   See al-Fahd, *Tibyān*, vol. 1, pp. 42f.

44   al-Fahd, *Tibyān*, vol. 1, p. 45. To prove his point al-Fahd refers to a consensus (*ijmāʿ*) created from the views of Ibn Ḥazm (d. 456/1064), ʿAbd al-Laṭīf b. ʿAbd al-Raḥmān b. Ḥasan Āl al-Shaykh (d. 1293/1876), ʿAbd Allāh b. Ḥumayd (d. 1402/1981) and Ibn Bāz, as well as to the Qurʾān and prophetic *sunna*. See al-Fahd, *Tibyān*, pp. 23–6.

(*munāfiqūn*)."[45] Thus, according to al-Fahd, it is hypocrisy (*nifāq*) that immediately leads to *tawallī* and inevitably to apostasy (*ridda*).[46]

In a nutshell, the offence or the sign of unbelief that al-Fahd referred to is, first and foremost, a violation of the principle of *al-walā' wa-l-barā'*: because loyalty (*walā'*) to Muslims without clear dissociation (*barā'*) from unbelievers is—by definition—not possible, any person who actively helps the unbelievers against Muslims cannot but become an apostate.[47] With regard to the question at hand, however, it is now necessary to focus on the question whom exactly al-Fahd and his two associates considered to have committed this offence in the course of the American military campaigns in Afghanistan and Iraq, and whether this can then serve as a justification for a pronunciation of *takfīr* against ruler and state.

4   Who Committed this Offence?

In May 2003 *al-Qāʿida fī Jazīrat al-ʿArab* launched a coordinated terrorist attack on different compounds in Riyadh, targeting non-Muslim foreigners and killing at least thirty-four people. Already before the attack nineteen names and pictures of the most wanted militants, among them some of the later attackers, were published by the Investigation Office of the Ministry of Interior (*al-mabāḥith al-ʿāmma*).

In response, Nāṣir al-Fahd, ʿAlī al-Khuḍayr and Aḥmad al-Khālidī issued a declaration in which they complained about the widespread (mis-)understanding of *jihād* as an offence (*jarīma*), as well as what they perceived as the harmful and disgraceful treatment of the *mujāhidūn* in Saudi Arabia.[48] Moreover, all three of them were adamant in their claim that the names and pictures of the militants were only published at the insistence of the United States. At the same time they warned every Muslim against betraying the *mujāhidūn* by passing on information to the authorities (*anẓima*) about their whereabouts, because this would ultimately help the American enemy.[49]

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45   al-Fahd, *al-Tibyān* (1), p. 49.

46   See Ibn Kathīr, *Tafsīr al-Qurʾān*, vol. 2, p. 63.

47   The very same accusation is also made by al-Khuḍayr and al-Khālidī in their own respective works. See, e.g., al-Khuḍayr, *Ḥadd*; al-Khuḍayr/al-Fahd/al-Khālidī, *Bayān*; al-Khuḍayr/al-Rayyis et al., *Kufr*.

48   See al-Fahd/al-Khuḍayr/al-Khālidī, "Bayān," p. 34.

49   See al-Fahd/al-Khuḍayr/al-Khālidī, "Bayān," pp. 34f; *a*l-Mudīra al-ʿāmma li-l-mabāḥith, *Qāʾima*.

A similar tone was adopted in an open letter to the Security Services, written jointly by all three scholars in the same year. Here, they explicitly made the accusation that the Saudi security services, by oppressing, spying on and arresting the *mujāhidūn*, had joined the global campaign of the American enemy and its Western allies.[50] The Security Services treated them as criminals, whereas they were only fulfilling their religious obligation of *jihād*.[51] Finally, the three scholars ask the Security Services to stop their activities, because

> [i]f you chase the righteous *mujāhidūn* because of their *jihād* or their victory, if you expel them, arrest them or the like, then you are extending your best help to the crusaders against the Muslims. If someone assists the crusaders against the *mujāhidūn* in any way, be it by passing on information about them, spying on them, reporting them, arresting them, or the like, then he is an unbelieving apostate (*kāfir murtadd*) from the *dīn* of God, even if he prays, pays alms, fasts, or speaks the testimony of faith and claims to be a Muslim.[52]

What is striking about both of the above statements of al-Fahd, al-Khuḍayr and al-Khālidī is that at no point do they refer to an actual individual who could be subjected to the legal consequences an apostate would normally face. Nowhere is there any mention of the Saudi king, or even the ruling family, which would, according to what has been said above, be the requirement for the pronunciation of *takfīr* against the ruler. Instead, the three scholars refer to somewhat anonymous "authorities" or the security services as an institution.

In order to justify the view that what al-Fahd, al-Khuḍayr and al-Khālidī did here can nonetheless be considered at least implicit *takfīr* against the ruler it is necessary to take a closer look beneath the surface. Thus one needs to acknowledge that, after all, none of the Saudi security services is an autonomous body, but they are rather directly subordinated to the Ministry of Interior.[53] Consequently, the responsibility for the violation of the principle

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50 The manifold military cooperation of the Saudi kingdom with the USA, and its open support for the American military campaigns has been widely discussed by members of *al-Qāʿida fī Jazīrat al-ʿArab*. See, e.g., al-Zahrānī, *Āyāt*.

51 See al-Khuḍayr/al-Fahd/al-Khālidī, *Risāla*, p. 1.

52 See al-Khuḍayr/al-Fahd/al-Khālidī, *Risāla*, pp. 2f.

53 According to its own description of the "Objectives and Responsibilities", the Ministry of the Interior of Saudi Arabia is committed to the support of "internal and external security, control crime, terrorism and … develop Arab security institutions", and thus also for the police. *Ministry of the Interior Objectives and Responsibilities.*

of *al-walā' wa-l-barā'* on the part of the various security services, which ulti-
mately results in unbelief (*kufr*), would ultimately lie with the Minister of
Interior, Nāyif b. ʿAbd al-ʿAzīz. Since he, in turn, was installed and retained in
office by his half-brother, the current Saudi king ʿAbd Allāh b. ʿAbd al-ʿAzīz,
it can safely be concluded that by targeting a state institution—the Security
Services—the three scholars in fact practised *takfīr* against the ruler, as all
state institutions owe their loyalty to the head of state, i.e. the king.

There are indications in the writings of the three scholars from that period
that can support this assumption: For one, the attack of the three scholars on
the security services goes hand in hand with the call to all Saudi citizens,
including security personnel, to demonstrate loyalty towards the *mujāhidūn*
and, inseparably linked to it by the doctrine of *al-walā' wa-l-barā'*, to withhold
obedience from the state institutions at the same time. Every righteous believer,
explicitly including the security policemen, should quit their work and refrain
from carrying out what the three scholars considered infidel instructions based
on *tawallī*, the third and absolutely prohibited form of interaction with unbe-
lievers. Otherwise, and again consistent with the understanding of *al-walā'
wa-l-barā'* outlined above, their obedience would cause them to forsake Islam.

Moreover, in his *Tuḥfa saniyya fī taḥrīm al-dukhūl fī l-ʿaskariyya*, also written
and published in 2003, Aḥmad al-Khālidī provided corroboration for the afore-
mentioned assumption that the three scholars indeed did not understand the
security apparatus to be an autonomous entity, but rather a manifestation of
the official state policies, ultimately resulting from directives issued by the
ruler. Here, al-Khālidī characterized the army and police as the "executive
organs of a state" (*jihāt al-tanfīdhiyya*), fully responsible for translating the
infidel laws (*qawānīn al-kufriyya*) of the government into concrete instructions
and their practical application to the people. This responsibility is explained
as tacit approval (*iʿtibār*) and execution (*tanfīdh*) of the decisions reached by
the cabinet (*qarārāt majlis al-wuzarāʾ*), the directives issued by the Ministry
of Interior, and everything that is decreed by the authorities.[54] The executive
organs, so he concluded, "are the power of a state. They are a useful tool to be
employed depending on the policy of the state" (*adāt ṣāliḥa liʾl-istiʿmāl wafqan
li-siyāsat al-duwal*).[55] What emerges clearly from such statements is that the
three scholars regarded the state institutions as intrinsically and fully inter-
twined with the political authority. Because of this understanding, what at a
first glance may appear as *takfīr* against the individual members of the secu-
rity apparatus as one particular governmental institution, could in fact well be

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54   See al-Khālidī, *Tuḥfa*, p. 35.
55   al-Khālidī, *Tuḥfa*, p. 36.

considered *takfīr* against every associated institution, and ultimately against the ruler himself. Therefore, if we decide to acknowledge what the three scholars did as *takfīr* proper, then it would indeed be directed against the state—the embodiment of the political—as a whole and, hence, as a body corporate.

Finally, not only are the targets of the *takfīr* of the three scholars—ultimately the king and his government—at best mentioned indirectly, even their *takfīr* as such appears to be rather implicit. A *fatwā* by Nāṣir al-Fahd, entitled *ʿIndamā yakūn al-jihād fī sabīl amrīkā* and issued probably at around the same time, provides a vivid illustration of the implicit character of the *takfīr* that the three scholars pronounced against the Saudi state, because, as will be shown, at no point is the accusation of unbelief explicitly spelled out. The way al-Fahd developed and presented his argument makes it still appear as mere criticism of the Saudi political establishment, while the unspoken consequence from the argument he developed in this way was nonetheless entirely obvious to his intended audience.

Al-Fahd began his argument with an attempt to provide evidence for the fact that the Saudi state—as a whole and in its parts—did violate the doctrine of *al-walāʾ wa-l-barāʾ* by actively assisting infidels in the pursuit of their own respective interest. Here, al-Fahd argued that the attitude of the "state called Saudi" (*al-dawla al-musammāh bi-l-saʿūdiyya*)[56] towards the *mujāhidūn* depended decisively on the actual course of American policies: while they were praised as heroes during the *jihād* in Afghanistan against the Red Army in the 1980s, today they are criminalized for their *jihād* in Iraq. This shift in the appreciation of the *mujāhidūn* was—at least in the eyes of al-Fahd—obviously prompted by a shift in the interests of US policies: while the Americans clearly benefited from the war in Afghanistan against their communist enemies, the current war in Iraq is directed against the United States itself and thus not welcome.[57] The Saudi government's changing attitude towards the *mujāhidūn* was patently indicative of the fact that it did so only to please its American ally; in doing so, it has deviated from its religious foundations, because it would now advocate a *jihād* for the sake of America (*fī sabīl amrīkā*) over one for the sake of God (*fī sabīl Allāh*).[58]

One can certainly link al-Fahd's argument here to the earlier one of al-Khālidī: the accord of the Saudi ruler with an infidel power that openly targets Muslims and Muslim interests—visible in the hostile position of the Saudi government towards the *mujāhidūn* within and outside of Saudi

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56   al-Fahd, *ʿIndamā*, p. 2.
57   See al-Fahd, *ʿIndamā*, p. 2.
58   See al-Fahd, *ʿIndamā*, p. 2.

Arabia—ultimately affects each and every believer under Saudi rule, and thus consequently the entire Saudi state. Therefore, because the Saudi ruler disobeys the principle of *al-walā' wa-l-barā'* and thereby commits an act of clear unbelief, everyone who obeys his orders would consequently be guilty of the very same offence.

From the above discussion, one is certainly tempted to draw the ready conclusion that, because of the different interdependences that exist between the head of state and the various executive bodies, the manifestation of unbelief in one single governmental department is a result of infidel orders by the highest political authority. At the same time, apostasy committed by one single governmental department poses a threat to the fidelity of the entire polity and each one of its members. The case, however, seems a little more complicated: after all, one may ask why, although the critique in his aforementioned *fatwā* is quite explicit, al-Fahd refrains from accusing the state of infidelity and instead just characterizes it as hypocritical: "On this occasion I do not want to cite proofs of the legitimacy of this *jihād* and reinforce it … I would rather like to explain the hypocrisy (*nifāq*) of this state (*dawla*)."[59]

It certainly needs to be acknowledged that an explicit and open *takfīr* against the state as a whole or one of its parts can hardly be established from this *fatwā*. However, it is nonetheless possible to explain it as accusation of apostasy by taking his other writings—all of them more or less from the same period—into consideration. The most important in this regard seems to be the previously discussed *al-Tibyān fī kufr man aʿāna l-amrīkān*, in which Nāṣir al-Fahd discusses the various forms of interaction of Muslims with unbelievers and their legal consequences. By combining the scholar's view that hypocrisy (*nifāq*) leads to non-permissible association with the unbelievers (*tawallī*), which in turn leads to apostasy (*ridda*), and his later assertion that the Saudi state is hypocritical, we can safely conclude that according to al-Fahd the Saudi regime as a whole shows signs of apostasy. His readers and supporters would certainly have understood this implicit message very well, as indicated by the impact that al-Fahd's earlier writings had on recruitment to *al-Qāʿida fī Jazīrat al-ʿArab*.

5　　Conclusion—The Implicit of the Implicit

In the end, the line of argument adopted by the three Saudi scholars Nāṣir al-Fahd, ʿAlī al-Khuḍayr and Aḥmad al-Khālidī illustrates only one among

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59　　al-Fahd, *ʿIndamā*, p. 1.

countless possible responses to state and religion in Saudi Arabia. What remains to be established, however, is whether the accusation of apostasy—*takfīr*—played a decisive role in their attempt to legitimize disobedience against the entire state, and, if so, what form it took and why. At this point it needs to be examined whether our initial hypothesis still holds—namely, that the point of reference shifted from clearly discernible and legally responsible individuals or well defined groups as the target of *takfīr* to the less tangible Saudi state.

It can rightly be argued that the arguments of the three scholars in what has been assumed to be ultimately an accusation of apostasy against the Saudi state were first and foremost determined by the state's position towards the so-called "far enemy", and above all the USA. The multifarious forms of support that the Saudi government extended to the Americans, be it outside the kingdom, as in the military campaigns in Afghanistan and Iraq, or inside it, as in the persecution of ostensible Saudi terrorists, was interpreted as an unequivocal declaration of loyalty to and support for infidels over Muslims. This, in turn, was considered as a clear violation of the legal principle of *al-walāʾ wa-l-barāʾ* which, in the eyes of radical *ʿulamāʾ* such as the three at the centre of our inquiry, made the Saudi state a target of *takfīr* as a means to justify civil disobedience. This perspective did not develop just by accident: after all, not least because of the repression that the activists of *al-Qāʿida* and eventually the scholars themselves were subjected to in the name of "counter-terrorism", they ostensibly felt the long reach of the USA through the politics of the Saudi state.

At first glance it would seem that the three scholars had only the security forces pinned down as responsible for the deviation of the Saudi state from its religious foundations; after all, it was they who represented the rather abstract politics of the state and gave it a concrete form, as al-Fahd, al-Khuḍayr and al-Khālidī directly experienced. This view, though, appears too myopic, as the violation of the *walāʾ wa-l-barāʾ* principle—the nucleus of the scholars' argument for the legitimacy of *takfīr* and, eventually, for civil disobedience—was not confined to these state institutions. Because the three scholars saw them all as interdependent and, by way of the chain of command, inseparably tied to the ruler and his government, they were considered representative of government policies and thus identified with political authority. Therefore, an attack on a single state institution could well be understood as directed against the ruler himself, and ultimately as an attack launched against the entire state. By implication, the entire state, as the sum of all its parts, was now considered a legal person against whom the legal practice of *takfīr* became technically

possible. The obvious benefit of such an approach, in turn, is that it appeared much safer to accuse the state, as a conglomerate of densely intertwined institutions, of unbelief than to confine this to the ruler as the one holding the ultimate responsibility for the fidelity of the polity.

On the other hand, however, to consider this practice as *takfīr* proper appears still quite problematic for a number of reasons. On an objective level, the scholars undeniably deviated from their own normatively grounded understanding of the practice of *takfīr* as elaborated in their numerous legal and theological treatises. In these, *takfīr* is considered legitimate only if directed against a clearly defined individual and, moreover, only after the possibility of mitigating circumstances has been thoroughly assessed.[60] On the analytical level, to consider what has been practised by the three scholars as *takfīr* remains most difficult and to an extent speculative, because it is hidden beneath indirect accusations, criticisms and admonitions. Thus, neither the Saudi king himself, nor other specifically identifiable politicians have been directly and unequivocally accused of unbelief. Even the accusation of unbelief against state institutions and their functionaries remained rather general; interdependencies with the government and, ultimately, the ruler remained equally vague and were couched in moral admonitions, although they can easily be established on the basis of other writings of al-Fahd, al-Khuḍayr and al-Khālidī. One tends therefore to conclude that *takfīr* of the ruler and state, as practised here, appears rather as the implicit of the implicit.

Still, al-Fahd's aforementioned rebuke of his own publicly displayed catharsis, when he said that "I have not committed any mistake in accusing the state of unbelief, I do not revoke this",[61] clearly indicates that it is nonetheless justified to consider what has been discussed in this study not just as mere criticism against, and admonition of ruler and state, but rather as true *takfīr*.

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60   This refers to a distinction relating to *takfīr* made by many militant and non-militant Salafists alike who, usually with reference to Ibn Taymiyya, distinguish two kinds of *takfīr*: whereas in *takfīr al-muṭlaq* the emphasis is on the act (*fiʿl*) as one of infidelity, the focus in *takfīr al-muʿayyan* is on the individual that is accused of having committed a clearly discernible act of apostasy. Besides establishing the act as one of infidelity, the practice of *takfīr al-muʿayyan* requires also a thorough assessment of possible mitigating circumstances, such as ignorance (*jahl*) or coercion (*ikrāh*). See Ibn Taymiyya, *Majmūʿat al-fatāwā*, vol. 11, p. 406; vol. 12, pp. 487–500; also al-Khālidī, *Injāḥ*; al-Khuḍayr, *Mawāniʿ*.

61   al-Fahd, *al-Tarājuʿ*, p. 2.

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