

Does the End Justify the Means?

An Assessment of ISIL's Justification of Violence through the Lens of Just War Theory

By

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Abstract

The purpose of this thesis is multifaceted. It first attempts to explain ISIL's justification for violence and further assesses if ISIL's use of violence can be justified with the Just War Theory. The thesis uses the following six standard principles of JWT: Just cause and intention, competent and legitimate authority, proportionality before war, the last resort, discrimination, and proportionality in war. Through these principles of the JWT, the thesis attempts to explain if ISIL's establishment of an Islamic Caliphate is a just cause and whether ISIL has the competent authority to wage war on behalf of the entire Islamic world. Furthermore, the thesis discusses the principles of proportionately and examines if war is the last resort for ISIL based on the Just War theoretical perspective.

The primary argument of the thesis is that ISIL uses violence to establish an Islamic Caliphate and provides Islamic text and Quranic interpretation as the primary justification for its action. It is further arguing that the Just War Theory cannot entirely explain ISIL's actions since ISIL is a non-state actor, and the JWT best fits to justify the use of violence and war when a state is the actor.

The findings of this thesis suggest that ISIL's use of violence to establish an Islamic Caliphate is supported partly by Islamic text and Quranic interpretation. Furthermore, the thesis highlights that religious terrorism in general and Islamic terrorism in particular, is based on the doctrine of religion, and military intervention is not sufficient to defeat this phenomenon; instead, more focus has to be made on the ideological foundation of religious terrorism.

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List of Abbreviations

ISIL	Islamic State in Iraq and Levant
JWT	Just War Theory
UN	United Nations
UNSC	United Nations Security Council
WMDs	Weapons of Mass Destruction

Chapter 1: Introduction

Background

On June 29th, 2014, Abu Baker al-Baghdadi, the Islamic State leader in Iraq and Levant (ISIL), proclaimed an Islamic Caliphate and invited Muslims worldwide to come and live under his emerging Caliphate (Herfroy-Mischler 2018). Founded by Abu Musab al-Zarqawi in 1999, ISIL re-emerged in 2014 as one of the notorious terrorist organizations with a Salafi-Jihadist ideology. ISIL is different from other religiously-motivated terrorist organizations in its propaganda strategy, which uses modern technology and extreme and unusual violence to reach its objectives of establishing an Islamic Caliphate.

Although not a new phenomenon, religious terrorism dates to over two thousand years ago (Hoffman 2006), and in its contemporary form, it is no more than few decades old based on Rapoport Four-Wave Theory. The beginning of modern religious terrorism appears to be the late 1970s (Eubank 2010), the same year Islamic Revolution took place in Iran and triggered the movement of extremist groups in the region and beyond. Hoffman argued that religiously motivated terrorism is in pursuit of mass casualties and violence is at the heart of it. Rapoport maintained that religion and especially Islam and Judaism permit their followers to use violence when and if necessary (Crenshaw 2011). The nexus between contemporary religious terrorism and violence became popular as early as the 1970s (Kippenberg 2011). Among all religions, it appears that their religion requires the believers of Abrahamic faiths to be ready to scarify for religion when there is a just religious cause (Kippenberg 2011).

Religious Terrorism and the Use of Violence

Terrorist organizations utilize violence as one of the primary methods to achieve their objectives (Primoratz 1997). The technique, type, and extent of violence the terrorist organizations use differ based on an organization's ideology, structure, goals and objectives, and even geographical region in which the terrorist organization operates. The 9/11 attack in the United States and later emergence of ISIL, sparked a lot of discussions among experts and scholars about the extent and type of violence perpetrated by Islamic terrorist organizations (Daskin 2016) as well as the sources of justification for the violence these organizations are committing.

David Rapoport's findings on sacred religious terrorism in contemporary and medieval Islam, Hinduism, and Judaism suggest that the primary source of justification for terrorist organizations' violence is religion (Crenshaw 2011). Literature suggests that terrorist organizations in general and religiously motivated ones, justify their violent acts using their doctrine and ideology. As a result, the role of a terrorist organization's doctrine is vital in justifying their violent act (Daskin 2016).

One could ask, why do religiously motivated terrorist organization need to justify their violent act? And why it matters to them after all? Because justifying violent act is crucial for terrorist organizations to convince their members, sympathizers, potential recruits, and in general, the public of the rightfulness of their acts and cause (Daskin 2016). Religious terrorist organization's activities and legitimacy are validated and justified by an interpretation of their religious texts. For example, Islamic terrorist organizations use Quranic interpretation, Hadith, Fatwas, and clerical authorities to justify their activities including use of violence (Venkatraman 2007). Rapoport argued that Islam justifies the actions of its believers, including committing the act of violence and terrorism. Studies indicate that religious terrorism's use of violence is due to various factors such as (mis)interpretation of religious guidelines and texts,

social enablers, political triggers, and personal characteristics (Sedgwick 2004), which is out of the scope of this thesis to discuss all these matters.

Methodology and Theoretical Framework

The purpose of this thesis is multifaceted. It first attempts to explain ISIL's justification for the use of violence. Secondly, it assesses if ISIL's use of violence can be justified with the Just War Theory. The primary argument of the thesis is that ISIL uses violence to establish an Islamic Caliphate and provides Islamic text and the Quranic interpretation as justification for its action (perpetrating violence). The second argument is that the Just War Theory cannot entirely explain ISIL's actions (war and violence) since ISIL is a non-state actor and the JWT best fits to justify use of violence and war when a state is the actor.

The thesis uses the following six standard principles of JWT: Just cause and intention, the competent and legitimate authority, proportionality before war, the last resort, discrimination, and proportionality in war. Through these principles of the JWT, the thesis attempts to explain if ISIL's establishment of an Islamic Caliphate is a just cause and whether ISIL has the competent authority to wage war on behalf of the entire Islamic world. Furthermore, the thesis discusses the principles of proportionately and examines if war (Jihad¹) is the last resort for ISIL based on Just War theoretical perspective.

With its root in Christian theology, the JWT has been used to analyze and understand religiously motivated terrorism, and particularly Islamic terrorism. The JWT is a medieval theological framework but, in its contemporary and developed form, it is used to assess secular aspects of wars. Since the 9/11 terrorist attack in the United States, the JWT has been used to understand the Islamic extremist motives and objectives as well as the moral aspects of war by relevant terrorist organizations (Moseley 2021).

¹ In Islam, war for a religious purpose is called Jihad which is a holy war. ISIL claims its war with Muslims and non-Muslims is for a religious cause and hence it is a Jihad.

The literature on the use of JWT to examine the Islamic Jihad and associated terrorism is extensive. Therefore, a desk research is utilized by reviewing relevant literature in religious terrorism, Islamic extremism, Salafi-Jihadism, ISIL Islamic Caliphate, Jihad, and JWT. The information is obtained from major academic journals, books, studies, and reports published in national and international media sources.

Limitations

As with any research study, this thesis also has its limitations and constraints. Religious terrorism and the use of violence by terrorist organizations representing a specific religion is a controversial matter, and there is a large body of literature available on the topic. Similarly, JWT is an old and comprehensive theoretical framework, that has been going under constant development its creation, and there is a large body of literature available about this theoretical framework and its application across different discipline and topics. Reading through such a large body of literature, comprehending, analyzing, and writing about it; is impossible in such a limited time that this thesis had to be prepared and with a limited number of words. Nevertheless, the author has attempted to consult the key literature on the JWT, religious terrorism and use of violence and ISIL.

Thesis Structure

This thesis is comprised of five chapters. Chapter one is the introduction and aims to provide a general overview of religiously motivated and Islamic terrorism. It further provides a brief introduction to the JWT and its six principles that will be used in this thesis. Chapter two looks at the foundation of ISIL's ideology, the ISIL's Islamic Caliphate, and how it uses violence to justify establishing an Islamic Caliphate. Chapter three provides a review of the literature on the JWT and discusses the application of JWT to the invasion of Iraq in 2003 by the United States-led coalition. Chapter four analyzes ISIL's use of violence with the JWT using the six

principles explained previously in this chapter. Finally, chapter five concludes the thesis and discusses its findings.

Chapter 2: ISIL Ideology and Justification for the Use of Violence

Introduction

The re-emergence of ISIL in June 2014 was not initially taken seriously by the international community. However, few weeks after the terrorist organization declared the Islamic Caliphate, propagated its extreme violence through social media and its magazine Dabiq, a coalition led by the United States was formed to defeat ISIL. In particular, the Sinjar massacre and abduction and killing of thousands of Yazidis was an awakening call for the international community. Even though today ISIL is not a significant military threat as it used to be, its ideology is strong among its followers in the Middle East and Western democracies and continues to be a threat globally.

A few scholars argue that the rise of ISIL is linked to the instability in Iraq and Syria (Kfir 2015), which is partly true. However, ISIL's ideology existed before the Iraq war and had been formed by its founder Abu Musab al-Zarqawi in the early years of the terrorist organization's establishment. The geopolitics of the region and war in Iraq and Syria helped ISIL recruit for its cause, especially among Sunni Muslims who suffered and were oppressed by the Nouri al-Maliki Shia government in Iraq (Kfir 2015). The re-emerged ISIL had kept the original ideology of al-Zarqawi, which was to establish an Islamic Caliphate, an objective that al-Qaeda also pursued (Kfir 2015), albeit with a different perspective and means to achieve it.

ISIL's view on Islam is based on Salafi-Jihadist ideology which provides an extreme interpretation of Islamic Sharia law and Islamic text. The Salafi-Jihadist blame corrupt Muslims, and Islamic government, and non-Muslims for the current suffering, humiliation, poverty, and oppression of true Muslims worldwide. They believe that to end this endless suffering of Muslims, rescue Islam, return honour and respect to Muslims and purify society,

Jihad is necessary (Al-Raffie 2012). As a result, ISIL justifies the use of extreme violence such as mass execution of non-combatant and ordinary civilians, suicide attacks, beheading of journalists and humanitarian workers as a justification to establish an Islamic Caliphate (Taddonio 2017). The following section of this chapter will discuss the foundation of ISIL's ideology, the nature of its Islamic Caliphate, as well as its justification for using violence.

ISIL Ideology: Salafi-Jihadism

Ideology is a worldview used to explain how specific political, religious, and economic issues are or ought to be. It is used as an identity for an individual or groups who are associated with that ideology. It is a state of mind, belief, thoughts, and myths reflected in individuals and groups' actions and behavior.

Salafi-Jihadism is an ideology that has its root in medieval Islam. Moghadam argues that Salafi-Jihadism is an ideology that emerged in response to industrialization, modernization, and globalization (Moghadam 2008). It is derived from Salafi or Salafiyya, which is taken from the word *salaf* in Arabic, and seeks to practice Islam at its origin- the time of Prophet Muhammad (Al-Raffie 2012). Jihadism is taken from the word *Jihad*, which can be translated as the holy war or Just war in Islam. The Salafi-Jihadism or Salafi worldview is multidimensional. Salafists aim to bring the utopian Islamic past and maintain a specific conceptualization of Islamic Sunni intellectual tradition referred to as *turath* in Arabic. The Salafists are concerned with how things were practiced during medieval Islam, and that should continue to the current era (Duderija 2018). Shiraz Maher outlined five ideological features of Salafi-Jihadism: "*tawhid* (the unity of God), *hakimiyya* (sovereignty), *al-wala 'wa-l-bara* (loyalty and disavowal), *Jihad* and *takfir* (ex-communication, declaring someone an unbeliever" (Maher 2016, pp.13-14).

The Salafi-Jihadist are concerned that Islam is diminishing as a religious, political, military, economic, and cultural doctrine and they need to ensure its survival based on its origin which

goes back to the beginning of Islam (Moghadam 2008). One of the leading Salafi-Jihadist thinkers, Sayyid Qutb, claimed that society is either Islamic or not. He believed that all aspects of a society should be governed based on the law of Islam and the *Sunna* of Prophet Muhammad (Shepard 2021). To the Salafi-Jihadist, non-Muslims are infidels, and moderate Muslims are apostates, and killing them could be justified if and when necessary. The Salafi-Jihadists consider both beliefs and actions of Muslims to rule out if they are apostates or not. While belief is equally important, Muslims' actions matter the most to the Salafi-Jihadist. They believe that Islam is the supreme, the last and only true religion on the earth (Al-Raffie 2012), and those who deny such claims are apostates. Salafi-Jihadist scholars consider Jihad and martyrdom as a necessity to purify society and establish Sharia law.

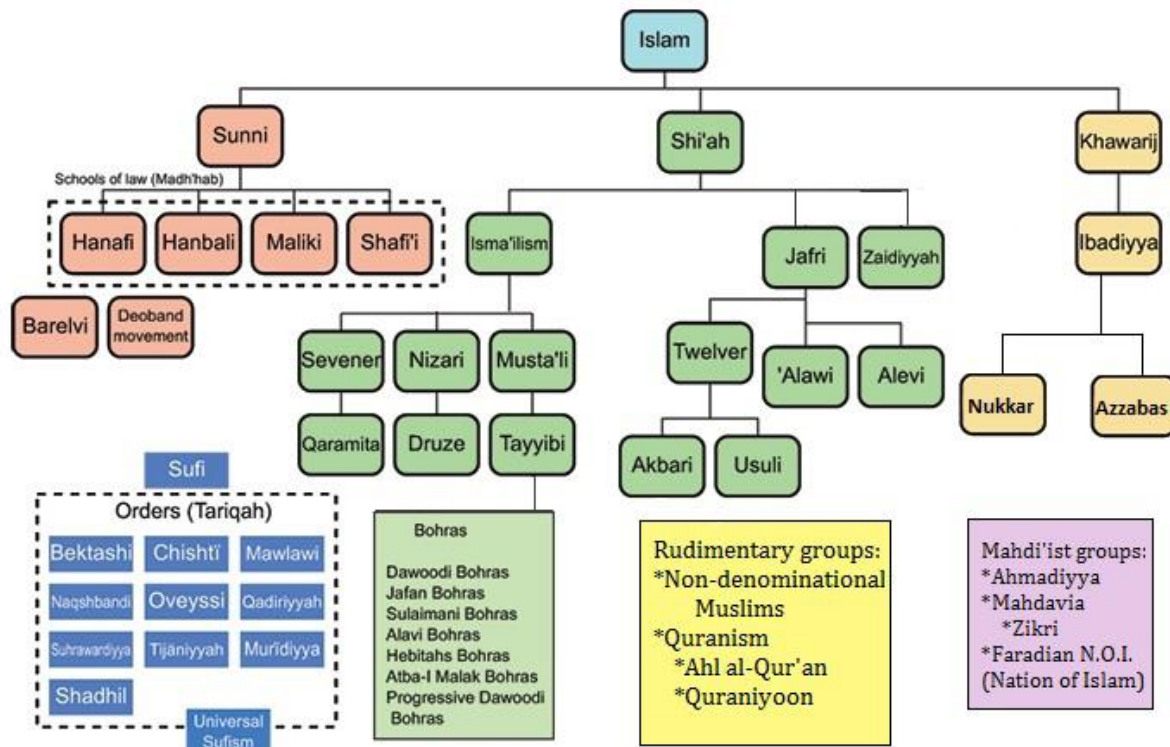
The Salafi-Jihadism is rooted in the Hanbaliyya Sunni Islamic school of thought and is influenced by Ibn Taymiyya (full name Taqi al-Din Abu al-Abbas Ahmad ibn Abd al-Salam ibn Abd Allah ibn Muhammad Ibn Taymiyya (Laoust 2021), Muhammad ibn Abd al-Wahhab, and Sayyid Qutb. Ibn Taymiyya was a strong supporter of violent Jihad to expand Islam worldwide (Al-Raffie 2012). An expansion that ISIL aims to achieve by establishing the Islamic Caliphate and through extreme violence. The modern Salafi-Jihadist ideology is also influenced by Muhammad bin Abd al-Wahhab, an eighteenth-century Islamic scholar influenced by Ibn Taymiyya (Britannica 2021) and the Hanbaliyya school of thought.

Sunni Islam Schools of Thought

The Sunni sect is one of the two main branches of Islam, the other being Shia. Globally Sunni Muslims make around 85 percent of the total Muslim population (Pruitt 2019). The divide between Sunni and Shia started with the succession of Prophet Muhammad. The Sunni Muslims recognizes the first four Caliphs: Abu Baker Sadiq, Umar ibn al-Khattab, Uthman ibn Affan and Ali ibn Abi Talib; however, the Shia Muslims believe that Ali ibn Abi Talib, son-

in-law, and cousin of Prophet Muhammad, was the rightful successor of the Prophet after his death (Britannica 2021). This was the beginning of a significant divide in Islam which continues to date.

Figure 1: Branches of Islam



Source: https://en.wikipedia.org/wiki/Islamic_schools_and_branches

The Sunni Islam is divided into four leading schools of thought: Hanafiyya, formed by Imam Abu Hanifa of Kufa (699-767 A.D.). Imam Abu Hanifa has no written books, but his discussions and opinions form the foundation of his school of thought (Understanding-Islam 2021).

The second Sunni school of thought is Malikiyya, formed by Imam Malik bin Anas of Medinah (died in 795 A.D.). As an Islamic jurist and judge practiced in Medinah, Imam Malik put together all his decisions in a book titled al-Muwatta (the leveled path) (Understanding-Islam 2021).

The third school of thought is Shafiyya, founded by Imam Muhammad al-Shafi of Medinah (died in 820 A.D.). Imam Shafi's interpretation of Islamic rule is based on the traditions of Prophet Muhammad (Understanding-Islam 2021).

The fourth school of thought is Hanbaliyya, founded by Imam Ahmad bin Hanbal of Baghdad (died on 855 A.D.). Imam Hanbal did not establish a separate school, but his followers created his ideas and opinions into the Hanbaliyya school of thought. It is the most conservative and strict school of thought among all, which resulted in its decline. The Hanbaliyya school influenced Wahhabism, which emerged in the eighteenth century (Understanding-Islam 2021).

All four schools of thought provide interpretation of the Quran, Islamic religious law, and texts, including Hadith. Despite differences on a number of issues, the four schools of thought agree over significant issues, including the authority of the Quran and the traditions such as Hadith as the primary source of Islamic Sharia law (Understanding-Islam 2021).

Jihad and Martyrdom: A Key Element of ISIL's Ideology

Jihad and martyrdom are at the heart of ISIL's ideology. Jihad is interpreted as a holy war and Just war. However, its meaning in Arabic is equivalent to striving. Jihad is the sixth pillar of Islam (Ali 2009) and could be defensive or offensive. Jihad is categorized into internal and external. External Jihad is a physical war against real enemies, while internal Jihad, also referred to as greater Jihad, is against oneself to suppress those desire which contradicts Islam (Bonner 2006). While the traditional view of Jihad is mainly associated with war and violence, its contemporary interpretation by moderate Islamic scholars is peaceful and concerned mostly with internal Jihad (Bonner 2006). It is believed that Jihad wipes away the believer's sins and according to Sayyid Qutb, Muslims killed in Jihad are martyrs whose death guides the rest of the Muslim community (Nishino 2015). Quran in Surah Al-Baqarah states:

"Do not say of those who are killed in the path of God, they are dead, they are alive..." (Shepard 2021).

Abdallah Azzam, a Palestinian scholar and close to Osman Bin Laden, stated that Muslims have an obligation to defend Islam and Islamic territory when necessary (Kippenberg 2011) and one of the means to do this is through Jihad and martyrdom. Ibn Kathir, a fourteenth-century Islamic jurist, maintained that rulers who establish laws other than Islamic Sharia law are infidel, and Jihad against them is justified with the aim of establishing Islamic Sharia (McCarthy 2016). And Ibn Taymiyya advised that violence against an unbeliever and apostate ruler is allowed (McCarthy 2016). Abu Musab al-Suri (born as Mustafa bin Abd al-Qadir Setmariam Naser), a contemporary Jihad theorist and famous for his 1600 pages book on the "Global Islamic Resistance Call," encourages and praises Jihad and the use of violence, including using bombs for the mass killing of civilians. He advised followers that it is for a just cause and to remove the injustices in society and those killed in this path are martyrs (Fraise 2017). Quran in Surah Al-Tawbah command Muslims:

". . . wherever you find the polytheists, kill them, seize them, besiege them, ambush them—but if they turn [to God], maintain the prayer and pay the prescribed alms, let them go on their way, for God is most forgiving and merciful" (Q 9:5) (Ali 2009).

In view of the above, Jihad is a key element of ISIL's ideology and it considers it a just war commanded by God, and a sacrifice Muslims should make to establish the Islamic Caliphate which ensures prosperity of Muslims community.

Islamic Caliphate: A State Ruled by the Law of God

The Islamic Caliphate (also called the Islamic State) began after Prophet Muhammad's death. Caliph or Khalifah was the successor of Prophet Muhammad and is a political and religious authority legitimized to rule Muslim communities (Afsaruddin 2021). The Caliphate era in Islam came to an end with the collapse of the Ottoman Caliphate/Empire in 1924 (Osman

2014). The history of the Caliphate in Islam has not been without disputes and challenges. After Prophet Muhammad's death, his followers had a dispute over his successor, which resulted in the division of Islam into Sunni and Shia Islam. Sunnis followed Abu Baker as the righteous successor of the Prophet; however, Shias believed that Ali ibn Abi Talib (the fourth Caliph according to Sunni Muslims) was the Prophet's successor. Later in the eleventh century, three Islamic Caliphates co-existed: Umayyad, Abbasid, and Fatimid (Osman 2014). Nevertheless, the modern concept of the Islamic Caliphate used by ISIL stems from the ideas of Sayyid Qutb (Kepel 2002), who influenced ISIL and a number of other prominent terrorist organizations, including Al-Qaeda (Nishino 2015), Boko Haram and Al-Shabaab (Andrew Glazzard 2018). However, not all terrorist organizations shared a similar view of the utopian Islamic Caliphate. For example, Al-Qaeda's concept of the Islamic Caliphate was different from ISIL, resulting in the separation of ISIL from Al-Qaeda in early 2014. According to William McCants, Al-Qaeda leadership believed that the time had not come to proclaim the Caliphate. Osama Bin Laden believed that they could not provide all the necessary means and services to the people who would be under their rule, making the people believe the Jihad was fruitless. On the contrary, the ISIL leadership believed the time had come to proclaim the Caliphate. Moreover, ISIL's strategy for establishing the Islamic Caliphate was "better to be feared than loved", in contrast, Al-Qaeda believed in winning the heart of the Muslims (McCants 2015).

The disagreement over the nature and concept of the Islamic Caliphate was not limited to the leadership of terrorist organizations. Some of the prominent Islamic scholars such as Sayyid Qutb in Egypt, Mawlana Muwaddi in Pakistan and Ruhollah Khomeini, the leader of Islamic Revolution of Iran, also provided a different definition and concept of the Islamic Caliphate. Noteworthy to highlight that these men's ideas influenced many prominent terrorist organizations in the South-Central Asia, and Middle East regions and beyond. Nevertheless, the three men had a common view which was, Islam is both a political and religious movement

and an Islamic State needed to be established. Among them, Khomeini, through the Islamic Revolution of Iran, overthrew the King of Iran and established the Islamic Republic of Iran. Muwdadi established the Jammāt-e-Islami, a political and religious movement aimed to promote values of Islam. Jammāt-e-Islami was the largest Islamic organization in Asia and similar organizations were later established in other countries in the region including in India, Bangladesh and Afghanistan. On the other hand, Sayyid Qutb's ideas influenced several extremists, and Salafi-Jihadist movements around the world, including ISIL and Al-Qaeda. Qutb believed that the Islamic Caliphate should govern all aspects of Muslim's life. The backbone of his Islamic Caliphate was a monotheistic worldview, with Islam as the last and true religion in the world. He believed in an Islamic worldview based on two principles of divinity that are specific only to Allah, and servitude, obedience, acceptance, and submission belong to humans who are to submit to Allah's laws. He believed that the implementation of Islamic Sharia guides Muslims and humans to the right path, the path of Allah. As a result, society is either Islamic or non-Islamic, with nothing in between. He believed that sovereignty belongs to God and the Caliph is the representative of God tasked with implementing Islamic Sharia. Qutb assumed that the world's current situation was darkness and ignorance (*Jahiliyyah*), and Islamic Sharia is the only way of salvation. He believed that Islam is a comprehensive political, social, economic, and cultural system that can cover all aspects of human life (Yahya Bouzarinejad 2016). Qutb's Islamic government was based on three principles: a just ruler, obedient followers, and consultation between the ruler and his followers. Qutb thought that Islam had been exploited by the West, and Muslim's sufferings stems from the policies of the western countries. He also argued that Western countries were promoting a version of Islam that does not interfere with the social, economic, and political aspects of Muslim life, which is not what true Islam is (Yahya Bouzarinejad 2016). Above are the key

concepts of an Islamic Caliphate that ISIL has been pursuing, a utopian Muslim State that ISIL considers extreme violence is justifiable for its establishment.

ISIL's Justification for the Use of Violence

ISIL uses advanced technology, social media, and high-resolution videos to show its extreme violence and convey its message to its followers and enemies. It is an effective method of intimidation that ISIL uses to achieve its objectives and has been unprecedented among contemporary terrorist organizations (Daskin 2016). Andrew Barr and Alexandra Herfroy-Mischler (Herfroy-Mischler 2018) analyzed 62 videos of ISIL's use of extreme violence, ranging from enslaving women and children, stoning of adulterers, beheading hostages and burning them to death, mass shootings, drowning and immolation, and the explosion of hostage's heads using explosive devices, to forcing children to fight (Herfroy-Mischler 2018, Hasan 2015).

It appears that the new media technology works to the advantage of ISIL as the terrorist organization's violence and brutality are disseminated to a wider audience. Displaying violence through visual imagery is an effective warfare method that ISIL uses to increase the psychological impacts of its violence on a broader audience (Faiis 2015). Following are a few selected examples of ISIL's extreme violence:

In August 2014, James Wright Foley, an American journalist, was beheaded in front of the camera by an ISIL masked fighter using a knife. The beheading video was disseminated through YouTube, social media, major international news channels, and ISIL's magazine. Through this video, ISIL sent the following message to the then American president, Barak Obama.

"Any attempt by you, Obama, to deny the Muslims their rights of living in safety under the Islamic Caliphate will result in the bloodshed of your people (CNN 2014). "

ISIL used this extreme form of violence to intimidate and at the same time justify it for an Islamic cause that protects Muslims.

In February 2015, a Jordanian plane crashed over Syria in the areas under ISIL control, and the pilot was captured and burned to death by ISIL. The entire scene of burning the pilot alive, was filmed and transmitted through its media sources (CBS-News 2015, CBC-News-b 2015). Another video ISIL posted online shows the mass execution of alleged United Kingdom spies (CBS-Evening-News 2016), and in another video mass execution of 30 Ethiopian Christians took place in Libya (Euro-News-English 2019).

Above are just some of the examples of extreme violence ISIL has perpetrated against combatants and civilians. Justification for the use of such violence, particularly when civilians are the victim, is crucial for ISIL to convince its members, sympathizers, potential recruits, and the public of the rightfulness of its acts and cause.

In the context of a legitimate secular state, the use of force and violence needs to be justified morally and under the constitution and legitimate rules of the state and the international law, and it has to be for a legitimate reason. In contrast, a terrorist organization may use violence for various purposes, including intimidation, creating fears, legitimizing and justifying its cause, and propagating its ideology to a broader audience (Herfroy-Mischler 2018). The ISIL's use of violence partly intimidates and partly legitimizes its use of violence by justifying its objectives to establish an Islamic Caliphate. Using violence for religious cause is better justified by referring to the religion, and ISIL uses Quranic interpretation, Hadith, and fatwas to justify using violence against Muslims and non-Muslims.

One of ISIL's justifications for using violence against other Muslims is Takfir or apostate. The concept of Takfir goes back to the beginning of Islam. Takfir has been used to define and justify conflicts among different Muslim communities (McCarthy 2016). Takfir has also been used

to resist secular political change, such as in Egypt, resulting in the assassination of Egyptian president Anwar al-Sadat in 1981 (McCarthy 2016) by perpetrators associated with Egyptian Islamic Jihad, a terrorist organization associated with Al-Qaeda (Wikipedia-A 2021). The justification for killing Anwar al-Sadat was his views on building a secular Egypt, which seemed to be against Islamic Sharia, and happened after the Camp David Accords (Wikipedia-B 2021), which resulted in signing a peace agreement between Egypt and Israel. To Egyptian Islamic Jihad, Anwar al-Sadat was a corrupt ruler and apostate; hence his killing was necessary.

Concerning the treatment of non-Muslims, historically, Muslim commanders provided safe inhabitation to the followers of other religions under the condition that they pay tribute (*jizya*). Additionally, they should have good faith toward Muslims, do not wear Muslim clothes, their houses should be lower than Muslims, and they should not carry weapons with them, and in return, they will have the protection. The most famous of such an arrangement took place during the second Caliph, Umar, in Jerusalem between 636 and 638 (Bonner 2006).

An eleventh-century Islamic jurist, Abu al-Hasan al-Mawardi, outlining the responsibilities of Imam or Caliph, advised to make Jihad against non-believers who were invited to Islam but rejected. He advises Caliph to continue the Jihad till they submit. For those who have not been invited to Islam, fight against them is also permissible as Muslims are obliged to fight for the sake of God and to expand their religion (Bangura 2004). On the expansion of Islam and rule of God, Quran states in Surah Al-Tawbah:

"Fight against those who (1) believe not in Allâh, (2) nor in the Last Day, (3) nor forbid that which has been forbidden by Allâh and His Messenger (Muhammad) (4) and those who acknowledge not the religion of truth (i.e., Islâm) among the people of the Scripture (Jews and Christians), until they pay the *Jizyah* [(tax leveled upon Jews and Christians under the protection of Muslims)] with willing submission, and feel subdued (al-Qur'an: 9:29) (Bangura 2004)."

And in Surah Al-Baqarah Quran states:

"And fight in the Way of Allâh those who fight you but transgress not the limits. Truly, Allâh likes not the transgressors. And kill them wherever you find them and turn them out from where they have turned you out. And Al-Fitnah is worse than killing. And fight them not at Al-Masjid-Al-Harâm (the sanctuary at Makkah) unless they (first) fight you there. But if they attack you, then kill them. Such is the recompense of disbelievers. But if they cease, then Allâh is Oft-Forgiving, Most Merciful (al-Qu'ran: 2:190-192). (Bangura 2004)"

ISIL and other Salafi-Jihadist movements use the above Quranic text to justify fighting Muslims and non-Muslims and justify their Jihad. The next chapter will provide a literature review on the JWT and applies the JWT to explain the United States-led invasion of Iraq in 2003 and discusses if the Iraq invasion was for a just cause and whether the war was the last resort. The chapter after (chapter 4) will examine ISIL's Jihad and violence using the six principles of the JWT.

Chapter 3: The Just War Theory

A Review of the Literature

The JWT was initially created by St. Augustine based on Western Christian traditions and influenced by Western cultural morality and religious and secular principles and aimed to define the moral boundaries in a war. The JWT has two main dimensions, each with a number of moral principles dealing with before going to war, *jus ad Bellum*, and during a war, *jus in Bello* (Nilsson 2006). There are six principles of the JWT that have been discussed extensively in the literature (Nilsson 2006, Moseley 2021, Snauwaert 2004, Michaelsen 2005, Galdwell 2006, Elshtain 1992). These principles, which are discussed in more details in chapter four, are Just cause, competent authority, the last resort, proportionality before the war, and proportionality in war and discrimination.

Since the JWT was first created, it has gone through constant development. After St. Augustine, the JWT was further developed by Saint Thomas Aquinas and later developed to become a universal theoretical framework by Francisco de Vitoria ((1486-1546), Francisco Suarez (1548-1617), Hugo Grotius (1583-1645), Samuel Pufendorf (1632-1704), Christian Wolff (1679-1754), and Emerich de Vattel (1714-1767) (Moseley 2021). The invention of new warfare, including nuclear weapons and global wars in the 20th century, led to further development of the JWT by contemporary scholars, namely Michael Walzer, Barrie Paskins, Michael Dockrill, Richard Norman, Brian Orend, Thomas Nagel, and Elizabeth Anscombe (Moseley 2021).

It is believed that the modern period of Just war tradition and the development of the JWT is associated with Franciscus de Victoria in the 1530s (Johnson 1991). From the seventeenth century through the twentieth, the JWT has been influenced by secular principles such as international law, legitimate military operations, associated moral code of conduct in wars,

political theories, and theories of war. During this period, the influence of religion and philosophy was limited in the conception of just war. The Islamic revolution of Iran, the upsurge of Islamic extremism, and the 9/11 attack in the United States, once again revived the theological aspect of the JWT (Johnson 1991). This led to comparison between the Western and Islamic perspectives of war using the JWT (Johnson 1991).

Throughout its development process, the JWT has been influenced by other cultures, traditions, and religions other than Christianity, such as Judaism and Islam. The contribution and influence of Judaism theology and culture to the JWT goes back to Exodus's books. In normative Jewish thought, wars were categorized into three, religious war, defensive war, and optional wars, each with its boundaries, criteria, and limitations (Johnson 1991). The roots of JWT are also found in Islam which is equivalent to Jihad going back to the early years of Islam under the Prophet Muhammad. Under Jihad, there are specific criteria and principles that need to be followed when engaging in a war with Muslims and non-Muslims (Nilsson 2006). The Roman empire also influenced the JWT. For the Romans, waging war was justified as part of statecraft and necessary to exercise political sovereignty. According to them, a just cause for war was for defense, to retake something that was retaken wrongly, and to punish evildoings, and state was the highest competent authority to wage war (Johnson 1991).

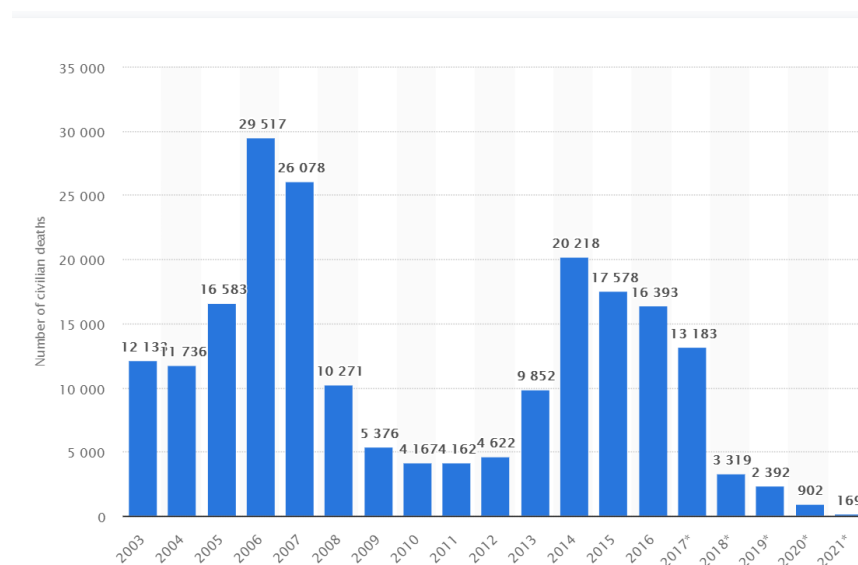
The JWT is a moral framework that provides moral boundaries for war under which politicians and the military could be held accountable by ordinary citizens concerned about the justness of war, albeit in a democratic context (Miller 2009). JWT considers war immoral; however, it recognizes that there are times and situations under which war is inevitable. In such situations, a number of rules and principles should be followed to ensure the justness of a war (Bangura 2004). According to Augustine's view of JWT, the force can be justified when it is used to maintain peace and order in a society and defend the common good. Augustine considered a war Just that is meant to punish wrongdoings and to eliminate injustice in society (Miller 2009).

Over the last few decades, the moral principle of a number of wars worldwide has been questioned, such as the Gulf war in 1991, the United States-led invasion of Afghanistan in 2001, and Iraq in 2003. The following section of this chapter discusses the application of JWT on the United States-led invasion of Iraq in 2003.

Application of JWT on the United States Invasion of Iraq in 2003

In 2003, the United States-led coalition invaded Iraq and overthrew Saddam Hussein's government. The main reason for invading Iraq was to disarm Saddam's government from the Weapons of Mass Destruction (WMDs), end Saddam's support for terrorism, and free the people of Iraq from decades-long suppression under Saddam's regime. The United States-led coalition claimed that their cause and intention of invading Iraq was just and that it was necessary to free the Iraqi people from suppression by a dictator and ensure Saddam is not using WMDs, threatening the peace and stability in the region and globally (The Office of Press Secretary 2003). The invasion of Iraq raised several moral and legal questions, especially because of the hundreds of thousands of civilian casualties and destruction of the country's infrastructure and economy.

Figure 2: Number of documented civilian deaths in the Iraq war, 2003-March 2021



Source: Statista (<https://www.statista.com/statistics/269729/documented-civilian-deaths-in-iraq-war-since-2003/>)

The Iraq war resulted in the death of over 168,000 civilians (Statista 2021²), and over 5,000 soldiers were killed between 2003-2011³, and over hundred thousand were wounded. The invasion cost the United States and its allies hundreds of billions of taxpayers' moneys, destroyed the infrastructure in Iraq, fueled sectarian religious conflict, displaced hundreds of thousands of Iraqi from their homes, and helped raise terrorism in the region, including the rise of ISIL (BBC-World-News 2011). One of the key questions to ask is, was the Iraq war Just and in proportion to the casualties and damages caused? The following section of this chapter aims to answer these questions.

The United States-led coalition argued that the invasion of Iraq was justified, and it was for a just cause. They argued that Iraq under Saddam owned WMDs, suppressed the minorities, and genocide was about to happen. Saddam's regime was accused of committing genocide in 1988 in which used chemical weapons, including mustard gas and sarin and resulted in the massacre of between 50,000 to 100,000 civilians in Kurdistan. Although no WMDs were found in Iraq after investigation, the United States-led coalition still defended the invasion as a necessity to free Iraqi people from suppression of the Saddam regime and for self-defense (The Office of Press Secretary 2003).

What led to the invasion of Iraq was the United States intelligence which assumed Saddam's regime owned WMDs and supported terrorism in the region. If this was the case, then the United States-led invasion of Iraq was justified as self-defense. However, the investigation that took place after the invasion did not provide conclusive evidence about the WMDs in Iraq (Michaelsen 2005). There also was no clear evidence on the link between Saddam's regime and

² The actual number could be higher as this is only the accounted number of deaths.

³ The coalition military troops left Iraq in 2011.

support for terrorism (Monica Prasad 2009). The only justification that remains, according to the JWT, is a humanitarian intervention that could also be considered a just cause. However, this reason was not emphasized compared to the two others by the United States and its allies when they invaded Iraq (Michaelson 2005). As a result, it can be argued that the United States-led invasion of Iraq was not for a just cause from the JWT perspective.

Connecting to the just cause is the principle of competent and legitimate authority. According to the JWT, only a competent authority can wage a war that is for a just cause. The United States invasion of Iraq was led by a number of sovereign and legitimate states; however, because their cause for war was not necessarily Just, one could argue that they did not have the competent authority to wage war. The invasion was also not authorized by the United Nations Security Council (UNSC), the highest international body with a competent authority to authorize war for humanitarian intervention. The United States-led coalition based their justification on the previous UNSC resolution, such as the resolution 1441, which provided Saddam's regime the final warning to comply with the previously adopted UNSC resolutions. However, these resolutions did not authorize military intervention (Michaelson 2005).

Nonetheless, disregarding the justness of war in Iraq and assuming that the United States-led coalition had the competent authority to wage war in Iraq, one could ask if war was the last resort? The principle of last resort of the JWT states that war should be considered as last resort when all other available options have been utilized. In the case of the Iraq invasion, war was not the last resort. Under UNSC resolution 1441, Iraq was given an ultimatum to cooperate with the UN-led inspection mission and declare possession of WMDs. Moreover, two weeks before the invasion, the United Nations weapons inspector chief pleaded to give few more months for the inspection mission and to reach a peaceful resolution which was not considered by the United States and its allies (Michaelson 2005). Furthermore, the United States-led

coalition could increase the economic sanctions and seek other diplomatic tools before waging war. Therefore, the war was not the last resort.

As highlighted by two prominent Just War theorists, Michael Walzer and Brian Orend, the United States-led invasion of Iraq in 2003 was not a just war (Banta 2008). The war resulted in hundreds of thousands of casualties, over nine million refugees and internally displaced people (Watson-Institute 2020), and left behind a devastated economy and a country vulnerable to sectarian conflict, insurgency, and terrorism.

Chapter 4: ISIL through the Lens of Just War Theory

This chapter, using the six principles of JWT: just cause and intention, competent and legitimate authority, proportionality before the war, last resort, discrimination, and proportionality in war, examines if the JWT can explain ISIL's justification for the use of violence. To reiterate, ISIL uses extreme violence to establish an Islamic Caliphate and justifies the use of violence as a legitimate means. This chapter examines if ISIL's cause and intention are Just, whether the terrorist organization has the competent authority to establish an Islamic Caliphate. Furthermore, is violence the last resort for ISIL? Finally, how can the JWT explain ISIL's approach to proportionality before and in war and discrimination during a war?

Just Cause and Intention

According to the JWT, a just cause for war can be self-defense, punishment, recovery of stolen property, enforcement of the law, and humanitarian intervention (Bangura 2004). A war is just and permissible when it deals with real threats and when it is necessary to protect innocent life and protect basic human rights (Elshtain 1992). A just cause may have a different interpretation when discussing a secular perspective, such as the international regimes and international law, versus what is considered Just cause from a theological perspective, e.g., Christianity and Islam. According to Michael Walzer, from a legalist perspective, when state A uses aggression against state B, it is a just cause for state B to use violence and aggression against state A; killing is justified in such a war, too (Walzer 1992). The just cause should also have a just intention and motives; that is, going to war should be morally justifiable and should not be for personal gain, hatred, and other similar personal benefits (Stewart 2011).

Looking from Islamic theology, a Just cause for war in Islam can be multidimensional: a just war waged against non-Muslims and war waged against other Muslims. War against non-Muslims is for defense, or it is to expand the domain of Islamic territory (Brockopp 2003).

According to Sachedina, some Islamic jurists have argued that even if non-Muslims do not initiate the war, the Muslims have a duty to wage war against them to expand the rule of God and Islam in their territory (Johnson 1991). A just war with Muslims could be due to rebellion and apostates (Brockopp 2003). Rebellion against Islam and an Islamic state is referred to as *Akham al-Bughat*. In *Akham al Bughat*, for its cause to be just, three principles should be met: the duty of imposing order, the duty of enjoining the good and forbid evil, and the duty to obey God (Johnson 1991).

Islamic scholars have diverse views over Just War in Islam. Abu al-A'la Mawdudi discusses a defensive war and a reformative war. A defensive war is just when Muslims are deprived of their human rights, expelled from their legitimately occupied land, are not allowed to practice their faith, and are prevented from their religious life. If Muslims cannot defend themselves under such circumstances, it is obligatory (*fard 'ayn*) for other Muslims to help their fellow Muslims (Brockopp 2003). A reformative war is waged to create a just and orderly society based on Islamic principles, which includes overthrowing oppressive regimes, and under this principle use of violence is justifiable (Brockopp 2003). Other Muslim scholars argue that there are four types of legitimate war in Islam: defensive, sympathetic, punitive, and idealistic wars. Sympathetic war is to help other Muslims and liberate them from oppression. Punitive war is waged against rebels and apostates. Idealistic war is for expansion purposes and against the corrupt Muslim societies (Brockopp 2003).

ISIL claims that its cause is just because of the corruption and lack of the rule of Sharia law in Islamic societies. As far as non-Muslims are concerned, ISIL believes that they are the reason for such corruption in Islamic societies, and they are also the reason for poverty, humiliation, and suppression of Muslims around the world.

From the perspective of JWT, ISIL's cause is not just because other states or non-state actors did not initiate the attack. ISIL initiated the attack and gained territory and property illegally, and committed violence and exploitation against civilians. Given the above, it can be concluded that from the JWT perspective, ISIL's use of violence to establish an Islamic Caliphate is not Just, nor is its intention morally justifiable. From an Islamic perspective, some Quranic interpretations and Islamic texts support ISIL's claim to establish an Islamic Caliphate, as mentioned above. Nonetheless, such interpretations are based on medieval Islam and are not feasible in the 21st century. On the other hand, there are no clear guidelines on how to interpret verses of the Quran (OASIS 2019). As a result, according to Salafi-Jihadist interpretation of the Quran, ISIL's cause is just while, according to moderate Islamic scholars, it is not.

Competent and Legitimate Authority

According to JWT, waging war and using force lies with a competent and legitimate authority (Snauwaert 2004). A competent authority rests with those responsible for public order and enforcement of law and does not include private groups and individuals (Elshtain 1992). A competent and legitimate authority used to be a king in medieval times, and in the modern context, it is a legitimate state. The origin of the contemporary state may go back to Machiavelli, who described the state's nature to exercise power over men (Machiavelli 1532). A legitimate state has the right and authority to enforce the law and use physical force, the latter being one of the key features of a state (Munro 2021). According to this view, competent and legitimate authority is only restricted to a recognized state, and ISIL, as a non-state actor, does not enjoy the legitimacy of a competent authority.

According to Islam, after the Prophet Muhammad, Caliph is in charge of the Muslim community and has the competent authority to wage war and use violence (Bonner 2006). However, if a war is for defensive purposes, all Muslims must defend themselves, and every Muslim in such a situation has the competent authority (Kelsay 1990).

Nonetheless, it can be argued that terrorist organizations in general and ISIL, in particular, do enjoy specific competent authority both from a secular as well as from a religious perspective. A general definition of legitimate authority is the widespread acceptance of a government, political regime, political party, or system of governance (Blatter 2021). Considering this definition, ISIL falls under a representative authority. A representative authority refers to obtaining and having a license and agreement to act on behalf of a group of individuals under their approval (McPherson 2007). If three classifications of Max Weber authority: legal, traditional, and charismatic, are considered, it can be argued that ISIL enjoys a traditional and charismatic authority over the population that follow it. Therefore, ISIL has competent and legitimate authority as an organization and movement. Nevertheless, the competent authority is only limited to those who support ISIL's ideology and cause and cannot be generalized to the entire Muslims community.

Proportionality before a War

The principle of proportionality before a war of the JWT is a cost-benefit analysis in which the outcome of going to war should be balanced and that the benefit should be greater than the cost when deciding to go to war. A failed outcome could still be justified in so long as the action is morally justified (Nilsson 2006).

According to Islamic text and Quranic interpretation, war can be waged against corrupt and oppressive governments as they threaten Islam. War is also justifiable if followers of other religions attack Muslims. War is not just against those simply practicing other religions and resisting to convert to Islam as long as they are not an immediate threat to Islam (McPherson 2007).

ISIL claims its war and use of violence are for God's sake and restore Islam's pride. Even if it is a failed mission, ISIL believes that it spreads its cause, and fight for the God and being killed

(martyrdom) is a success in itself. In other words, ISIL claims that its Jihad is to return honor and dignity to Islam and self-esteem to Muslims and defend the law of the God, and even if there is no chance of success, being killed in this path is an honor and the God has promised reward for those killed in Jihad.

Given the above, it can be argued that there is no chance of winning the war for ISIL. As a result, the cost of going to war is higher for ISIL and the Muslim community since the terrorist organization claims to be the representative of Islam, and this has damaged the image of Islam worldwide. However, moderate Muslims and Islamic scholars claim that ISIL is not representing true Islam.

Last Resort

According to the principle of the last resort of JWT, the last resort condition states that all other options should have been exhausted before going to war and that war is the only option that remained on the table (McPherson 2007). Under this principle of JWT, nonviolent attempts should be utilized first before waging war, and should all such attempts failed, then war can be used as a last resort so long as it is morally justified (Snauwaert 2004). Options before going to war include using diplomatic approaches, international law framework, sanctions, and cutting economic ties.

However, for ISIL, none of the above options are feasible because ISIL is not a state, and it is also not operating under a secular legal and moral framework. ISIL claims to follow Islamic law, but Islam also considers war and Jihad as a last resort. Before going to Jihad, Islam advises Muslims to follow a few steps and if no result is achieved, consider Jihad as the last resort. The first step is seeking peaceful means, which can happen through invitation, or *da'wa*, by inviting non-Muslims to accept Islam and reconcile with Muslims. If peaceful means do not produce a result and in the case of non-Muslims, they do not accept Islam, they must accept Islamic

supremacy and live under Islamic authority and pay tribute, *jazya*, to Muslims. If non-Muslims do not accept either of the mentioned, then war and use of violence are justified (Nilsson 2006).

Therefore, the last resort principle cannot be applied to the case of ISIL given that by its nature as a terrorist organization, ISIL needs to use violence to intimidate, recruit and make psychological impacts on the civilians. For ISIL, war is not the last but the first resort and a primary strategy to make its cause known to the international community and its followers.

Discrimination

According to the JWT, the criterion for discrimination is that non-combatant should not be the target intentionally though accidental killing may be justifiable (Nilsson 2006). In other words, parties involved in a war should distinguish between civilians and non-civilians involved. This principle states that the innocent civilians caught in war should not be the subject of aggression, and aggression should only be used against an unjust aggressor (Elshtain 1992). While this principle may be straightforward in the context of a war between two states, it is not so when discussing a terrorist organization with a religious motivation such as ISIL. ISIL does not distinguish between combatants and non-combatants, given its objective is to establish the Islamic Sharia law to rule over Muslims and non-Muslims. This makes civilians the direct target, and ISIL's justification is that they are infidels or apostates.

In Islam, views on treating combatants and non-combatants in the war vary between contemporary and medieval Islamic scholars. One of the prominent scholars, Muhammad ibn al-Hasan al-Shaybani who lived in the eighth century, stated that all enemy males in a war who reached puberty could be killed. However, women and children should be taken as property (Johnson 1991). Ibn Taymiyya argued that only those enemies who obstruct the cause of God could be killed. Women, children, the elderly, the blind, and others in similar conditions may

only be killed if they fight Muslims by their words or acts (Brockopp 2003). The conditions mentioned above only apply when the war is with non-Muslims.

If the war is between Muslims, the situation is slightly different. Fugitives and wounded are not to be killed, prisoners should not be executed, or enslaved, and enslaved males should be released once the war is over. Moreover, women and children should not be killed, nor should Muslim property be seized and, if seized, should be returned at the end of the war (Brockopp 2003). Mawdudi (Salafi-Jihadist view) believed that force and violence are permitted against combatants and those connected to them (Brockopp 2003).

Given the above, it can be concluded that ISIL's discrimination is based on the religious view, which justifies targeting civilians under specific circumstances mentioned above. ISIL targets civilians to provoke governments and uses it to increase the psychological impact of its operations and make its cause known.

Proportionality in War

According to the JWT, the proportionality in war is concerned that the destruction and violence caused in war are in proportion to the importance of the war (Nilsson 2006). In Islam, the view on proportionality in war also differs between contemporary and medieval scholars. In medieval times, the weapons of mass destruction, such as mangonels that were throwing flames or flooding, were not permitted unless necessary. In some instances, such weapons of mass destruction were allowed unless their use would have caused women and children to die (Kelsay 1990). Among contemporary scholars, Al-Zuhayli has discussed the issue of proportionality in war to a greater extent. He argued that anything that can break the enemy's strength should be used. In some views, poisoning of enemy drinking water, flooding, and similar approaches are allowed (Brockopp 2003).

There is no evidence of ISIL's use of weapons of mass destruction; however, it has claimed responsibility for several deadly suicide attacks worldwide, resulted in the deaths of hundreds of civilians. There is evidence suggesting that ISIL had been trying to acquire WMDs to use it for mass casualties and destruction of infrastructure (Hummel 2016). As a result, ISIL violates the principle of proportionality in the war of the JWT.

Conclusion

The following table is a bullet point conclusion of the six principles of the JWT to explain the use of violence by ISIL compared to the Islamic perspective.

Table 1: Six principles of JWT, Islamic perspective and ISIL

JWT Elements	Just War Theory	Islam	ISIL
Just cause and intention	Self-defense, recovery of stolen property, enforcement of the law, and humanitarian intervention. Just war deals with real threats and when it is necessary to protect innocent life and protect fundamental human rights.	War (defensive) is just when Muslims are deprived of their human rights, expelled from their legitimately occupied land, cannot practice their faith, and are prevented from their religious life. War (reformatory) is waged to create a just and orderly society based on Islamic principles and overthrow oppressive regimes.	Due to corruption and lack of Sharia law in the Islamic societies, Jihad to establish an Islamic Caliphate is necessary, and the use of violence is justifiable. Non-Muslims are the reason for corruption in Islamic societies, and they are the reason for poverty, humiliation, and suppression of Muslims worldwide.
Competent authority	Waging war and using force lies with a competent and legitimate authority responsible for public order and law enforcement and does not include private groups and individuals. Only a legitimate state has the right and authority to enforce the law and use physical force.	Caliph is in charge of the Muslim community and has the competent authority to wage war and use violence. If a war is for defensive purposes, every individual Muslim is a competent authority.	ISIL is a self-proclaimed Caliphate recognized by less than one percent of the Muslim population. ISIL has a representative authority of those who pledged allegiance to the self-proclaimed Caliphate. As a non-state actor, ISIL is not a competent authority in the same way that a state is.
Proportionality before war	A cost-benefit analysis in which the outcome of going to war should be greater than the cost. A failed outcome could still be justified in so long as the action is morally justified.	War to be waged against corrupt and oppressive governments, and if Islam is under threat, war is necessary regardless of its proportionality.	War (Jihad) is necessary to restore Islam's pride, even if the outcome is a failure. Jihad returns honor and dignity to Islam and self-esteem to Muslims and defends the law of God. Being killed (martyrdom) is a victory.
Last resort	All other nonviolent options should have been exhausted before going to war, including diplomatic approaches, international law framework, sanctions, and cutting economic ties.	Jihad is the last resort. Before going to Jihad, seek peaceful means through invitation or <i>da'wa</i> . Non-Muslims accept Islamic supremacy and live under Islamic authority and pay tribute, <i>jazya</i> . War and the use of violence are justifiable as a last resort.	The principle of the last resort is not feasible for ISIL, given it is a terrorist organization. War and violence are the first resort and a primary strategy to make its cause known to the international community and its followers.

Discrimination	<p>Non-combatant should not be the target intentionally though accidental killing may be justifiable.</p> <p>Parties involved in the war should distinguish between civilians and non-civilians involved.</p>	<p>Non-Muslims: All enemy males in a war who reached puberty could be killed. However, women and children should be taken as property.</p> <p>Enemies who obstruct the cause of God could be killed. Women, children, the elderly, the blind, and others in similar conditions may only be killed if they fight Muslims by their words or acts.</p> <p>Muslims: Fugitives and wounded are not to be killed, prisoners should not be executed, or enslaved, and enslaved males should be released once the war is over.</p>	<p>ISIL does not distinguish between combatants and non-combatants, given its objective is to establish the Islamic Sharia law to rule over Muslims and non-Muslims. Civilians are the direct target of ISIL.</p>
Proportionality in war	<p>The destruction and violence caused by war are in proportion to the importance of the war.</p>	<p>Weapons of mass destruction are allowed unless their use causes women and children to die.</p> <p>Anything that can break the enemy's strength should be used, including poisoning enemy drinking water, flooding, and similar approaches.</p>	<p>ISIL claimed responsibility for several deadly suicide attacks worldwide that have resulted in the deaths of hundreds of civilians.</p> <p>ISIL had been trying to acquire weapons of mass destruction.</p>

Chapter 5: Conclusion

This thesis examined ISIL's justification for using violence and assessed if ISIL's use of violence can be justified with the Just War Theory (JWT). The thesis used the following six standard principles of JWT: Just cause and intention, the competent and legitimate authority, proportionality before war, the last resort, discrimination, and proportionality in war to examine if ISIL's violence can be justified with the JWT. The primary argument of the thesis was that ISIL uses violence to establish an Islamic Caliphate and provides Islamic text and the Quranic interpretation as justification for its action. It further argued that the JWT cannot entirely explain ISIL's actions given that ISIL is a non-state actor and the JWT best fits to justify the use of violence and war when a state is the actor.

ISIL's Islamic ideology is based on Salafi-Jihadism, which provides an extreme interpretation of Islamic Sharia law. Salafi-Jihadism is an ideology that has its root in medieval Islam is influenced by Hanbaliyya Sunni school of thought. The Salafi-Jihadist are concerned that Islam is diminishing as a religious, political, military, economic, and cultural doctrine, and they need to ensure its survival based on its origin, which goes back to the beginning of Islam. The Salafi-Jihadist blame corrupt Muslims, and Islamic government, and non-Muslims for the current suffering, humiliation, poverty, and oppression of true Muslims worldwide. They believe that to end this endless suffering of Muslims, rescue Islam, return honor and respect to Muslims, and purify society, Jihad is necessary.

Influenced by the Salafi-Jihadism, ISIL justifies its use of violence necessary for establishing an Islamic Caliphate, which aims to purify the society and end the suffering of Muslims worldwide.

The thesis further examined if ISIL's cause and intention are Just, whether the terrorist organization has the competent authority to establish an Islamic Caliphate. Moreover, is

violence the last resort for ISIL? and how can the JWT explain ISIL's approach to proportionality before and in war and discrimination during a war?

Based on the Just cause principle of JWT, a war is just when it is for self-defense, enforcement of the law and protecting innocent life, and protecting fundamental human rights. This principle of JWT is also partly supported by Islam, which commands Muslims to wage war when deprived of their human rights, are expelled from their legitimately occupied land, and bring just or order to society. ISIL claims that Muslim societies ruled by moderate rulers suffer from corruption, poverty, and suppression, and non-Muslims are to be blamed. As a result, only an Islamic Caliphate can end this suffering and humiliation, and the war that it has started for establishing an Islamic Caliphate is for a Just cause.

The second principle of JWT conditions that waging a Just war rests only with a competent authority responsible for public order and law enforcement and does not include private groups and individuals. Based on this definition, only a legitimate state is considered a competent authority to wage war for a Just cause. The view from Islam is slightly different. According to Islam, Caliph is in charge of the Muslim community and is considered a competent authority to wage war. However, if a war is for defensive purposes, every Muslim is automatically empowered with competent authority. Because ISIL is not a state, it does not have the competent authority to wage war based on the definition of the JWT. However, based on the Islamic view, ISIL has a representative authority of those who pledged allegiance to it, and therefore, it has competent authority based on Islam.

The two principles of proportionality before war and proportionality in war require that for a just war, a cost-benefit analysis of war outcome has to be done to ensure that the outcome of going to war should be greater than the cost and that the destruction caused by war is in proportion to its importance. Islam instructs Muslims that if a war is for defensive purposes

and it is against corrupt and oppressive rulers, then it is a Just and necessary war, and its proportionality does not matter. Islam further instructs Muslims that even, if necessary, any means can be used to break the enemy's strength to ensure a favorable outcome of the war. Following Islamic perspective on proportionality before the war and in war, ISIL considers that war is necessary to restore Islam's pride, even if the outcome is a failure since it aims to return honor and dignity to Islam and self-esteem to Muslims and defends the law of God and being killed in this path is a victory. According to ISIL, using WMDs and suicide attacks is not only justifiable but also a necessity.

Nevertheless, the principle of discrimination in war indicates that non-combatant should not be the target in a Just War, and parties involved in the war should distinguish between civilians and non-civilians involved in a war. ISIL violates this principle since it does not distinguish between combatants and non-combatants, given its objective is to establish the Islamic Sharia law to rule over Muslims and non-Muslims. As a result, civilians are the direct target of ISIL.

Finally, the last principle of JWT, the last resort, conditions that, firstly, all nonviolent options should have been exhausted before going to war, including diplomatic approaches, international law framework, sanctions, and cutting economic ties. This view is also similar in Islam which advises Muslims to seek peaceful means first and consider war as a last resort. However, for ISIL, war as a last resort is not feasible since, as a terrorist organization, war and using violence is a primary strategy to achieve its objective.

The findings of this thesis suggest that ISIL's use of violence to establish an Islamic Caliphate is supported partly by Islamic text and Quranic interpretation. This finding is also supported by prominent scholars such as David Rapoport, who argued that Islam justifies the actions of its believers, including committing the act of violence and terrorism.

As highlighted throughout this thesis, a number of scholars have analyzed Islamic Jihad and the concept of war through the lens of JWT. This thesis argued that JWT in its contemporary form could not entirely explain ISIL's actions because ISIL is a non-state actor and operates in a moral framework that contradicts the JWT secular moral framework. Although, there are some elements of JWT through which ISIL's actions can be explained, such as the principle of Just war and good intention and competent authority.

Finally, the findings of this thesis indicate that religious terrorism in general and Islamic terrorism, in particular is based on the doctrine of religion. Since 9/11 and the United States' global war on terror, more focus has been paid to the military aspect of defeating religious terrorism and their associated organizations like ISIL rather than their ideological foundation. While military intervention is necessary, it is more important to tackle the ideological foundation of religious terrorism in order to defeat fundamentalism.

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