

*United States Marine Corps
Command and Staff College
Marine Corps University
2076 South Street
Marine Corps Combat Development Command
Quantico, Virginia 22134-5068*

MASTER OF MILITARY STUDIES

ETHICAL CONSIDERATIONS FOR ISLAMIC INSURGENCY MOVEMENTS: A CASE STUDY OF THE ALGERIAN CIVIL WAR, 1992-1998

SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF MILITARY SCIENCE

Guy M. Lee
Lieutenant Commander, Chaplain Corps
U.S. Navy

AY 2000-2001

Mentor: K. A. Beyoghlow, Ph.D
Approved: _____
Date: _____

Mentor: LTCOL S. J. Kaczmar, USMC
Approved: _____
Date: _____

Report Documentation Page

Report Date 12 Apr 2001	Report Type N/A	Dates Covered (from... to) -
Title and Subtitle Ethical Considerations for Islamic Insurgency Movements: A Case Study of the Algerian Civil War, 1992-1998	Contract Number	
	Grant Number	
	Program Element Number	
Author(s)	Project Number	
	Task Number	
	Work Unit Number	
Performing Organization Name(s) and Address(es) United States Marine Corps Command and Staff College Marine Corps University 2076 South Street Marine Corps Combat Development Command Quantico, VA 22134-5068	Performing Organization Report Number	
Sponsoring/Monitoring Agency Name(s) and Address(es)	Sponsor/Monitor's Acronym(s)	
	Sponsor/Monitor's Report Number(s)	
Distribution/Availability Statement Approved for public release, distribution unlimited		
Supplementary Notes The original document contains color images.		
Abstract Relatively little has been done to adapt the concept of JIHAD to the modern revolutionary context. JIHAD may be viewed as a theological-Juridical construct that includes Holy War and Just War Concepts. Holy Wars are fought with religious purposes in mind; just wars are limited by the criteria for declaring them as well as the conduct of combat operations and combatants. This study seeks to develop a model for the ethical analysis of Islamic insurgencies in both senses of JIHAD and to apply it to the Algerian Civil War, From 1992-1998. It focuses on two Representative Insurgent Groups, the Armed Islamic Group (GIA) and the Islamic Salvation Army (AIS), whose ideology and tactical focus represent differing aspects of the Islamic Concept of Just War in a Revolutionary Context. This will demonstrate that the ideological motivation of many extremist Islamic Insurgency groups is rooted more in political ideology than a true apprehension of Islam. At least in the case of Algeria, these groups seek to justify their movement on religious grounds, but in reality, their religious understanding is limited and/or skewed.		
Subject Terms		

Report Classification unclassified	Classification of this page unclassified
Classification of Abstract unclassified	Limitation of Abstract UU
Number of Pages 68	

REPORT DOCUMENTATION PAGE		FORM APPROVED - - - OMB NO. 0704-0188	
public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters services, directorate for information operations and reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the office of management and budget, paperwork reduction project (0704-0188) Washington, dc 20503			
1. AGENCY USE ONLY (LEAVE BLANK)	2. REPORT DATE 12 APRIL 2001	3. REPORT TYPE AND DATES COVERED STUDENT RESEARCH PAPER	
4. TITLE AND SUBTITLE ETHICAL CONSIDERATIONS FOR ISLAMIC INSURGENCY MOVEMENTS: A CASE STUDY OF THE ALGERIAN CIVIL WAR, 1992-1998		5. FUNDING NUMBERS N/A	
6. AUTHOR(S) LCDR GUY M. LEE, CHC, USN			
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) USMC COMMAND AND STAFF COLLEGE 2076 SOUTH STREET, MCCDC, QUANTICO, VA 22134-5068		8. PERFORMING ORGANIZATION REPORT NUMBER NONE	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) SAME AS #7.		10. SPONSORING/MONITORING AGENCY REPORT NUMBER: NONE	
11. SUPPLEMENTARY NOTES NONE			
12A. DISTRIBUTION/AVAILABILITY STATEMENT NO RESTRICTIONS		12B. DISTRIBUTION CODE N/A	
13. ABSTRACT (MAXIMUM 200 WORDS) RELATIVELY LITTLE HAS BEEN DONE TO ADAPT THE CONCEPT OF JIHAD TO THE MODERN REVOLUTIONARY CONTEXT. JIHAD MAY BE VIEWED AS A THEOLOGICAL-JURIDICAL CONSTRUCT THAT INCLUDES HOLY WAR AND JUST WAR CONCEPTS. HOLY WARS ARE FOUGHT WITH RELIGIOUS PURPOSES IN MIND; JUST WARS ARE LIMITED BY THE CRITERIA FOR DECLARING THEM AS WELL AS THE CONDUCT OF COMBAT OPERATIONS AND COMBATANTS. THIS STUDY SEEKS TO DEVELOP A MODEL FOR THE ETHICAL ANALYSIS OF ISLAMIC INSURGENCIES IN BOTH SENSES OF JIHAD AND TO APPLY IT TO THE ALGERIAN CIVIL WAR, FROM 1992-1998. IT FOCUSES ON TWO REPRESENTATIVE INSURGENT GROUPS, THE ARMED ISLAMIC GROUP (GIA) AND THE ISLAMIC SALVATION ARMY (AIS), WHOSE IDEOLOGY AND TACTICAL FOCUS REPRESENT DIFFERING ASPECTS OF THE ISLAMIC CONCEPT OF JUST WAR IN A REVOLUTIONARY CONTEXT. THIS WILL DEMONSTRATE THAT THE IDEOLOGICAL MOTIVATION OF MANY EXTREMIST ISLAMIC INSURGENCY GROUPS IS ROOTED MORE IN POLITICAL IDEOLOGY THAN A TRUE APPREHENSION OF ISLAM. AT LEAST IN THE CASE OF ALGERIA, THESE GROUPS SEEK TO JUSTIFY THEIR MOVEMENT ON RELIGIOUS GROUNDS, BUT IN REALITY, THEIR RELIGIOUS UNDERSTANDING IS LIMITED AND/OR SKEWED.			
14. SUBJECT TERMS (KEY WORDS ON WHICH TO PERFORM SEARCH) ETHICS, JIHAD, INSURGENCY, ALGERIA		15. NUMBER OF PAGES: 61	
		16. PRICE CODE: N/A	

17. SECURITY CLASSIFICATION OF REPORT	18. SECURITY CLASSIFICATION OF THIS PAGE:	19. SECURITY CLASSIFICATION OF ABSTRACT	20. LIMITATION OF ABSTRACT
UNCLASSIFIED	UNCLASSIFIED	UNCLASSIFIED	

DISCLAIMER

THE OPINIONS AND CONCLUSIONS EXPRESSED HEREIN ARE THOSE OF THE INDIVIDUAL STUDENT AUTHOR AND DO NOT NECESSARILY REPRESENT THE VIEWS OF EITHER THE MARINE CORPS COMMAND AND STAFF COLLEGE OR ANY OTHER GOVERNMENTAL AGENCY. REFERENCES TO THIS STUDY SHOULD INCLUDE THE FOREGOING STATEMENT

EXECUTIVE SUMMARY

Title: Ethical Considerations for Islamic Insurgency Movements: A Case Study of the Algerian Civil War, 1992-1998

Author: Guy M. Lee, Lieutenant Commander, Chaplain Corps, U.S. Navy

Thesis: This essay argues that extreme Islamist groups fail to adhere to the traditions of mainstream Islam regarding the limitation of war because of an interpretational bias that favors a heterodox theology of *jihad*. For these Islamic extremists, *jihad* has evolved from a doctrine that originally sought to limit war to a justification of revolutionary warfare, if not violence.

Discussion: Relatively little has been done to adapt the concept of *jihad* to the modern revolutionary context. *Jihad* can be thought of as a theological-juridical construct that includes holy war and just war concepts. Holy wars are fought with religious purposes in mind; just wars are limited by the criteria for declaring them as well as the conduct of combat operations and combatants.

This study seeks to develop a model for the ethical analysis of Islamic insurgencies in both senses of *jihad* and to apply it to the Algerian Civil War during the period 1992-1998. It focuses on two representative insurgent groups, the Armed Islamic Group (GIA) and the Islamic Salvation Army (AIS), whose ideology and operational focus represent differing aspects of the Islamic concept of just war in a revolutionary context.

Conclusion: The ideological motivation of many extremist Islamic insurgency groups is rooted more in political ideology than a true apprehension of Islam. At least in the case of

Algeria, these groups seek to justify their movement on religious grounds, but in reality, their religious understanding is limited and/or skewed.

CONTENTS

DISCLAIMER STATEMENT.....ii

EXECUTIVE SUMMARY.....iii

Chapter

Page

1. Scriptural, Historical and Juridical Sources of Jihad.....	1
2. Ethical Considerations for Islamic Insurgency Movements.....	10
3. Case Study - The Algerian Civil War, 1992-1998.....	20
4. The Ethical Factor	31
5. Conclusion	41

Appendixes

A. Glossary of terms	46
B. Map	47

Bibliography55

Chapter 1

SCRIPTURAL, JURIDICAL AND HISTORICAL SOURCES OF JIHAD

Jihad is perhaps one of the least understood concepts in the lexicon of international relations. In the Western mind, it is broadly associated with religiously motivated Islamic terrorism and violence. Misperception of the term is especially apparent when we attempt to understand the moral implications of Islamic warfare. To what extent does the Islamic doctrine of *jihad* address the concept of the limitation of war? Though a full treatment of this question lies outside the scope of this study, it is important to note that *jihad* emanates as much from the religious tradition of holy war as the just war concept, which is an ethical/legal construct. Noted Islamic scholar Abdulaziz Sachedina describes these contrasting strains as part of a fundamental tension in the historical development of the tradition of *jihad*. On one hand, classical Islamic scholars treated *jihad* as a “holy war” that lent religious legitimization for expansion of Islam in the 8th century C.E. On the other hand, *jihad* is also portrayed in the Qur’an as a just war when applied to the defense of Islamic territory.¹

Though the concept of *jihad* is firmly embedded in Islamic tradition, it often fails to carry out its intended purpose of placing ethical limits on the operations and tactics of Islamist organizations. In Algeria, for instance, members of ultra-extreme *Groupe Islamique Armé* (GIA) have repeatedly committed unspeakable atrocities in which hundreds of innocent men, women and children in a single village have been massacred.

¹ Abdulaziz Sachedina, “The Development of Jihad”, *Cross Crescent and Sword: The Justification and Limitation of War in Western and Islamic Traditions*, James Turner Johnson and John Kelsay, Eds. (Westport, CT: Greenwood Press, 1990), 36.

Though portraying themselves as assiduous students of the Qur'an, members of Afghanistan's reactionary Taliban promote *jihad* against Shi'ites and other Muslim sects, thereby threatening the stability of the entire Central Asian region. Employing cluster munitions to attack civilian population centers in the southern region of the nation, the Islamist government of Sudan has repeatedly engaged in indiscriminate, high altitude bombing campaigns that have caused hundreds of non-combatant fatalities.

This essay argues that extreme Islamist groups fail to adhere to the traditions of mainstream Islam regarding the limitation of war because of an interpretational bias that favors a heterodox theology of *jihad*. For these Islamic extremists, *jihad* has evolved from a doctrine that originally sought to limit war to a justification of revolutionary warfare, if not violence.

Because the Islamic concept of a "just" revolutionary war has not been fully developed, it is necessary to begin with the concept of holy war as a means to address the idea of a "moral" revolutionary war. Chapter 1 examines the scriptural, historical and juridical sources of *jihad*, with special emphasis on the laws of apostasy (*akham al-ridda*) and dissension (*akham al-bughat*). In chapter 2, these principles will be overlaid on an adaptation of Courtney Campbell's construct for the ethical analysis of irregular warfare in order to provide a model for understanding uniquely Islamic insurgency movements. These concepts will then be applied in chapters 3 and 4 to a case study of the Algerian Civil War during the period of 1992-1998. This protracted and bloody conflict that has caused by some estimates a staggering 130,000 deaths offers an excellent example for analysis of the ethical considerations of Islamic revolutionary warfare. Lastly, I will

contend in chapter 5 that that extremist groups operate with a skewed understanding of the doctrine of *jihad* in order to justify terror.

The concept of *jihad* is far richer in meaning than simply being a holy war. Lexically, it is related to the participle *mujahid*, which literally means “one who strives”. Thus the word *jihad* yields a meaning of “struggle” or “determined effort.” The term is related, yet distinct from the associated terms *qital* and *harb*, which refer to the act of making war.²

Scriptural Sources of *Jihad*

The doctrine of *jihad* developed by Islamic scholars is derived from Qur’anic sources.³ A key verse often cited as scriptural justification for *jihad* is 3:104, which states that the mission of an Islamic order is to “enjoin the good and forbid the evil”. Inherent in this is the moral obligation of all Muslims to engage in the defense of Islamic territories against attack, as indicated in 2:190: “For the sake of Allah fight those who fight you, but do not attack them first. Allah does not love the aggressors.” Defensive *jihad* therefore pertains to the realm of just war since it is based on the moral obligation to protect Islamic lands. However, *jihad* is most often thought of as an offensive action. The Qur’anic injunction that sanctions this is found in 8:39 (and repeated again in 2:193): “make war on [unbelievers] until idolatry is no more and Allah’s religion reigns supreme.” Idolatry is identified as a threat to Islamic order that must be eliminated by military force if necessary. This verse also suggests that the objective of *jihad* is the

² Douglas Streusand, “What Does Jihad Mean?”, *Middle East Quarterly* 4, no. 3 (September 1997), 9.

³ In contrast to Christianity, Islamic theology is highly juridical. Islamic theologians are often referred to as “jurists”. During the classical era of Islamic scholarship (8th century C.E.), these jurists became associated with four schools of thought, known as the Hanifi, Shafi’i, Maliki and Hanbali.

establishment of a universal state that is ordered by Islamic law and polity. To accomplish this, all idolaters must be accorded an invitation to become Muslims. If they do not submit themselves to Islamic authority, they become the subject of *jihad*. Special consideration is accorded Jews and Christians, who, as monotheists (*dhimmis*, or “protected people”), were allowed to retain their religious affiliation by paying the *jizya* or poll tax. *Dhimmis* who did not convert to Islam or pay the *jizya* were classified as unrepentant and were subject to the sword. The Qur’an therefore sanctions *jihad* in *both* the moral/defensive and religious/expansionist sense. It is important to note, however, that expansionism should not be construed strictly as extending the territory of Islam in a geo-political sense, but as extending the dominion of a universal Islamic state governed by the *shar’iah* (the corpus of Islamic law). Indeed, a devout Muslim could in fact participate in *jihad* in a number of venues apart from the sword by utilizing his heart, his tongue or his hands.

Historical Development of *Jihad*

As Sachedina indicates, the doctrine of *jihad*, though derived from Qur’anic sources, developed over time as the product of Sunni scholars who sought to provide an *ex post facto* theological justification for the rapid territorial expansion of Islam during the 2nd century A.H./8th century C.E. In order to accomplish this, they focused more on *jihad* as a theological doctrine supporting the expansion of the Islamic hegemony and less on the Qur’anic injunctions that teach religious tolerance. As a result, these jurist/scholars:

...preferred on many occasions to overlook those passages in the Qur’an that point towards moral justifications for the *jihad*. Consequently, their rationalization of the *jihad* as the means by which the world might be converted to the “sphere of

Islam” obscures the distinction between the Qur’anic concept of a “just war” fought to stop aggression and a holy war aimed at conversion to Islam.⁴

As a result of this preference, *jihad* developed into a theological apologetic that facilitated Islamic expansionism as opposed to a moral restraint on the declaration and conduct of war. Holy war should not therefore be taken as necessarily synonymous with a just war; as has been seen both in Western and Islamic traditions, wars fought in the name of God are often the ones most devoid of ethical restraints.

Juridical Sources of *Jihad*

The concept of *jihad* assumes five distinct meanings, ranging from personal spirituality to corporate defensive warfare. I will briefly address the first three as a way of providing a context for the final two, which are particularly germane to understanding the ethical issues that apply to Islamic insurgency movements. This will in turn facilitate the application of these concepts to the specific Algerian militias that will be examined in chapter 3.

The first definition of *jihad* denotes the inner struggle of faithfulness and obedience to Allah in the personal life of the believer. This kind of *jihad* is derived from a non-Qur’anic report on the life of Muhammed (known as a *hadith*) in which the Prophet, returning after a battle, states that he had returned from the lesser *jihad* (i.e., combat) to a greater *jihad*- the struggle against self.

Jihad is most often thought of as warfare against infidels or polythesists. The Islamic jurists devised *jihad* as the division of civilization into two distinct abodes or *dars*. The first is *dar al-harb*, the abode of war. This is the realm of disobedience to Allah, and is

⁴ Sachedina, 36.

characterized by strife and disorder. It includes all who live apart from the second, the *dar al-Islam* (the abode of Islam) and therefore the realm of divine order and harmony. Muhammad's personal mission was to "fight the polytheists wherever you find them (Qur'an 9:5) and "when you meet those who misbelieve, strike off their heads until you have massacred them" (Qur'an 47:4).

Consistent with the Qur'anic injunctions mentioned earlier, *jihad* can be a means for *ribat*, the defense of the realm of Islam against invaders. While *jihad* may be practiced by individual *mujahiddin* (fighters) who are volunteers, *ribat* is a corporate responsibility binding on all professing Muslims.

Warfare Against Apostates. Warfare between Islamic peoples that does not fit the legal criteria of *jihad* is forbidden. However, the jurists did conceive two situations in which *jihad* might be declared against fellow Muslims. As a result, they have important implications for understanding the theological/legal justification of Islamic insurgency movements. Tracing the evolution of *jihad* against apostates, historian Bernard Lewis suggests that:

The principle of war against an apostate...opened up the possibility of legitimate, even obligatory war against an enemy at home, which in modern times has been developed into a doctrine of insurgency and revolutionary war as a religious duty and a form of *jihad*. This too has deep roots in the Islamic past.⁵

The first case is *jihad* against apostates (*al-ridda*) - those who have either reverted from Islam to other faiths or deliberately chosen to join the *dar al-harb*. Islamic tradition records many instances in which the law of apostasy (*akham al-ridda*) has been applied. Following the death of Muhammad, many of the tribes that had converted to Islam reverted back to the *dar al-harb*. In 632 C.E., Abu-Bakr, Muhammad's father-in-law and

immediate successor (*Caliph*), declared a *jihad* in order to stop these secessionist movements across the Arabian Peninsula.

The first civil war within Islam also involved issues of apostasy. In 657 C.E., a sect of militant pietists known as the Kharijites (from *khawarij*, meaning “seceders”) rebelled against ‘Ali ibn Abi Talib, the fourth “rightly guided” *Caliph* and the son-in-law of the Muhammad. The Kharijites had initially been members of Ali’s army in his battle against Mu’awiyah, the rebellious Governor of Syria. But when Ali entered into negotiations with Mu’awiyah in lieu of combat, the Kharijites revolted, believing that he had usurped Allah’s authority to sovereignly determine the outcome of the dispute. Raising their Qur’ans in a symbolic demonstration of protest, they declared, “let God decide!”

Theologically, the Kharijites are best known for their doctrine of sin and their puritanical code of holistic morality. Since they believe that anyone who is morally pure could become a leader of the Muslim community, they were ruthless in deposing any *Imam* (the religious and civil leader of the Islamic community) who did not meet their exacting standards of moral purity. From their perspective, any leader who sins is apostate and therefore deserves execution.⁶ Since the murder of Ali in 661 C.E. at the hands of a Kharijite assassin, the sect has become an archetype for dissenters and revolutionaries who have rebelled against the established order. I shall argue later that a thematic parallel exists between the Kharijites and the most militant Algerian militia, the GIA.

⁵ Bernard Lewis, *The Political Language of Islam* (Chicago: University of Chicago Press, 1988), 90.

⁶ Cyril Glasse, *The Concise Encyclopedia of Islam* (San Francisco, CA: Harper & Row, 1988), 222-223.

Warfare against Rebels and Dissenters. The second situation in which *jihad* may be declared against fellow Muslims is found in the law of rebellion (*akham al-bughat*). This law evolved as a means for reconciling the legitimate concerns of dissenters with the aim of maintaining unity and harmony within the *dar al-Islam*.

Qur'an 49:9-10 states:

If two parties among the believers fall into a quarrel, make ye peace between them: but if one of them transgresses beyond the bounds against the other, then fight ye [all] against the other, then fight ye [all] against the one that transgresses until it complies with the command of God. But if it complies, then make peace between them with justice and be fair...The Believers are but a single Brotherhood: so make peace and reconcile between your two contending brothers...

As long as the dissenters did not renounce the authority of the *Imam*, dissent was tolerated in Islamic law. If dissenters persist to the point of armed rebellion, they then became subject to the challenge of *jihad*. Nevertheless, the aim of *jihad* under *akham al-bughat* was not capital punishment of sedition, but reconciliation.

Islamic legal scholar Khalid Abou el-Fadl states that there are three qualifications that distinguish an insurgent organization from a criminal band: 1) an act of resistance (*al-khuruuj*), 2) a reason for rebellion (*al-ta'wil*) and 3) an organization or structure (*al-shauka*). The following section summarizes his seminal work on *akham al-bughat*.⁷

Any act of resistance on the part of a particular group against the established order is an act of *al-khuruuj*. These acts may range from relatively minor infractions such as refusing to pay taxes all the way to outright sedition. The simple commission of an act of

⁷ Khalid Abou el-Fadl, "Akham al-Bughat: Irregular Warfare and the Law of Rebellion in Islam", *Cross Crescent and Sword: The Justification and Limitation of War in Western and Islamic Traditions*, James Turner Johnson and John Kelsay, Eds. (Westport, CT: Greenwood Press, 1990), 153.

al-khuruĵ did not in itself make one a rebel; it did mean, however, that one of the three necessary preconditions for classification as a *baghi* (rebel) had been satisfied.⁸

A rebellion must also have a reason or interpretation that is rooted in Islamic law or tradition. Failure to provide an adequate *ta'wil* meant the “rebels” were in actuality little more than common criminals and subject to punishment as such. el-Fadl states that the nature of *al-ta'wil* could be either religious or political, but could not be frivolous. In fact, a frivolous *ta'wil* is likely to cause the *Imam* to treat a dissenter as an apostate.⁹ The specifications that constitute a legitimate *ta'wil* are otherwise imprecise. As long as there is a legal precedent found within the corpus of Islamic tradition, the rebel’s cause was to be taken as legitimate, regardless of the *ta'wil*’s ultimate truth or falsity.¹⁰

al-ta'wil was used as key part of the defense strategy during the trial of the assassins of Egyptian President Anwar el-Sadat in 1982. The defendant’s lawyers argued that imposing the death sentence on the accused would contravene the authority of *shari’ah* because the defendants were not criminals, but *baghi*. The court ignored this reasoning and the accused assassins were later executed.¹¹

The final tenet of *akham al-bughat* is an organization, but further specifications are nebulous. The intent behind *al-shauka* was to distinguish a true revolutionary movement from a small group of rebels who engendered no popular support, thereby functioning more as a brigand of criminals than a legitimate grassroots movement.

If an insurgent movement has an organization with which to carry out acts of rebellion based on a legitimate reason, they enjoy the status of *baghi*. As a result, several

⁸ el-Fadl, 155.

⁹ el-Fadl, 159.

¹⁰ el-Fadl, 158.

¹¹ el-Fadl, 168.

limitations were imposed on the imam who attempted to suppress an insurgency against legitimate *baghi*. Though they can be killed in putting down the revolt, wounded *baghi* could not be killed, even if they resorted to terrorist tactics such as executing the *Imam*'s supporters or sympathizers. *Baghi* are also exempt from liability for damage to property or loss of life in the commission of *bughat*.¹²

A grasp of *akham al-bughat* is especially useful in understanding the ideological motivations of Islamist groups whose agendas seek reformation of governments into Islamic states. As we shall see, this type of *jihad* characterizes both violent and non-violent Islamist organizations (such as the Islamic Salvation Front-FIS) that were belligerents in Algerian Civil War.

¹² el-Fadl, 160.

Chapter 2

ETHICAL CONSIDERATIONS FOR ISLAMIC INSURGENCY MOVEMENTS

While the Qur'anic injunctions deal primarily with the justification of war (known in Western tradition as *jus ad bellum*), Islamic theologian/jurists focused their attention on the conduct of armies in battle (*jus in bello*).¹³ It should be noted, however, that modern just war thought applied to insurgency movements is largely underdeveloped in both Islamic and Western tradition. In order to arrive at some means for understanding the impact of just war theory on Islamic insurgency movements, I will argue that one must therefore integrate the scriptural, juridical and historical sources of *jihad* into these Western just war constructs. I will do so by comparing and contrasting the justification of war in Western and Islamic traditions.

The roots of Western just war theory are attributed to the Roman Catholic theologians Augustine of Hippo and Thomas Aquinas. They conceived just war theory as falling into two major categories: 1) principles that govern justification for going to war (*jus ad bellum*) and 2) principles governing the moral conduct of war (*jus in bello*). While they focused their efforts on *jus ad bellum* criteria, the Dutch legal philosopher Hugo Grotius is credited with developing the *jus in bello* principles of proportionality and discrimination on which modern just war theory rests. Proportionality is the commander's responsibility to assess whether the good that will result from a planned operation or campaign outweighs the harm that potentially may be done, both to non-combatants and combatants alike. Discrimination is a moral aspect of command and control that assures that non-combatants are not intentionally and directly targeted.

Just as classical Western thought is characterized by the *jus ad bellum/jus in bello* criteria, Islamic theory is primarily defined by the division of the world into the *dar al-harb* and the *dar al-islam*. As stated earlier, the resort to war is a dualistic concept that encompasses both defensive and offensive justifications. Threats to the *dar al-islam* by polytheists and idolaters require Muslims to fight for the religious, cultural and political integrity of Islamic rule. At the same time Islam is in a state of perpetual struggle with the *dar al-harb*, whose very existence constitutes a threat to Islamic authority and order. The Islamic law of nations does not view the *dar al-islam* as merely a confederation of closely allied, though autonomous Muslim states. Instead, it is a highly idealized concept in which there is but one Islamic state led by the *Caliph* and governed according to the *shar'iah*. With this in mind, offensive *jihad* was sanctioned against the *dar al-harb* as a means of extending this universal Islamic state. Offensive war for the purposes of expanding the realm of Islamic authority was religiously and therefore ethically justifiable.

Religious ethicist John Kelsay notes that modern and contemporary Islamic scholars have had little to say about *jus in bello* criteria.¹⁴ As a result, we are forced to extrapolate applications for contemporary ethical analysis from classical sources. Though the Sunni scholars did not expressly address the concept of proportionality in the Western sense, they did stipulate that idolaters be accorded an invitation to accept Islam as a means of mitigating the harm caused by war. The venerable Islamic scholar Majid Khadduri indicates that this invitation was in some cases followed by a three-day period

¹³ el-Fadl, 164.

¹⁴ John Kelsay, "Islam and the Distinction between Combatants and Non-Combatants", *Cross Crescent and Sword: The Justification and Limitation of War in Western and Islamic Traditions*, James Turner Johnson and John Kelsay, Eds. (Westport, CT: Greenwood Press, 1990), 198.

for the idolaters to consider the invitation, and that at times, the *mujahiddin* even entered into negotiated settlements in lieu of actual battle.¹⁵

The principle of discrimination between combatants and non-combatants is much more tacitly defined, and many of the prohibitions of modern humanitarian law are seen in Islamic thought. Khadduri indicates that the jurists laid out specific (though sometimes competing) findings prohibiting the killing of the disabled and aged, as well as non-combatant women, children and clerics, even if they were among the *harbi* (people who abide in the *dar al-harb*). The unnecessary destruction of property and fighting during certain sacred periods was similarly forbidden. Though idolaters could be killed, they were not to be killed inhumanely or mutilated. Enemy prisoners of war were not to be killed. Additional tactical limitations were dictated when idolaters took Muslim women and children as hostage.¹⁶ The jurists similarly banned weapons such as catapults, which were capable of inflicting indiscriminate harm on combatants and non-combatants alike.¹⁷

To fully comprehend this concept, it is useful to apply the aforementioned principles of Islamic just war tradition to insurgency movements by adapting the framework suggested by ethicist Courtney Campbell.¹⁸ Though derived from contemporary Western sources, the issues he raises nevertheless offer a construct for synthesizing the theological, historical and juridical aspects of Islamic just war thought into a systematic

¹⁵ Khadduri, 98.

¹⁶ Khadduri, 103-107.

¹⁷ James Turner Johnson, *The Holy War Idea in Western and Islamic Traditions* (University Park, PA: Pennsylvania State University Press, 1997), 118.

¹⁸ Courtney Campbell, "Moral Responsibility and Irregular War", *Cross Crescent and Sword: The Justification and Limitation of War in Western and Islamic Traditions*, James Turner Johnson and John Kelsay, Eds. (Westport, CT: Greenwood Press, 1990), 103-128.

revolutionary context. In order to accomplish this, I will first examine the concepts of authority, just cause, proportionality and discrimination that comprise the normative core criteria of just war tradition. In light of these criteria, I will then examine the “tools” or techniques utilized by the practitioners of Islamic revolutionary warfare: recognizability, assassination and the dehumanization of victims. Finally, I will explore the ethics of counterinsurgency operations in order to address the issue of responsibility for non-combatant deaths.¹⁹

The first element of just war criteria is authority, or the degree to which the insurgents enjoy the popular support of the people. Successful insurgencies are able to convince the masses that they can offer a better “deal” than the regime. Failure to win in this arena through persuasion or coercion means that the insurgents will likely not gain the logistical support (new recruits, supplies and shelter from counterrevolutionary forces) they need to sustain their movement. Even more importantly, it portrays them as a self-constituted band of criminals instead of as revolutionaries.

As a temporal political and religious leader in Sunni Islam, the *Caliph* had the authority to declare both offensive and defensive *jihad*. But with the demise of the caliphate, the question of what constitutes proper authority to declare *jihad* became an issue of interpretation. For the Sunnis, any *Imam* acting as the leader of the Muslim community had the authority to declare *jihad*. As the noted religious ethicist James Turner Johnson has pointed out, this leads to the theoretical possibility that a less than-

¹⁹ Interview with Albert C. Pierce, Director, Center for the Study of Military Ethics, United States Naval Academy. Interviewed by the author, February 16, 2001. In light of Pierce’s observation that the issues raised by Campbell do not distinguish between the just war criteria and the techniques used by insurgents in the conduct of revolutionary warfare, I have chosen to modify his “model”. The seven issues addressed by Campbell include: 1) authority; 2) just cause for resorting to war; 3) how the definition of success and end state effect proportionality; 4) discrimination, terrorism and the dehumanization of victims; 5) recognizability; 6) responsibility for non-combatant deaths and 7) assassination.

divinely inspired Imam might declare *jihad* for neither moral or religious purposes, but as an instrument of statecraft justified by moral and/or religious dogmas.²⁰

The potential for self-constituted authority in declaring *jihad* is more limited in Shi'ite theology. Since the Imam gains legitimacy from direct succession from Muhammed and the infallible wisdom given to him from Allah, he alone is authorized to declare an offensive *jihad*. But since Shi'ites believe that the *Imam* remains "hidden", there is no legitimate authority on earth who can authorize an offensive *jihad*.²¹ This does not, however, preclude the right of Shi'ites to declare a defensive *jihad*, which is explicitly mandated in the Qur'an. The authority of Shi'ite states or organizations to declare *jihad* against *harbi* must therefore be based on defensive rationale. It should hardly be surprising then that the *jihad* declared against the United States by Iranian clerics in the late 1980's was motivated out of a desire to defend the *dar al-islam* against the corrupting influence of the "Great Satan".

The second element of just war criteria involves the moral justification of counter-violence when citizens of a state are continually exposed to oppressive treatment by a regime. In Kharijite theology, sinfulness abrogated salvation, thereby reducing the sinner to equivalency with apostasy. An Imam who sinned was not only disqualified from leadership; it also compelled members of the Kharijite community to rise up in a violent revolt to depose him.

Proportionality, the third element of just war criteria, can be influenced by an insurgency movement's own definition of success and ultimate end state. This definition

²⁰ Johnson, 98.

²¹ Shi'ites believe that the twelfth Imam, Muhammad, disappeared in 255 A.H./869 C.E. He remains alive by supernatural means, though "hidden" from public recognition. He will emerge from his hidden

can either diminish or alternatively enhance the restraints of proportionality in irregular warfare. The ideological aims of a revolutionary movement are often the greatest impediment to the restraint of war. The absolutist ends of a utopic society are often used to justify the inhumane and horrific means used to accomplish them. Borrowing terms from Marxist ideology, a campaign of terror perpetrated by a regime's internal security apparatus is justifiable if in the end, it results in bringing about a "worker's paradise" on earth. Correspondingly, the objective end state of universal (or even national) Islamic authority has, for some extremist groups, served as the ideological justification for terror as an expedient means of accomplishing it.

Discrimination, the last element of just war criteria, functionally distinguishes legal warfare from acts of terrorism . Though definitions vary, terrorism is distinguished from crime in three areas. First, it is used as a means of achieving political ends. Second, it seeks to create anxiety and fear through repeated application. Lastly, it is often not focused directly towards policy makers, but indirectly against either randomly selected or representative targets in order to convey a propaganda message to those policy makers.²²

Not all insurgency movements practice terrorism. Those who do are typified by a lack of discrimination in targeting, while "true" insurgent organizations tend to limit their operations to targets that are linked to the goal of overthrowing the established regime.

state as the Mahdi, a messianic figure who will restore righteousness on earth in the last days of human history.

²² Alex P. Schmid, "The Problems of Defining Terrorism", *Encyclopedia of World Terrorism*, Vol I. Martha Crenshaw and John Pimlott, Eds. (Armonk, NY: M.E. Sharpe, Inc., 1997), 18.

Armed with an understanding of the normative just war criteria, the “tools” or techniques commonly utilized in irregular warfare can be analyzed. These techniques include issues of recognizability, assassination and dehumanization.

The first of these techniques is recognizability. Despite modern international protocols that require guerrillas to wear uniforms that identify them as combatants, insurgents invariably prefer to dress like the civilian populace. This gives them the ability to use non-combatants as a form of operational cover. With their inferior weaponry and training, this argument presumes that the insurgents would otherwise be unable to resist the government’s counterrevolutionary forces. This practice obviously produces profound tactical difficulties for counterinsurgency forces. As was the case for the United States Army during the Vietnam War, soldiers could not distinguish the Vietcong from the rest of the civilian populace; thus, the non-descript villager during the day often became a pajama-clad sapper by night.

Though this issue historically does not appear to have been a consideration in the conduct of *jihad*, it has materialized in the conduct of the Algerian Civil War, with extremist *mujahiddin* who set up roadblocks and pose as members of the government security forces. Innocent civilians who complied were invariably murdered by the rebels.

Even when thought of as a form of discrete or individualized terrorism, assassination- the second technique employed by insurgents- is extremely difficult to justify morally. Though contemporary ethicists are loath to justify assassination under any circumstances, some implicitly allow assassination as a form of tyrannicide in extreme and highly qualified cases. Tyrannicide may be *at best* permissible if a tyrant: 1)

“is a formulator of policy (as opposed to simply an implementer) and 2) he ultimately symbolizes or embodies those policies.”²³

In Islamic tradition, assassination finds precedent with the Nizari Isma'ilis of Syria. Known popularly as the *Hashishin* (“Assassins”), they formulated a practice of assassination for apostasy reminiscent of Kharijism. The Isma'ilis sought to rally public support through these high profile killings, but as political ethicist Tamara Sonn indicates, it served only to discredit their cause while simultaneously validating the Sunni amirs (leaders or commanders).²⁴ This dynamic is also identifiable in recent Algerian history. While terror and assassination have been used by extremist Muslim organizations, there is nonetheless a clear ethical tradition in Islamic juridical thought against its use.

The third technique utilized both by insurgency movements and the regimes they oppose is dehumanization. As a vehicle to morally justify their policies, this practice is frequently articulated in the form of theological pronouncements, since ultimate legitimacy is thereby conferred from a divine source. Johnson suggests that this is a general characteristic of all religious wars, since they include, “...religious justification, religious authority, religious rules for conduct of the participants and a definition that makes all the enemy, regardless of personal status, susceptible to being killed by the army in the course of the war.”²⁵ As we shall see in chapter 4, dehumanization of an enemy is often employed as a means to justify genocide or politicide, since individuals stripped of

²³ Campbell, 120.

²⁴ Tamara Sonn, “Irregular Warfare and Terrorism in Islam: Asking the Right Questions”, *Cross Crescent and Sword: The Justification and Limitation of War in Western and Islamic Traditions*, James Turner Johnson and John Kelsay, Eds. (Westport, CT: Greenwood Press, 1990), 138.

²⁵ Johnson, 71.

their humanity can be exterminated without moral reflection. When entire classes of people are thus dehumanized, wide scale atrocities are sure to result.

Given the dilemmas inherent in counterinsurgency operations, government forces are often tempted to treat the collective civilian populace as revolutionary collaborators, often with brutal results. This tactic often plays into the favor of the insurgents, since it fails to weed out the guerrillas while alienating the non-combatant community, thus driving it towards the revolutionary cause. At the outset of the Algerian Civil War, government security forces resorted to terror tactics against the civilian population in the *communes* (communities) of Greater Algiers suspected of being insurgent strongholds. This included random torture against anyone suspected of association with the armed bands, as well as assassinations of known supporters.

Given these ethical tensions, one would expect general consensus that the greater responsibility for non-combatant casualties rests with the regime instead of the guerrillas. Surprisingly though, most ethicists conclude exactly the opposite. If civilians are thus killed as a result of government counterinsurgency operations, it is the insurgents who bear the greater responsibility.

A related aspect of this principle addresses non-combatant support of insurgents. Do civilians who provide support to guerrillas become passive combatants? The Geneva Protocols provide clear guidance, since non-combatant status is lost when civilians assist guerrillas in any way. What is not addressed is the situation in which insurgents threaten civilians to either support them or face death, as the Vietcong frequently did.

In Islamic tradition, individuals who are generally categorized as non-combatants may lose their immunity from attack if they assist apostates or *baghi*. Khadduri cites a

case reported by the classical jurist al-Shaybani during the Battle of Hunayn in 8A.H./630 C.E. in which an aged man of over 100 years was summarily executed for giving advice to *baghi* who had revolted against Muhammad.²⁶

Having established a framework for the ethical analysis of Islamic insurgency movements from both the doctrine of *jihad* and Western just war traditions, in the following chapters, I will apply them to the Algerian Civil War, a revolutionary conflict ripe with ethical tragedy.

²⁶ Khadduri, 104.

Chapter 3

CASE STUDY: CONTENDING ALGERIAN GROUPS AND THE CIVIL WAR 1992-1998

Historical and Theological Foundations of Algerian Nationalism

Contemporary Algerian political culture is the amalgam of its French colonial heritage, its ideological bent towards socialism and Arab/Islamic influences.²⁷ The French controlled Algeria from 1830 until 1962, desirous of its strategic position on the Mediterranean as well as its commercial potential.

In the manner characteristic of that era, the French *colons* (colonists) sought to impose their culture on the Algerians in an attempt to “civilize” them by compelling the use of French as the official spoken language. Their discriminatory and exploitative policies combined with harsh military rule (*regime du sabre*) so alienated the Algerians that nationalist resistance movements began to sprout up all across the country. These movements were initially more religious than political in basic orientation. Believing that the key to national salvation was personal spiritual renewal, these groups became the foundation for the neo-*Salafiyyist* (revivalist) movements. The key leader of this movement in Algeria was Abdul Hamad ben-Badis (1890-1940), a scholar at Zayatuna Mosque University in Tunis.²⁸

²⁷ John P. Entelis with Lisa Arone, “Government and Politics”, *Algeria: A Country Study*. Mary Chapin Metz, Ed. (Washington, DC: Library of Congress Federal Research Division, 1994), 176.

²⁸ John E. Esposito, *Islam and Politics*, 4th Ed. (Syracuse, NY: Syracuse University Press, 1984), 83.

ben-Badis' views on the revivalism of Islam and its connection to the development of nationalism in Algeria were largely influenced by two Muslim jurists, Jamal al-Din al-Afghani (1838-1897) and Muhammad Abduh (1849-1905). Both Afghani, who was born in Iran and Abduh, who lived most of his life in Cairo, saw Islam as more than a corpus of compartmentalized religious rituals. John L. Esposito argues that for both these scholars, "true Islam encompassed worship of God as well as active realization or implementation of His will in society." For Afghani in particular, "...Muslim renewal and reform had but one ultimate purpose, liberation from colonial rule."²⁹ An additional issue facing intellectual Muslims during this period was the role of modernity. Did faithfulness to God demand isolation from the corrupting influences of the West, or was it possible to engage them without sacrificing their rich and unique heritage as Arabs? Abduh reasoned that orthodox Islam and modern Western thought were not necessarily incompatible. In arguing this, he evoked recollections of the Muslim's rich and spirited heritage. Far from being inferior, he reminded them of their historic cultural parity with the colonial hegemons of the West.

These concepts formed the ideological foundation that ben-Badis and his colleagues would develop into a distinctively Algerian brand of Islamic nationalism. In 1931, they formed the Algerian Association of Ulama (consultation body composed of clerical scholars) under the motto, "Islam is my religion, Arabic is my language, Algeria is my fatherland."³⁰ Across Algeria, this nationalistic sentiment was evidenced by glorious

²⁹ Esposito, 50.

³⁰ Esposito, 82.

recollections of Arab cultural ascendancy coupled with strong anti-French vituperations. These sentiments not only expressed the essence of Algerian nationalism, but also laid the politico-religious foundation for what would later be the Algerian Revolution. French historian Joseph Desparment concludes that just “as Islam was integral to Algerian nationalism, so too would it inform the revolution. The revolution was to be a struggle both for entry into the modern world and for a revitalization of Islamic values.”³¹

After years of strident civil unrest as a result of exploitative policies, Algerian nationalists led by Ahmed ben-Bella declared war on France in 1954. After a protracted and bloody war that claimed by some estimates as many as 300,000 lives, Algeria won its independence on July 1, 1962.

Hourari Boumedienne deposed ben-Bella as President of Algeria in 1965. In order to restore political stability in the wake of the ben-Bella’s leadership, Boumedienne suspended democratic institutions, simultaneously consolidating and institutionalizing political power in the *Front de Liberation Nationale* (National Liberation Front-FLN) and the military. Ideologically committed to transforming Algeria into a socialist state, Boumedienne focused on developing a strong, highly centralized command economy built almost exclusively on energy exports.

Boumedienne died in 1979, and was succeeded by Chadli Benjedid. By the mid-1980’s, Benjedid had moved the nation away from socialism and towards liberal political reform. Though the FLN continued to be the sole political party, Benjedid solicited a broader spectrum of representation in National Assembly than his predecessor. Though a

³¹ Joseph Desparment, “Les Guides de l’Opinion Indigene en Algerie” (The Guide to Indigenous Opinion in Algeria), *L’Afrique Francaise* (1933): 11-16; cited by Esposito, 83.

program of economic restructuring was initiated, the dramatic fall in world oil prices in 1986 precipitated a catastrophe for the fragile Algerian economy. In October 1988, with unemployment skyrocketing, riots broke out across the country, as people were unable to purchase food. Benjedid reacted by using the military to restore order with brutal force; 500 Algerians were killed in quelling the disturbance. It was against this backdrop of social, political and economic instability that Algerian Islamism began to grow.

Rise of the *Front Islamique du Salut* (FIS)

In the aftermath of the October riots, Benjedid sought to accelerate political reforms by revising the Algerian Constitution to permit opposition parties other than the FLN. The *Front Islamique du Salut* (Islamic Salvation Front- FIS) began in February 1989 as just such a group. Initially, it focused on providing a variety of social service needs for the disadvantaged that the government was ill-prepared to render. Consequently, the FIS quickly grew from a loose grassroots network of small, loosely associated cells to a politico-religious entity that threatened the FLN's hegemony. The FIS' dramatic emergence to national power suggests that they quickly coalesced into a unified and well-coordinated organization, but in actuality, the exact opposite was true. RAND

Corporation Analyst Graham Fuller states:

Despite a FIS grasp of what is wrong with the nation and a high degree of neighborhood social activism, like many other Islamist movements in other countries, it purveys a message rather long on abstract principles, short on details and fond of the slogan that "Islam is the answer."³²

This popular support coupled with the electorate's distrust of the establishment FLN gave the FIS a majority in the June 1990 regional elections, though falling short of a national

mandate.³³ Though stunned by their humiliating loss in the polls, the Benjedid regime seemed to accept the results of the vote. In December 1991, however, the FIS once again won a landslide victory, this time in the national elections. This gave them a two-thirds majority in the National Assembly. Fearful that their power and prestige would be lost with the FIS in control, the military intervened. They annulled the results of the election, deposed Benjedid, suspended the constitution and set up a military junta to govern the country. The army then began a campaign to eradicate the FIS. By March 1992, scattered clashes between government forces and armed factions of the FIS had begun.

The Algerian Military

The ultimate arbiter of power in Algerian politics since independence, the military has been referred to as the “black box” because of its reputation for fiercely protecting its power base while remaining veiled behind the veneer of public bureaucracy. Since gaining independence, all of Algeria’s presidents have ascended to power only with the express support of the military. All but two (Mohamed Boudiaf and the current President, Abdelaziz Bouteflika) were former senior officers in the Algerian Army.³⁴

Not surprisingly, threats - perceived or actual - to the military’s hold on power have been dealt with swiftly and often ruthlessly. As Mona Yacoubian states, the military has become obsessed with maintaining their power to such a degree that “notions of national

³² Graham Fuller, *Algeria, the Next Fundamentalist State?* (Santa Monica, CA: Rand Corporation, 1996), xi.

³³ The FIS won the majority of the fractured protest vote (which included twelve other opposition parties) Ballots cast for these candidates was more a statement of outrage against the Benjedid regime and the FLN than an explicit public mandate for the FIS.

interest, public service and accountability remain conspicuously absent.”³⁵ This is exacerbated by the existence of a number of internal power blocs organized along *wilaya* (regional) affiliation. The most significant factional split took place over policy towards the Islamist militias. The first group, known as *conciliateurs*, are pragmatists who advocate negotiation with the armed bands and insurgents. The second, known as *eradicateurs*, are made up of ultra hard liners such as Defense Minister General Mohamed Lamari. Suggestive of the label, they have doggedly held to a strategy of eradication of the Islamist bands, eschewing all forms of dialogue. The dominance of the *eradicateur* faction over internal security policy has led to an escalating cycle of violent action and counteraction. Seeking to destroy the armed Islamist bands, the military has resorted to brutal and indiscriminate tactics that have in turn, invited equally barbaric responses from the militias.

The Algerian military’s proclivity towards repressive control can also be seen in its abysmal record regarding human rights. In a November 1996 report, the human rights monitoring organization Amnesty International (AI) indicated that the practice of extrajudicial killing was rampant among the security forces.³⁶ When martial law was declared in September 1992, the governing junta established special military courts with sweeping jurisdiction over all cases of suspected terrorism or subversion. Suspects who were arrested were held *incommunicado* for up to twelve days without being charged,

³⁴ Boudiaf was assassinated in June 1992. See George Joffre, “Algeria in Crisis”. Working paper, Royal Institute of International Affairs, (June 1998), 7Joffre, 7, where the author states that there is considerable evidence of military involvement in Boudiaf’s murder.

³⁵ Mona Yacoubian, *Algeria’s Struggle for Democracy: Prospects for Incremental Change*, Studies Department Occasional Working Paper Series No. 3, Council on Foreign Relations (January 1997), 7; accessed through Columbia International Affairs Online, URL: <cc.columbia.edu/sec/dlc/ciao/wps/yam01/yam091.html>, (October 8, 2000).

³⁶ Amnesty International, MDE 28/013/1996 (November 19,1996) URL:<web.amnesty.org/ai.nsf/Index/ MDE280131996> (January 10, 2001).

during which many were tortured and/or executed without trial. In March 1999, AI reported on the mass “disappearances” of thousands of Algerians at the hands of security forces. Family members inquiring at detention facilities on the status of their loved ones were told that they had joined one of the armed Islamic militias.³⁷

Faced with the classic dilemma of prosecuting insurgents in an environment in which they disappear into the populace, the Algerian military resorted to tactics that lacked discrimination between combatants and non-combatants. According to a 1995 report by Human Rights Watch, the military resorted to mass arrests of youth in suspected Islamist communities followed by summary executions. These practices were also frequently applied to the families of suspected Islamists. In other instances, they are alleged to have killed wounded militia members under the guise of transferring them to military hospitals for further “treatment.”³⁸

The conduct of counterinsurgency forces in Algeria often reveals a strange reversal of roles. Commenting on the often-surreal state of political violence in Algeria, Paul Silverstein states that military personnel in urban areas, known popularly as “ninjas”, often mask themselves in order to hide their identities and prevent reprisals.³⁹ In this ironic twist, it is the counterinsurgency forces, not the insurgents, who resort to the tactic of unrecognizability. This practice has increased the element of terror for Algerian citizens, since it became impossible to determine if a masked gunman confronting them

³⁷ Amnesty International, “The Wall of Silence Surrounding Thousands of ‘Disappearances’ Crumbles,” MDE 28/004/1999 (March 3, 1999) URL:<web.amnesty.org/ai.nsf/Index/MDE280041999> (December 11, 2000).

³⁸ Human Rights Watch, *Human Rights Watch World Report 1995* (New York: Human Rights Watch, 1995), 258.

³⁹ Paul Silverstein. “Regimes of (Un)Truth: Conspiracy Theories and the Transnationalization of the Algerian Civil War”, *Middle East Report* 30, no. 214 (Spring 2000), 9.

was an insurgent or security force member. Given this unrecognizability, extrajudicial killings committed by security forces were easily and routinely attributed to the GIA.

One of the most widely held theories accuses *Securite Militaire*, the military's internal security apparatus, of infiltrating the Islamist militias and subsequently participating in the massacre of civilians. This would in turn create a popular backlash against the GIA while at the same time legitimizing the regime. The most notorious case in which the security forces are suspected of duplicity took place in September 1997 in the Algiers suburbs of Benthala and Rais. According to official government accounts, GIA insurgents entered these communities at night, and then proceeded to massacre and maim 335 men, women, children and infants. The perpetrators are reported to have decapitated some victims with saws, disemboweling pregnant women and burning others alive. Though these atrocities took hours to complete and were done within a few hundred meters of army installations or police stations, security forces intervened only after the carnage was nearly complete.⁴⁰

Given the military's fixation with maintaining their power base and their heavy handed approach towards control of the Algerian populace, there is compelling evidence to believe that they have, to some degree, orchestrated many of the atrocities attributed to armed bands. While the eradicationist policies endorsed by the military have provided the catalysts for the escalation of the conflict, the Islamist militia's penchant for sheer anarchy and mayhem have elevated the barbarity of violence to apocalyptic proportions.

⁴⁰Amnesty International, MDE 28/047/1999 (December 12, 1997) URL:<web.amnesty.org/ai.nsf/Index/MDE280471997> (December 11, 2000).

Other Islamist Organizations

The dizzying number of Algerian Islamist groups as well as the general lack of hard intelligence on their organization and operations have stymied analysis. Nevertheless, they can be broadly categorized into three groups.⁴¹

Salafiy'yists (Reformers): The spiritual descendant of the pre-Revolution AAU, Salafiy'yists advocate religious revivalism to bring about Islamic authority on a worldwide scale.

D'jazara'as (Nationalists): Like the Salafiy'yists, members of the Djazara'a group are generally willing to allow compromise and negotiation as legitimate ways of establishing the desired Islamic order. They differ from the Salafiy'yists in the scope of Islamic authority, which they limit to the territorial boundaries of Algeria.⁴² Prominent examples of groups in this category are the Algerian Hamas Party, *an-Nahda* and the *Armé Islamique du Salut* (Islamic Salvation Army or AIS-the armed wing of the FIS). Although the AIS is an armed group that espouses the use of violence, it generally shies away from terrorism and does not preclude the possibility of a negotiated settlement.

Afghanis (Armed militants): Shunning negotiations in any form as tantamount to moral compromise, Afghanis utilize political violence and/or terrorism as a means to accomplish their strategic goals. This proclivity for armed resistance is derived from their membership, many of whom fought the Soviets in Afghanistan (hence the name). Groups included in this category include *Al-Takfir wal Hijra*, the *Mouvement Islamique Armé* (MIA- Armed Islamic Movement) and *Front Islamique pour le D'jihad Armé*

⁴¹ Joffre, 14.

(FIDA- Islamic Front for the Armed *Jihad*). However, the most infamous Afghani militia is the GIA (Armed Islamic Group), a nebulous umbrella organization composed of a number of autonomous para-military cells so extreme in their militancy that they espouse assassination and indiscriminate terror to achieve their objectives. Though a number of clandestine Islamic militias operated in Algeria during the Civil War, I will limit my discussion to the two for which data is accessible, the GIA and AIS.

⁴² European Institute for Research on Mediterranean and Euro-Arab Cooperation, *GIA*. Website. URL:<medea.be/en/index068.html> (September 26, 2000).

Chapter 4

THE ETHICAL FACTOR

Understanding the motivations of the various armed factions operating during the Algerian Civil War is essential to understanding the factions themselves. The root issues that distinguish the AIS from the more fanatical GIA are: 1) their view of *jihad*, and 2) their willingness to negotiate with the Algerian government. In this chapter, I shall superimpose the four elements of just war criteria (authorization, just cause, proportionality and discrimination) and the three “tools” or techniques utilized by insurgents (unrecognizability, assassination and dehumanization) to conduct an ethical analysis of the GIA’s and AIS’ ideological and operational doctrine

GIA

The GIA seeks not to reform the government, but to eradicate it because of its apostasy. The GIA disavows any possibility of compromise with what they regard as the “apostate” Algerian government, nor do they accept the use of democratic instruments such as elections or legislation because they hold that only God can legislate. This was seen in the seminal unification communiqué of May, 1994 in which the *mujahiddin* vowed:

1. To abide by the Book [the Qur’an], the *sunna* [the traditions of the prophet] and the *salafiyya* [revivalist reform] tradition
2. No dialogue, no cease-fire, no reconciliation and no security and guarantee [*dhimma*] with the apostate regime.⁴³

⁴³ Camille al-Tawil, *Al-Haraka al-Islamiyya al Musalaha fi al-Jaza’ir: min al-Inqadh ila al-Jama’a* (The Armed Islamic Movement in Algeria: From FIS to the GIA), 152-154; cited in Hafez, 577. The entire communiqué consisting of ten points is contained in al-Tawil’s book; Hafez lists only five of them.

Given these declarations, the GIA clearly operates under *akham al-ridda*, the law of apostasy. Similar to the Kharijites, their absolutist ideology mitigates against the ethical restraints imposed by Islam. Thus while claiming to abide by the Qur'an, the Sunna, and the *shar'iah*, their interpretation clearly overrides the injunctions and doctrine of orthodox Islam.

When one applies the concept of authority (which the reader will recall is the first element of just war criteria) to the GIA's operational doctrine, the mobilization of mass popular support is conspicuously absent. Though new fighters were recruited from among the masses of unemployed young men in the urban areas, the Algerian Civil War has never been a "people's war" in the Maoist sense of fomenting a grassroots revolution in which the people rise up to depose an unjust regime. Instead, their vision is for a theocratic state governed under *shari'ah*.

Given their disavowal that an Islamic state could be established via democratic institutions, the GIA sees little recourse other than the complete overthrow of the established regime. In their mind, this satisfies the second criteria of just cause. Founder Mansouri Miliani's background as a *mujahiddin* during Afghanistan's war with the Soviet Union and his involvement with the Bouyali Group no doubt predisposed him towards armed militancy.⁴⁴

Though there can be no doubt that government security forces have participated in the deaths of many civilians, most are the undeniable result of GIA operations. In a seminal article on political violence in Algeria, Mohammed Hafez provides ample evidence for

⁴⁴ Named for its leader Mustafa Bouyali, this militia operated in the mid 1980's and was a forerunner of the MIA. Bouyali was killed in a gun battle with security forces in February, 1987.

this conclusion by citing a number of GIA communiqués released between 1994-1996, during the height of its terror campaign:

In July 1994,...it ordered all customs and tax collectors to cease working lest they suffer the fate of the tyrants. February, March and April 1995, the GIA ordered the wives of men employed by the state to leave their husbands because it was deemed that the latter were apostates...In October 1996, it threatened to kill those who did not pray and pay the *zakat* (Islamic alms) to the GIA, and threatened to kill women who leave their homes without donning the *hijab* (head covering).⁴⁵

The absence of proportionality, the third element of just war criteria, has clearly distinguished the GIA from other militias. Their aim of eradicating apostasy from Algeria meant that all parties who did not hold to their vision of an Islamic state were viewed as legitimate targets. Over time, this vision of success was expanded to include other armed militant groups fighting for the same goal, thus removing all moral limitations. This was clearly seen during 1995-1996, when the GIA massacred 140 FIS activists, including 40 *amirs*.⁴⁶ The result was a limited form of unlimited war; women, children, teachers, journalists, intellectuals and the elderly were all subject to the GIA's reprisals. In December 1997, the GIA slaughtered 400 civilians in the village of Reliance, in flagrant contravention to the principles of *jihad* as well as the most elementary limitations established by the principle of proportionality.

Questions must also be raised regarding the militia's operational targeting. If the stated objective of the GIA was the overthrow of the government, why not direct attacks against the government or the energy industry instead of the populace? As one Algerian put it, "why don't the *mujahiddin*, instead of targeting our policemen...get together five hundred of them, march on the Presidency and kill them all there...Better that than every

⁴⁵ Mohammed M. Hafez, "Armed Islamist Movements and Political Violence in Algeria", *Middle East Journal* 54, no 2 (Fall 2000), Hafez, 587; excerpted from GIA communiqués published in the London based newspaper, *Al-Hayat*, dated July 25, 1994; March 10, 1995 and November 3, 1996.

day a skirmish here, another there. I assure you, that way, they'll be gone faster."⁴⁷ This disparity betrays not only the lack operational sophistication, but also a profound lack of understanding about the impact that strategy can have on the post-conflict peace. Instead of laying the foundation for future stability and order, this strategy merely propagates long-term chaos.

One must also question the rationality of a strategy that does not consider the need for marshaling public support and sympathy for their cause. The GIA's campaign fails to ask if good to be achieved outweighs the harm done; instead, it gives every impression that it is simply out to promote anarchy and mayhem instead of promoting the cause of national pan-Islamic dominion. Terror campaigns executed apart from a grassroots mobilization strategy ultimately lack the credibility of a genuine revolutionary movement.

The GIA's failure to exercise targeting discrimination, the fourth criteria of just war tradition, has been the primary cause of moral outrage against the GIA, both from among the Algerian populace as well as the international community. The GIA's practice of terrorism was consistently in contravention to humanitarian law, appearing sometimes to be indiscriminate and other times specifically targeting non-combatants. 1995 was unprecedented in terms of the number of Algerians killed by car bombings, for example. Other times, the GIA targeted journalists, women who did not veil themselves and schools. Since the long term resort to terrorism as an operational focus is counter-productive to developing and mobilizing popular support, the GIA's reliance on terror tactics can only be seen as a serious strategic error.

⁴⁶ Hafez, 583, citing Agence France-Presse International, 21 January 1996.

⁴⁷ Luis Martinez, *The Algerian Civil War, 1992-1998* (London, UK: Hurst and Company Ltd, 2000), 95.

Characteristic of most insurgent movements, the GIA has used the technique of unrecognizability to blend into the populace and hide itself from the government security forces. Silverstein indicates that the militias tend to act like state forces, dressing up in military garb, stopping cars at “false” roadblocks, searching vehicles and demanding the occupant’s identification papers.⁴⁸ As a result of the insurgent’s unrecognizability, the military has resorted to conducting area-wide search and destroy missions in areas suspected of being militia strongholds, often with extreme brutality.

The highly qualified rationale of “just” assassination as a form of tyrannicide was never a limiting factor in GIA ideology. By March 1993, assassination, initially reserved for members of the security forces, was expanded to include secular journalists and anyone else deemed to be supportive of the government. This strategy was evident in the highly publicized assassination of the popular Berber singer, Matoub Lounès, in October, 1998 by Salafyi Group for Call and Combat (CSPC) a breakaway faction of the GIA. Actions such as these galvanized Algerian public opinion against the extremists instead of fostering support.

The GIA’s use of dehumanization, the third technique utilized by insurgency movements, is hardly surprising given their extremity of violence. For a conscience-hardened militia member who has grown accustomed to killing, dehumanization provides the sole rationale through which this kind of terror and carnage can be “justified”. In a September 1996 communiqué, the GIA stated that “all the killings and slaughter, the massacres the displacement [of people], the burnings and kidnappings...are an offering to God.”⁴⁹

⁴⁸ Silverstein, 9.

⁴⁹ Hafez, 590. This communiqué was published in *Al-Ansar* on 27 September 1997.

AIS

As the armed branch of the FIS, the AIS seeks to reform the Algerian government through armed conflict. As the Civil War wore on, however, they also demonstrated signs of willingness to enter into negotiations with the government. In a communiqué dated July 15, 1994, the AIS committed itself to:

- Abide by the principles of the people of the *Sunna* and the Companions of the Prophet [*al-jama'a*] as understood by the righteous forefathers [*al-salaf al-salih*].
- Rely on jihad as a means to establishing the Islamic state in Algeria.⁵⁰

Of significance, Hafez notes that the AIS saw *jihad* as a means to bring about the desired objective of an Islamic state, not as an compulsory obligation for all Muslims as the GIA espoused.⁵¹ This, he states, “presumably leaves the door open for negotiations and compromise:

At the same time, FIS reiterates its political stand on its readiness to find a political and peaceful solution that would permit the return to normalcy in which a people's choice would be respected in a pluralistic society. Such an alternative would guarantee the respect of human rights, respect of fundamental liberties including freedom of speech, belief, and gathering that would engender a political system.⁵²

From statements such as this, the AIS can be seen as armed dissident organization acting implicitly under *akham al-bughat*. If the aforementioned criteria of *akham al-bughat* is applied, it is evident that they possess the organization and have committed the required acts of rebellion. The only remaining question becomes one of interpretation. Is the FIS/AIS cause founded in Islamic law or tradition?

Examination of FIS communiqués suggests that the ideological foundation for their movement is a combination of both religious and political issues:

⁵⁰ al-Tawil, 169-171, cited by Hafez, 579.

⁵¹ Hafez, 579.

It is the right of the Algerian People to fight for the sake of Allah and resist the plans of the military junta in order to regain its freedoms and liberate the institutions of the state from engulfment. Such a liberation war would allow the Algerian People to be free and choose a political system under which the military would be restrained.⁵³

Statements such as these suggest that the AIS operates under a more finessed ideology than the GIA. While the latter's goals are driven by religious universalism to establish an Islamic state, the AIS objective is to create a just state typified by modern political institutions, yet fundamentally aligned with Islamic tradition:

Political Islam in Algeria aims at reestablishing Islam as a comprehensive way of life through the institutionalization of a stable governing system which ought to be representative of the Algerian society in its plurality...not to replace the present by a mythical past, but to restructure the modern social order so that it conforms to Islamic principles and values.⁵⁴

Since the end state of the FIS/AIS is the establishment of an Islamic state, the moral calculus that justifies their movement must be informed by Islamic law. This is fulfilled because the requirements of *akham al-bughat* are satisfied according to the aforementioned criteria. The FIS/AIS claims of legitimacy are derived not only from Islamic jurisprudence, but also from the realist illegitimacy of the Algerian regime.

Initially, the AIS gained its authorization and legitimacy from its implicit tie to the FIS. However, the FIS did not appear to have complete control of the AIS, which at times operated semi-autonomously. As the campaign of violence drew on and on, the Algerian public, which had so enthusiastically supported the FIS initially, began to grow impatient with the spiraling increase in violence. Whole communities that had initially

⁵² FIS communiqué dated June 8, 1997.

⁵³ FIS communiqué dated June 8, 1997.

voted for the FIS in 1991 and had even sympathized with the Islamist militias reversed course, lending their support for either the government or one of the non-violent opposition parties such as *Hamas* or *an-Nahda*.

The AIS views violence in Clausewitzian terms as a political instrument. Since non-violent attempts through the normal political process had been annulled by the regime, violence became justifiable only as the option of last resort. The criteria of just cause was articulated by Rebeh Kebir, a prominent AIS figure, when he stated:

Who is the bearer of violence that must be condemned? Is it not the military tyranny that violated the constitution and trampled on the law and pursued state terrorism? Did not the Islamic Salvation Front enter elections twice in a legitimate manner...and not rely on violence?⁵⁵

Esposito notes that during the immediate aftermath of the annulment of the 1992 elections and the ensuing crackdown by the government on opposition parties, the FIS leadership made repeated calls to its constituency to refrain from violence.⁵⁶ The AIS cannot be therefore viewed strictly as a terrorist organization; indeed, under *akham al-bughat* it must be viewed as a “legitimate” dissent group that has adopted violence as one approach to fulfilling its revolutionary agenda.

In contrast to the GIA’s disregard for proportionality, the AIS has generally acted under self-imposed restrictions limiting targeting to infrastructure, military targets and government buildings. This can be taken as an indication that its leadership has at least considered the impact of its operations on public opinion. In contrast to the GIA, the AIS not only declined from attacking civilians, but also sought to counterbalance them both

⁵⁴ FIS communiqué dated March 12, 1998 from FIS Parliamentary Delegation Abroad website, URL: <www.fisalgeria.org/communiqués/march12.html>.

⁵⁵ FIS communiqué in *Al-Hayat*, August 26, 1994 cited by Hafez, 581.

⁵⁶ Interview with John L. Esposito, Director, Center for Muslim-Christian Understanding, Georgetown University. Interviewed by the author, January 31, 2001.

politically and militarily. On the political front, the AIS attempted to rally, with some apparent success, the full spectrum of the highly fragmented armed Islamist cells under the FIS umbrella. This served the purpose of exerting control over these armed groups so that their actions would not undermine the political initiatives taken by the FIS.

By publicly eschewing the targeting of traditional non-combatants such as women, children and the elderly, the AIS has gone to great lengths to distance itself from the GIA. It has instead focused its campaigns of violence towards members of the security forces, government officials and informants- in short, anyone sympathizing or supporting the established regime. They also exercised a greater degree of discrimination between foreigners, intellectuals and the press than the GIA. Thus, while the AIS is a guerrilla organization that incorporates violence to achieve its objectives, they are not terrorists in a fashion similar to the GIA. Though their operations were repeated and did instill fear among the targeted groups as well as the Algerian public as a whole, they were more inclined to focus their operations against more or less “legitimate” targets.

There is insufficient data on AIS tactics to definitively comment on their use of assassination and dehumanization. Though there is no indication that they have disguised themselves as members of the security forces, as a classic insurgent organization, they have made full use of their ability to disappear into the local populace as a means of tactical concealment.

Analysis

The differences between the AIS and the GIA arise not only from their vision of what a genuinely Islamic Algeria should look like, but also their view of *jihad*. While the

ideological foundation of the AIS is a realist combination of both religious and political objectives, the GIA's is both absolutist and idealistic. It is ironic then, that the idealist organization possess no identifiable ideologue; factionalism among the militia's numerous cells prevents the formation of any credible ideological foundation beyond the vagaries articulated in their communiqués. On the other hand, while the degree of control exercised by the FIS' ideologues over the AIS is open for debate, the very existence of an ideological policy-formation body within their organization is an indicator that they are far ahead of the GIA in terms of concern for post-conflict credibility.

CONCLUSION

Algerian insurgent organizations are in a unique position. They can choose to conduct their campaign according to the concepts of just war theory by limiting the conduct of their engagements according to *jus in bello* criteria. The advantages of doing so become apparent especially if the insurgency succeeds in toppling the established regime. As revolutionaries transition from insurgency to national leadership, the all-important questions of political and moral legitimacy come to the forefront. However, this begs a deeper question. If it is plainly in the best interests of these insurgent movements to fight a just war, why don't they? More specifically, why do Islamist organizations so intent on the establishment of states governed by *shar'iah* not observe it in the conduct of warfare?

While the responses to this question may involve issues of tactical practicality, I propose that they are driven primarily by ideological (and hence moral) considerations. As stated earlier, an insurgency movement's definition of success and end state may mitigate against the limitation of the conduct of war. The GIA's universalist vision of an Islamic state for Algeria ultimately justifies whatever means are required to accomplish it. But what consideration do they give to the explicit limitations of war articulated in Islamic tradition? Though Islamist militants clamor for the establishment of a true Islamic state, they often appear uninformed of its doctrinal substance, instead practicing a form of selective subscription to the precepts that support their vision while ignoring those that do not.

This is evidenced in the militant's often-myopic attitude towards religious scholarship and what they view as institutions of "establishment" Islam. While there are certainly exceptions, the typical *mujahiddin* has at best a modest and often biased understanding of Qur'anic teaching. In fact, Yacoubian argues that in many cases, members of the militias were "recent converts to Islam...motivated more by social alienation than by religious conviction."⁵⁷ With little genuine religious ideology, Islamic militias in Algeria are often difficult to differentiate from American style gangs. Luis Martinez contends that upon establishing a base of operations in a particular community, the militias often issued an ultimatum to criminals to depart the area or convert to Islam. The transformation from "notorious criminal to true *mujahid*" was complicated by the fact that the same criminals would repudiate Islam if the security forces began to dominate in their area.⁵⁸

The roots of this lack of understanding go back to the Algerian government's post independence practice of equating religion with the state. Consistent with Boumedienne's practice of central control over all aspects of Algerian society, the FLN established "official" mosques with state approved imams who preached sermons that merely echoed party policy. The backlash against the FLN naturally carried over to these "establishment" mosques. Compounding this distrust was the nature of religious education. Algerian historian Ahmad Rouadjia indicates that classroom indoctrination encompassed little more than rote recitation of Qur'anic verses, led by poorly trained teachers who had little understanding of Islam themselves. These teachers were frequently linked to Egypt's Muslim Brotherhood, one of the earliest Islamist

⁵⁷ Yacoubian, 17.

⁵⁸ Martinez, 75.

organizations. Instead of providing the religious understanding that would contribute to social order and stability, these mosques instead produced “poorly educated recruits for the future Islamist movement.”⁵⁹ This was further exacerbated by a general lack of interest in substantive, text based teaching from the Qur’an, favoring instead sermons on the idealist theology of *jihad*.⁶⁰

By comparison, the leading ideologues of *jihad* theology are typically well versed and highly conversant in the texts of Islam; their error lies in interpretation. Viewing these texts from a worldview slanted towards revolutionary thought, they reinterpret the traditional concept of *jihad* into one that lends religious legitimacy to insurgency and guerrilla warfare. In many ways, *jihad* theology has become the Islamicized equivalent of the Marxist liberation theology propagated by radical Catholic priests in Nicaragua and El Salvador in the 1980’s.

Far from being characteristic only of the undereducated, these predispositions appear to apply equally to the highly educated as well. Martinez states that Islamist ideology was a compelling alternative to a system in which their advanced training was not valued. Their idealism, however, was not so much focused on the practicalities of housing, water and electricity, but only on the establishment of an Islamic state governed by the *shar’iah*.⁶¹ Despite being largely manned by college graduates, FIDA, an armed band of whom little is known, has targeted the Algerian intelligentsia in particular.

⁵⁹ Ahmad Rouadjia, “Du Nationalisme du FLN a la Islamisme du FIS” (From the Nationalism of the FLN to the Islamism of the FIS), *Les Temps Modernes* (January-February 1995), 129; cited by Robert Mortimer, “Islamists, Soldiers and Democrats: The Second Algerian War”, *Middle East Journal* 50, no 1 (Winter 1996), 22.

⁶⁰ Olivier Roy, *The Failure of Political Islam*, Carol Volk, Trans. (Cambridge, MA: Harvard University Press, 1994), 94-98.

⁶¹ Martinez, 38.

Not surprisingly, this contempt for religious institutions and orthodox teaching has led to hermeneutic of extremism that justifies, instead of moderating, the Islamist's conduct of war. Instead of observing the explicit Islamic injunctions forbidding the mutilation of the enemy, for example, GIA extremists regularly decapitate their victims. Recognition of this fact has led groups such as the AIS to repudiate the terror tactics of the GIA. AIS Amir Ahmed ben-Aicha states:"...what the [GIA] is doing in terms of massacres is known and apparent. But it has nothing to do with Islam. It is a deviation from [proper] understanding of Islamic law."⁶² These interpretational errors are articulated by the composition of the leadership of these Islamist movements, who are usually made up of laymen not trained in Islamic law. With the notable exception of Ali Belhadj, the FIS' spiritual leader, the educational background (if any) of the leadership of these extremist militias is typically in the technical fields.

The apparent lack of theological/juridical sophistication on the part of the Algerian Islamists is both mirrored and contrasted by movements in Pakistan. Jessica Stern states that on one hand, the extremist *madrasahs* (Islamic religious schools) responsible for training *mujahiddin*:

...preach *jihad* without understanding the concept...They equate *jihad*...with guerrilla warfare. These schools encourage their graduates, who cannot find work because of their lack of practical education, to fulfill their spiritual obligations by fighting against the Hindus in Kashmir or against Muslims of other sects in Pakistan.⁶³

This is contrasted, on the other hand, by the *Jama'at-e-Islami* (Islamic Society), an Islamist organization that espouses non-violent social transformation through religious revivalism. Its founder, Amir and chief ideologue, Mawlana Abul A'la Mawdudi (1903-

⁶² *Al-Hayat*, February 3, 2000; cited by Hafez, 589.

1979) was a formidable Islamic scholar and a prolific writer. As *Jama'at-e-Islami* grew, his attention to the Qur'an, the *Sunna* and the *hadith* had a moderating effect on radical elements that would have placed greater emphasis on violence as the means for establishing Islamic authority. Esposito states that:

...major emphasis was placed on the formation and indoctrination of members. Mawdudi's *interpretation of Islam provided the basis for instruction and guidance*. In the prolific writings of Mawdudi, one finds the *authoritative source* for the *Jama'at-e-Islami's ideology and its program*"⁶⁴ [italics mine]

This is not to say that Mawdudi's ideas were not seen as threatening or extreme by some. However, his attention to the individual ideological formation of *Jama'at-e-Islami's* membership kept them from the kind of corporate interpretational error that characterizes the GIA.

Any conjecture on the nature of Algeria's political-economic landscape under Islamist control is likely to evoke less than optimistic prospects. Even if the GIA had succeeded in reconstituting Algerian society according to their idealist vision, it is highly doubtful that their Islamic state could have been sustained given their disdain for all things secular. Similar to the Taliban regime in Afghanistan, the regressive ideologies held by the Islamists would not be adequately translated into the sort of political, economic and social structures needed to bring a true and enduring peace to Algeria.

A fragile peace was achieved in September 1997 when President Boutefflicka's Law on Civil Concord, which was overwhelmingly ratified by the Algerian voters in a national plebiscite, granted amnesty to 6000 Islamist activists imprisoned in detention facilities. Since the majority of those released were affiliated with the AIS, their leadership pronounced a cease-fire in October 1997. Though reports circulated in 1999 that the GIA and its breakaway GSPC faction had disbanded, the level of political violence in Algeria remains elevated.

⁶³ Jessica Stern, "Pakistan's Jihad Culture", *Foreign Affairs* 79, no. 6 (November/December 2000), 119.

⁶⁴ Esposito, 150.

Implications for the United States

Since a lack of sound Qur'anic teaching appears have made a significant contribution to the eradicationist ideology of these extremist militias, efforts to further an understanding of orthodox Islamic theology can be an important moderating influence. A precedent for this can be seen in Egypt, where the scholars from the ultra-orthodox al-Azhar University, viewed by many as the "guiding light" of Islam, have helped to temper the extremism of groups such as *al-Jama'a al-Islamiya* and *al-Jihad*. Indeed, the FLN did attempt to import scholars from al-Azhar as a response to the proliferation of "unofficial", non-government sanctioned mosques that sprung up in Algeria during the late 1980s. However, the strategy proved unsuccessful because the Algerian public associated the al-Azhar teachers with the "establishment" Islam of the FLN. Thus, public cynicism of the FLN offset acceptance of the orthodox influence of al-Azhar.

The aforementioned case notwithstanding, state-sponsored campaigns of religious engagement can sometimes be efficacious. Reeling from the aftershocks of the Gulf War and the Kurdish/Shi'ite *intifadas* in 1992, apparatchiks of Iraq's Ba'ath Party introduced programs emphasizing Qu'ranic education and training that successfully redefined Islam in such a way that the traditional Sunni-Shi'ite differences were downplayed, thus creating a quasi-nationalist Islamic faith.⁶⁵

With this in mind, efforts should be focused on building bridges of communication and dialogue with moderate Muslim leaders who are theologically committed to an orthodox, text focused understanding of the Qur'an and the *sunna*. While extreme care

⁶⁵ Ofra Bengio. "The Challenge to the Territorial Integrity of Iraq," *Survival* 37, no. 2 (Summer 1995), 90.

must be exercised in order to avoid the appearance of co-opting these religious leaders, over the long haul such a dialogue may help to moderate the appeal of Islamic radicals while in turn consolidating support among the Muslim mainstream. Additionally, moderate scholars can be encouraged to continue the process of *itjihad* (interpretation) vis-à-vis the fundamental issue of orthodoxy versus modernity and with it, the context of democracy in Islam.

While religious engagement offers promise as an important component of the solution, the most urgent problem facing the government is the injustice produced by Algeria's endemic socio-economic and political stratification. The authoritarian rule exercised by Algerian elites must give way to political structures that are both truly democratic and uniquely Islamic. Lest this perspective be viewed as patently inconsistent with the tenor of extreme Islamic ideology, consider the following statement attributed to no less than Munir Shafiq, the widely read thinker considered to be at the vanguard of radical Islam:

If radical Islam wishes to allay the fears it generates and join the political process, it must undergo a transformation, not a facelift. It must wholeheartedly and as a matter of principle accept toleration and pluralism...[including] the notion of alternation of power as well as basic human and civil rights for people of all hues and convictions.⁶⁶

Given these realities, the United States should continue to press Algiers in the areas of political development and the promotion of human rights. In the realm of democratization and the rule of law, the U.S. should continue to promote the unimpeded formation of political parties, freedom of the press and the integrity of the electoral process. Before these objectives can be achieved, however, civilian control of the

⁶⁶ Emmanuel Sivan, "Why Radical Muslims Aren't Taking over Governments," *Middle East Review of International Affairs* 2, no. 2 (May 1998), 7; accessed through Columbia International Affairs Online, URL: <www.cc.columbia.edu/sec/dlc/ciao/olj/meria/meria598_sivan.html> (October 8, 2000).

military must be regarded as a foundational first step. Since the Civil War erupted over the military's intervention in the 1992 elections, any long-term solution is contingent on the security force's acceptance that it is in their best interest to focus on protecting democratic institutions instead of their own base of power. High level military-to-military contacts between NATO/U.S. European Command and officials of the Algerian Defense Ministry could be one way for Washington to leverage Algiers towards this end. An expanded role in European and African security organizations, greater participation in international peacekeeping missions and selective support of modernization requirements might provide the Algerian military the necessary incentives to subordinate itself to civilian leadership. Ultimately however, the best hope for a long-term solution remains a power sharing arrangement that represents and reconciles the interests of all the contending parties - including the military and the Islamists. If this can be achieved, Algeria will have made a significant step towards the long-term political, economic and social stability needed to effect national reconciliation.

The U.S. should also continue to press Algiers on the key area of human rights. The practice of extrajudicial killings, disappearances, arbitrary detention and torture by security forces continued in 2000 despite the national ratification of Bouteflicka's Peace Plan and the dissolution of the AIS and GIA. American support for a power sharing arrangement between the FIS and the government could temper wide spread fears that Algeria will evolve either into a completely secular state like Turkey or a regressive theocracy such as Sudan- both of which are regarded as unsatisfactory political models by the majority of Algerians.

The proliferation of Islamic insurgency groups in the Middle East and Central Asia presents a significant threat to regional stability. An understanding of the Islamic doctrine of just war, adapted and applied to a revolutionary context, provides policy makers and military commanders with valuable insight into the complex and often conflicting ideological motivations of Islamic insurgents. Though Muslims are a peace loving people who have developed a strong tradition against revolutionary rebellion, extremist para-military groups choose not to abide by the restraints of Islamic just war tradition. This is motivated by a predisposition towards tactical practicality that is undergirded by a skewed understanding of the Qur'an and a disdain for sound scholarship that moderates the unethical conduct of war. Compounded with the complex political, economic and cultural inequities that exist in failed states where the norms of social order have broken down, the positive, moderating effects of religion have been robbed of its efficacy.

APPENDICES

- Appendix A: Glossary
- Appendix B: Political Map of Algeria
- Appendix C: Citation Authorization Statements

Appendix A GLOSSARY

AAU	Algerian Association of Ulama, a consultative body of religious scholars formed in 1931.
A.H.	<i>anno hegirae</i> , the year of Muhammad's exodus from Mecca to Medina in 622 C.E. and the start of the Islamic dating system.
AIS	<i>Armée Islamique du Salut</i> (Islamic Salvation Army)
Akham al-bughat	Law of rebellion
Akham al-ridda	Law of apostasy
Amir	Leader, commander
Caliph	Successor to the Prophet Muhammed and titular head of pan-Arab world
C.E.	Common Era; equivalent of "A.D." in Christian dating systems
Dhimmis	"Protected people", that is, Jews, Christians and other monotheists who are allowed to retain their faith in Muslim territories as long as they pay the <i>jizyat</i> or poll tax.
FIS	<i>Front Islamique du Salut</i> (Islamic Salvation Front)
FLN	<i>Front Liberation du Nationale</i> (National Liberation Front)
GIA	<i>Groupe Islamique Armé</i> (Armed Islamic Group)
Hadith	Reports on the life and words of Muhammad
Imam	Civil/religious leader of the Muslim community
Islamist	Pertaining to political Islam
Jama'at-I-Islami	Pakistani Islamist organization founded in 1950 by Mawlana Abul Ala Mawdudi
Jihad	To strive or struggle for God; jihad can take a variety of forms from inner spirituality to armed warfare
Jizyat	Poll tax paid by <i>dhimmis</i> who submit to Islamic authority but do not convert to Islam
Jurists	Islamic theological/legal scholars who institutionalized the Qur'an, the <i>Sunna</i> and <i>hadith</i> into the <i>shar'iah</i> .
Kharijites	A sect that advocates armed jihad as a religious obligation for all Muslims
Prophet	Muhammad
Qur'an	The Scriptures of Islam revealed in 601 C.E. to Muhammad
Shar'iah	The corpus of Islamic law that defines what Muslims must adhere to.
Shi'a	A major division of Islam. Shi'ites hold that only descendants of Ali are legitimate Caliphs
Sunna	Reports from the life of Muhammad that indicate his views on what was permissible for Muslims
Sunni	The largest division within Islam that comprises 85% of all Muslims. They are distinguished from Shi'ites in that they place no emphasis on the descendants of Ali as the sole legitimate Caliphs of Islam
Ulama	A consultative body of scholars
Umma	The community of Muslims



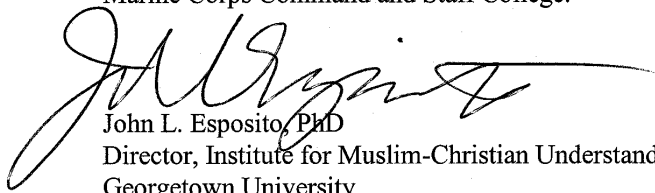
Appendix B: Political Map of Algeria

31 January 2001

Institute for Muslim-Christian Understanding
ICC 260
37th & O St., NW
Washington, D.C. 20057

MEMORANDUM

I granted an interview to Lieutenant Commander Guy M. Lee, U.S. Navy, on January 31, 2001 at Georgetown University. I have given him permission to cite the proceedings of this interview for the sole purpose of use in his Masters of Military Science thesis at the Marine Corps Command and Staff College.



John L. Esposito, PhD
Director, Institute for Muslim-Christian Understanding
Georgetown University



DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
121 BLAKE ROAD
ANNAPOLIS, MARYLAND 21402-5000

March 6, 2001

To Whom It May Concern:

On January 31, 2001, I granted an interview to Lieutenant Commander Guy Lee, CHC, USN. I have given him permission to cite the proceedings of this interview for the express purpose of completing his thesis at the Marine Corps Command and Staff College.

A handwritten signature in cursive script, reading "Albert C. Pierce", is positioned above the printed name.

ALBERT C. PIERCE
Director
Center for the Study of
Professional Military Ethics
U. S. Naval Academy
Annapolis, MD

BIBLIOGRAPHY

Books

- Brinton, Crane. *The Anatomy of Revolution*. New York: Vintage Books, 1965.
- Engineer, Asghar Ai. *The Islamic State*. New Delhi, India: Vikas publishing House PVT Ltd., 1980.
- Esposito, John L. *Islam and Politics*. 4th ed. Syracuse, NY: Syracuse University Press, 1998.
- _____. *The Iranian Revolution: It's Global Impact*. Miami: Florida International University Press, 1990.
- Fuller, Graham E. *Algeria: The Next Fundamentalist State?* Santa Monica, CA: Rand Corporation, 1996.
- Greene, Thomas H. *Contemporary Revolutionary Movements*. 2nd Ed. Englewood Cliffs, NJ: Prentice Hall, 1984.
- Heggoy, Alf Andrew. *Insurgency and Counterinsurgency in Algeria*. Bloomington, IN: Indiana University Press, 1972.
- Human Rights Watch. *Human Rights Watch World Report 1999*. New York: Human Rights Watch, 1998.
- Jansen, Johannes J. G. *The Neglected Duty: The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East*. New York: Macmillian Publishing Co., 1986.
- Johnston, Douglas and Cynthia Sampson, Eds. *Religion: The Missing Dimension of Statecraft*. Oxford, UK: Oxford University Press, 1994.
- Johnson, James Turner. *The Holy War Idea in Western and Islamic Traditions*. University Park, PA: Pennsylvania State University Press, 1997.
- Johnson, James Turner and John Kelsay, Eds. *Cross, Crescent and Sword: The Justification and Limitation of War in Western and Islamic Tradition*. New York: Greenwood Press, 1990.
- Kelsay, John. *Islam and War: A Study in Comparative Ethics, The Gulf War and Beyond*. Louisville, KY: Westminster/John Knox Press, 1993.
- Khadduri, Majid. *War and Peace in Islam*. Baltimore: Johns Hopkins University Press, 1955.

- Lambton, Ann K. S. *State and Government in Medieval Islam*. New York: Oxford University Press, 1981.
- Lewis, Bernard. *The Middle East: A Brief History of the Last 2000 Years*. New York: Touchstone-Simon and Shuster, 1995.
- _____. *The Language of Political Islam*. Chicago: University of Chicago Press, 1988.
- Martinez, Luis. *The Algerian Civil War, 1990-1998*. Jonathan Derrick, Trans. London: Hurst and Company, Ltd., 1999.
- Metz, Helen Chapin, Ed. *Algeria: a Country Study*. 5th ed. Washington, DC: Federal Research Division, Library of Congress, 1994.
- Peters, Rudolph. *Jihad in Modern and Classical Islam*. Princeton, NJ: Markus Wiener Publishers, 1996.
- Roy, Olivier. *The Failure of Political Islam*. Carol Volk, Trans. Cambridge, MA: Harvard University Press, 1994.
- Stone, Martin. *The Agony of Algeria*. New York: Columbia University Press, 1997.
- Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. New York: Harper Torchbooks, 1977.
- Willis, Michael. *The Islamist Challenge in Algeria: A Political History*. New York: New York University Press, 1996.

Articles

- Abootalebi, Ali R. "Islam, Islamists and Democracy". *Middle East Review of International Affairs* 3, No. 1. March 1999. Columbia International Affairs Online.
https://www.cc.columbia.edu/sec/dlc/ciao/olj/meria/meria99_abootalebi01.html
 (October 8, 2000).
- de Atkine, Norville. "Why Arabs Lose Wars". *Middle East Review of International Affairs* 4, no. 1. March 2000. Columbia International Affairs Online.
https://www.cc.columbia.edu/sec/dlc/ciao/olj/meria/meria00_den01.html
 (October 8, 2000).

- Barnes, Melissa K. "Liberation Theology in Central America," *CLIC Papers*. Langley Air Force Base, VA: Army-Air Force Center for Low Intensity Conflict, 1989.
- Bengio, Ofra. "The Challenge to the Territorial Integrity of Iraq," *Survival* 37, no. 2. Summer 1995.
- Campell, Courtney S. "Moral Responsibility and Irregular War", *Cross, Crescent and Sword: The Justification and Limitation of War in Western and Islamic Tradition*. James Turner Johnson and John Kelsay, Eds. New York: Greenwood Press, 1990.
- el-Fadl, Khalid Abou. "Akham Al Bughat: Irregular Warfare and the Law of Rebellion in Islam". *Cross, Crescent and Sword: The Justification and Limitation of War in Western and Islamic Tradition*. James Turner Johnson and John Kelsay, Eds. New York: Greenwood Press, 1990
- _____. "The Use and Abuse of "Holy War", *Ethics and International Affairs* 14, (2000).
- Gerges, Fawaz A. "The End of the Islamist Insurgency in Egypt?" *Middle East Journal* 54, no. 4 (Autumn, 2000).
- Hafez, Mohammed M. "Armed Islamist Movements and Political Violence in Algeria", *Middle East Journal*, no. 4. Fall 2000.
- Huntington, Samuel. "The Clash of Civilizations?" *Foreign Affairs* 72, no. 3. Summer 1993.
- Irani, George E. "Islamic Mediation Techniques For Middle East Conflicts". *Middle East Review of International Affairs* 3, no. 2. June 1999. Columbia International Affairs Online.
https://www.cc.columbia.edu/sec/dlc/ciao/olj/meria/meria99_irg01.html (October 8, 2000).
- Joffre, George. "Algeria in Crisis". Working paper. Royal Institute of International Affairs, June 1998. Columbia International Affairs Online.
<https://www.cc.columbia.edu/sec/dlc/ciao/bpei/riia/jog01.html> (October 8, 2000).
- Kelsay, John. "Islam and the Distinction between Combatants and Noncombatants", *Cross, Crescent and Sword: The Justification and Limitation of War in Western and Islamic Tradition*. James Turner Johnson and John Kelsay, Eds. New York: Greenwood Press, 1990.
- Kepel, Giles. "Islamism Reconsidered: A Running Dialogue with Modernity". *Harvard International Review* 22, no. 2. Summer 2000.

- Khoury, Rami G. "Algeria's Terrifying But Unsurprising Agony". *Middle East Review of International Affairs* 5, March 1998. Columbia International Affairs Online. https://www.cc.columbia.edu/sec/dlc/ciao/olj/meria/meria398_khoury.html (October 8, 2000).
- Mawdudi, Mawlana Abul ala. "Human Rights in Islam". *Al-Tawhid Journal* 4, no. 3, No date given. URL: <www.islamworld.com/hr.txt> (12 January 2001).
- Maddy-Weitzman, Bruce. "The Islamic Challenge in North Africa". *Middle East Review of International Affairs*, no. 2. March 1998. Columbia International Affairs Online. https://www.cc.columbia.edu/sec/dlc/ciao/olj/meria/meria797_maddy.html (October 8, 2000).
- Mortimer, Robert. "Islamists, Soldiers and Democrats: The Second Algerian War". *Middle East Journal*, 50, no. 1. Winter 1996.
- _____. "Bouteflika and Algeria's Path from Revolt to Reconciliation". *Current History* 99, no. 673. January, 2000.
- Moss, Kenneth B. "Strategic Choices in the Mediterranean: Europe, the Mediterranean and the Middle East". *Middle East Review of International Affairs* 4, no. 1. March 2000. Columbia International Affairs Online. https://www.cc.columbia.edu/sec/dlc/ciao/olj/meria/meria00_mok01.html (October 8, 2000).
- Ranstop, Magnus. "Terrorism in the Name of Religion". *Journal of International Affairs* 50, no. 1. Summer 1996. Columbia International Affairs Online. Working papers. <https://www.cc.columbia.edu/sec/dlc/ciao/wps/ram01.html> (October 7, 2000).
- Rubin, Barry. "Islamic Radicalism in the Middle East: A Survey and Balance Sheet". *Middle East Review of International Affairs* 2, no. 2. May 1998. Columbia International Affairs Online. https://www.cc.columbia.edu/sec/dlc/ciao/olj/meria/meria598_rubin.html (October 8, 2000).
- Sachedina, Abdulaziz A. "The Development of *Jihad* in Islamic Revelation and History", *Cross, Crescent and Sword: The Justification and Limitation of War in Western and Islamic Tradition*. James Turner Johnson and John Kelsay, Eds. New York: Greenwood Press, 1990.
- Schmid, Alex P. "The Problems of Defining Terrorism", *Encyclopedia of World Terrorism*, Vol I. Martha Crenshaw and John Pimlott, Eds. Armonk, NY: M.E. Sharpe, Inc., 1997.

- Silverstein, Paul A. "Regimes of (Un)Truth: Conspiracy Theory and the Transnationalization of the Algerian Civil War", *Middle East Report* 30, no. 214. (Spring 2000).
- Sivan, Emmanuel. "Why Radical Muslims Aren't Taking Over Governments". *Middle East Review of International Affairs* 2, no. 2. May 1998. Accessed through Columbia International Affairs Online.
https://www.cc.columbia.edu/sec/dlc/ciao/olj/meria/meria598_sivan.html
 (October 8, 2000).
- Sonn, Tamara. "Irregular Warfare and Terrorism in Islam: Asking the Right Questions". *Cross, Crescent and Sword: The Justification and Limitation of War in Western and Islamic Tradition*. James Turner Johnson and John Kelsay, Eds. New York: Greenwood Press, 1990.
- St. John, Peter. "Insurgency, Legitimacy and Intervention in Algeria". *Canadian Security Intelligence Service Commentary No 65*. January, 1996.
<http://www.fas.org/irp/world/para/docs/com65e.htm>. (September 26, 2000).
- Stern, Jessica. "Pakistan's Jihad Culture", *Foreign Affairs* 79, no. 6 (November/December 2000).
- Streusand, Douglas. "What Does Jihad Mean?" *Middle East Quarterly*. September, 1997.
- Yacoubian, Mona. "Algeria's Struggle for Democracy: Prospects for Incremental Change". Studies department occasional working paper, series 3. Council on Foreign Relations. January 1997. Columbia International Affairs Online.
<https://www.cc.columbia.edu/sec/dlc/wps/yam01/yam01.html> (October 8, 2000).
- Zeidan, David. "Radical Islam in Egypt". *Middle East Review of International Affairs* 3, no. 3. September 1999. Columbia International Affairs Online.
https://www.cc.columbia.edu/sec/dlc/ciao/olj/meria/meria99_zed01.html (October 8, 2000).

Pamphlets

- United States Department of State. *Patterns of Global Terrorism, 1999*. Washington, DC: Office for the Coordinator for Counterterrorism, 2000.

Electronic Citations

- Algerian Interface. URL: <www.algeria-interface.com/eng>

- American Petroleum Institute. "Energy Facts and FAQs".
URL:<api.org/faqs/faqapril97.htm>
- Amnesty International, "The Wall of Silence Surrounding Thousands of 'Disappearances' Crumbles," Amnesty International. March 3, 1999. URL: <web.amnesty.org/ai.nsf/Index/MDE280041999> (December 11, 2000).
- European Institute for Research on Mediterranean and Euro-Arab Cooperation. "GIA". MEDEA . June 2000. URL: <www.medeas.be/index068.htm.> (September 26, 2000).
- "Front Islamique du Salut," URL: <www.fisalgeria.org>, accessed 1 October 2000.
- ibn `Ali ibn Wahf al-Qahtani, Shaykh Sa`eed *The Objectives and Aims of Jihaad: The Levels of Jihaad*. URL: <www.islam.com/articles/objectives_of_jihad/.html> (September 15, 2000).
- ibn-Taymiyyah, Imam. "The Religious and Moral Doctrine On Jihad." *Invitation to Islam*. URL: <www.islam.com/ibm/ibnta.html> (September 15, 2000).
- Jama'at-e-Islami. URL:<www.jamaat.org>, accessed January 10, 2001.
- Sabeel Ecumenical Theology Center. "What is Palestinian Liberation Theology?" URL:<www.sabeel.org> (February 5, 2001).
- U.S. Department of State, Bureau of Democracy, Human Rights and Labor. *Algeria Report on Human Rights Practices for 1997*. Release dated January 30, 1998. URL:<state.gov/www/global/human_rights/1997_hrp_report/algeria.html>
- United States Department of State. *Patterns of Global Terrorism*, 1996. Washington, DC: Office for the Coordinator for Counterterrorism, 1997. URL<www.state.gov/www/global/terrorism/index.html.>
- United States Department of State. *Patterns of Global Terrorism*, 1997. Washington, DC: Office for the Coordinator for Counterterrorism, 1998. URL<www.state.gov/www/global/terrorism/index.html>.
- United States Department of State. *Patterns of Global Terrorism*, 1998. Washington, DC: Office for the Coordinator for Counterterrorism, 1999. URL: <www.state.gov/www/global/terrorism/index.html>.
- United States Department of State. *Patterns of Global Terrorism*, 2000. Washington, DC: Office for the Coordinator for Counterterrorism, 2001. URL: <www.state.gov/www/global/terrorism/index.html>.
- World Algerian Action Coalition. URL: <www.waac.org>

Interviews

Esposito, John L. Director, Center for Muslim-Christian Understanding, Georgetown University. Interview by author, January 31, 2001. Citation authorization in Appendix C.

Pierce, Albert C. Director, Center for the Study of Military Ethics, Georgetown University. Interview by author, February 16, 2001. Citation authorization in Appendix C.