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Muslim Politics Under Occupation: The Association of Muslim Scholars and the Politics of Resistance in Iraq

Roel Meijer

For at least the first year after the American invasion of Iraq, the Sunni resistance in Iraq was regarded as a nebulous group of fighters who were unorganized and had no focused political viewpoint. Only at the height of the revolt of Falluja in April and November 2004, and especially during the months preceding the elections of January 2005, did it become apparent that some links existed between the insurgency and political parties and organizations. The massive response to the call to vote against the new constitution during the referendum of 15 October eliminated any doubts that might have existed as to whether there were any links between Sunni political groupings and the Sunni insurgency.¹ Answering the call of the political parties, the resistance laid down its arms for the duration of the referendum and encouraged Sunnis to vote against the constitution. This relation between political Sunni organizations and the resistance was further underscored during the general elections in December 2005, when the resistance encouraged the Sunni community to vote again.

The result was a very high turn out; more than seventy percent of the population of the so-called "Sunni Triangle" voted. Even in a devastated city like Falluja, eighty percent of the population voted. When the final results were announced in January 2006, the Iraqi Consensus Front (*Jabhat al-Tawafuq al-'Iraqi*), a coalition of the Islamic Iraqi Party (*al-Hizb al-Islami al-'Iraqi*), the Iraqi People's Conference (*al-Mu'tamar al-'Amm li Ahl al-'Iraq*) and the National Iraqi Dialogue Council (*Majlis al-Hiwar al-Watani al-'Iraqi*) had gained forty-four seats in the 275-member parliament. The Ba'thist National Iraqi Dialogue Front (*al-Jabha al-'Iraqiyya li al-Hiwar al-Watani*) of Salih al-Mutlaq gained eleven seats. In total, the Sunni Arab votes won some fifty-five seats: hence a major step had been taken to establish a strong Sunni political presence in parliament in order to influence the "political process" (*al-'amaliyya al-siyasiyya*), as

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it is commonly called. The Shi'i United Iraqi Alliance, however, had gained 128 seats, just short of a majority of 138 seats, while the Kurdistan Coalition, with whom the UIA had formed a coalition government in April 2005, won fifty-three seats. Despite the brief ceasefire and the achievement of a solid Sunni political presence in parliament, it is clear that the armed resistance is still strong. Since the elections, suicide bomb attacks have not only continued, but also in fact increased. What has changed is that the Sunni community has been able to add a political wing to its armed struggle.

Whether the armed resistance will be supplanted by the political process depends on the success of the political wing in thwarting the main principles of Shi'i policy, as laid down in the constitution that was accepted in August 2005: de-Ba'athification and the ban on all senior Ba'athist functionaries, a measure regarded as directed primarily against the Sunnis, many of whom were the main props of the regime; the establishment of a federal state with wide-ranging authority for the individual provinces, and assuming provincial control over oil resources. The effectiveness of the Sunni political organizations depends to a large extent on the control they will be able to maintain over the Sunni community. Especially since the failure of the boycott of the general elections of January 2005, the political process has re-emerged and the position of those in favor of complete boycott has been weakened.

This article traces the emergence of the Association of Muslim Scholars, (*Hay'at al-'Ulama' al-Muslimin*), its temporary success during the boycott of the January 2005 elections, and the problems it has encountered during the referendum and the general elections in December 2005.² It falls into two chronological parts. The first part deals with the broad strategy that the AMS pursued between the time of the first Falluja crisis in 2004 and the elections of January 2005. This will address the AMS' conceptualization of the Iraqi problem and its solutions, in addition to its attainment of hegemony over its rivals, while in the second part, running from the elections of January 2005 to those of December 2005, the weakness and subsequent gradual adjustments in the strategy of the AMS will be analyzed.

The Emergence of the Association of Muslim Scholars (AMS)

The AMS was founded five days after the fall of the regime of Saddam Hussein on 14 April 2003, with the intention of supporting and defending nationwide Sunni religious institutions such as mosques and *madrasas*.³ The AMS has its roots in the Muslim Brotherhood, which was founded in Iraq in 1951 as the Islamic Brotherhood Society.⁴ Despite the Faith Campaign Saddam Hussein launched in the 1990s, many of the leaders of the Islamist movement had fled the regime of Saddam Hussein and had lived abroad as refugees. The AMS was established as a nationwide organization of Sunni religious scholars of all viewpoints, whether traditional '*ulama*', modernists, Sufis or Salafis. In theory it is ethnically inclusive, addressing itself to Sunni Kurds and Turkmen, although in practice the AMS is primarily a network of Sunni Arab '*ulama*' with a few Kurdish members. Its headquarters is the huge Umm al-Qura mosque, formerly the Mother of all Battles mosque (*Jami' Umm al-Ma'arik*), built by Saddam Hussein in Baghdad, which is famous for its minarets built in the form of Kalashnikovs.

The leadership of the AMS is represented by its secretary general, Harith al-Dhari, and its official internal spokesmen: his son Muthanna al-Dhari, 'Abd al-Salam al-Kubaysi and Bashar al-Faydhi, as well as its foreign spokesman, Muhammad 'Ayyash al-Kubaysi, who also doubles as chief ideologue of the AMS. In line with the movement's modern character, its leaders are well versed in using the media to propagate its ideology and its political program. This is done through a continuous stream of communiqués (*bayanat*), regular press conferences, and continuous update of information on the AMS presented on its website⁵ as well as in its daily newspaper, *al-Basa'ir*.⁶ In addition, to addressing the Iraqi Sunni community, the AMS is also active on a regional level. Numerous interviews with Harith al-Dhari, Muhammad Bashar al-Faydhi, and especially Muhammad 'Ayyash al-Kubaysi, in the regional Arab media, and especially al-Jazeera television in Qatar, all aim to bring the ideas of the AMS into the regional limelight.

Since its foundation, the AMS has disseminated the same uncompromising program: the American presence is illegal and should not only be considered an "occupation" but as harmful to the general interests of Iraq as a nation. Even before the American invasion, Harith al-Dhari condemned the American threat to Iraq,⁷ considering it a duty to resist the coming invasion.⁸ Its anti-Western attitude is underlined in its political program, which ascribes the failure of the reform of Islam to foreign cultural and political dominance.⁹ The AMS, however, is a typical Islamo-nationalist movement that legitimates the struggle for liberation in nationalist and religious terms, and does not, in contrast to the Salafi movement, cast the 'political' struggle between the Middle East and the West as a struggle of Islam against the West.¹⁰ Framed in the nationalist terminology of Harith al-Dhari, "We as Iraqis limit ourselves to defending our country and we know what the interests of this country are."¹¹ The activities of a transnational terrorist organisation like *al-Qa'ida fi Bilad al-Rafidayn* (al-Qa'ida in Mesopotamia) is therefore rejected not only for its indiscriminate killing of Iraqi citizens, especially Shi'is, but also because Abu Mus'ab al-Zarqawi is a "non-Iraqi and a foreigner" and has "other goals than the national resistance".¹² This nationalist attitude of the AMS has been translated into the rejection of any form of cooperation with the Americans, whether in the form of the Interim Governing Council installed in July 2003,¹³ the provisional government of Iyad al-'Allawi in June 2004,¹⁴ or the meeting of the National Conference in August as a preliminary step before the general elections scheduled for January 2005.¹⁵ Above all, the AMS consistently refused to take part in elections "as long as the occupation remains in existence" and has not drawn up a timetable for its evacuation. This overall image of the AMS as a force of steadfast resistance has been enhanced by the projection of the history of its leaders as an integral part of the nationalist struggle for independence. For instance, Harith al-Dhari's grandfather, Shaykh Dhari, was one of the Sunni leaders of the 1920 revolt against the British occupation, while Muhammad 'Ayyash stresses his clan relations with Falluja during the attack by the Americans of the town in the summer and autumn of 2004.

In contrast to its own image as a steadfast oppositional force to the American invasion, the other major Sunni organizations are portrayed as willing to compromise (*tahadun*) with the Americans. How and why the Iraqi Islamic Party (IIP) and the AMS

formed separate bodies after the fall of the regime is obscure (since both have their origins in the Muslim Brotherhood), but it is clear that the IIP has adopted a much more liberal attitude. It claims that it stresses largely middle-class values, such as pluralism, parliamentary democracy, tolerance and non-violence, espoused by the Brotherhood members in other Arab countries, especially Egypt and the London-based branch of the Syrian Brotherhood led by 'Ali al-Bayanuni.¹⁶ Like its sister organizations, the IIP has drawn up a program that accepts pluralism, a parliamentary system and elections.¹⁷ The AMS also differs from another, more moderate, competitor, 'Adnan al-Dulaymi, the head of the Sunni Waqf Council (*Diwan al-Waqf al-Sunni*), who established the Iraqi People's Conference in 2004 and joined the Iraqi Consensus Front in October 2005 in order to run in the election. The competition between these currents within the Sunni community does not mean that the AMS severed its relations with its rivals. Some '*ulama*' members of the IIP are also members of the AMS, but on account of the incompatible strategies of the two organizations, this has led to severe strains between members of the IIP and some have resigned from the AMS. The main difference is that, whereas the IIP attempts to channel the resistance to the American occupation into political negotiations, the AMS aims to create a broader national armed resistance against the Americans.

The position adopted by the AMS to counter its rivals is to regard itself as standing above the political parties as "a religious authority and an authority on Islamic law" (*marja' iyya diniyya wa shar' iyya*).¹⁸ In this manner the AMS asserts the age old claim of the '*ulama*' that they, through their religious knowledge, should assume a moral and legal authority over the believers, expressed succinctly in Harith al-Dhari's own terms as a task to "bring the Sunni community under one roof".¹⁹ In that sense the AMS, according to its spokesmen, is "not a political party, nor a movement." Rather it "contains political parties" and leaves room for "a diversity of opinions".²⁰ On the other hand, the AMS does acknowledge its political role, and it is clear that it has a political program and strives for political power, as is apparent from 'Abd al-Salam al-Kubaysi's statement that it is the "national and religious duty of the '*ulama*' [to] lead the people on the right path."²¹ The only reason that the AMS does not openly present itself as a political party, al-Dhari claims, is that "to do so would mean to legitimate the present political situation."²² Thus, the AMS reveals a certain ambivalence. On the one hand it adopts the classical attitude of the '*ulama*' in condemning politics as morally corrupting and it maintains a certain aloofness from its vagaries as a "religious authority". On the other hand, it uses every modern technical means at its disposal to disseminate its ideas and continuously interferes in the political process.

The major political breakthrough of the AMS occurred during the first crisis in Falluja in April 2004. The AMS took advantage of this opportunity by firmly supporting the local insurgents and propagating the notion that it was a popular revolt,²³ while mobilizing its mosque infrastructure to collect food and medical help. Such clear support for the resistance marked a major change in the relationship between Sunni political forces and the insurgency. The AMS' active support for the resistance, both during and after the Falluja crisis, provided it with a more elaborate ideological justification of the right to resist, thus addressing the general feelings of injustice and the

outrage Sunnis felt after the fall of the Ba'th regime and the subsequent discrimination against them on the part of the Americans. Yet it also lifted the ideological rhetoric of the resistance, which had been mainly formulated in tribal terms of honor, to a much higher ideological plane.²⁴ Through its ideological input and its access to the regional and international media the AMS turned Falluja symbolically into a Sunni Stalingrad against the American occupation. Tactically, this move enabled the AMS both to counter the American propaganda that tried to discredit the resistance by labelling it terrorism, as well as acquire ideological hegemony over its rivals, especially the IIP, whose image was tarnished by its membership in the Interim Governing Council, (even though it had opposed the decision to attack Falluja and had resigned from the 'Allawi government).²⁵ For the AMS, this was a classic opportunity for it to attempt to become the "face" of the Sunni resistance.²⁶ In line with its claims to ideological leadership, it made a self-conscious attempt to "guide" (*tarshid*) the political concepts to which the resistance had adhered until then.²⁷ To underscore this claim, the AMS stated that it regarded itself as "spiritually" (*ruhan*) close to the resistance but that it did not claim to be its political leadership.²⁸ At the same time it was important to distinguish itself ideologically from another, more radical rival that emerged during the Falluja crisis, the *jihadi* Salafi group of Abu Mus'ab al-Zarqawi, which propagated total war against the Americans without any ultimate aim of reaching a political agreement.

Constructing an Ideology of Resistance

How did the AMS try to fill the ideological and political vacuum of the Sunni community after the collapse of the Ba'th regime and the first Falluja crisis? How did the AMS conceptualize the problems the Sunni community encountered, what solutions did it provide, and how did these solutions relate to its main form of resistance, the political boycott?

The AMS tried to construct an ideology that appealed simultaneously to all sections of the Sunni community and the insurgency.²⁹ In its own words it created a "roof" for the Sunni community by catering to secular Iraqi nationalists and Pan-Arab Ba'thists and defending the Arab and national unity of Iraq. It intended to appeal to the middle class members of the Muslim Brotherhood by stressing the Islamic identity of the Iraqi Sunnis and leaving room for political negotiations, albeit under severe conditions (establishing a timetable for the withdrawal of American troops); and it addressed itself to the radical Islamist Salafis, who had become part of the resistance during the Falluja crisis, by including *jihad*, although it was not propagated in its public communiqués. Finally, it also tried to include tribal values by stressing the concept of honor and traditional values of loyalty. Besides numerous interviews with its leaders, television debates in which they participated, and the communiqués (*bayanat*), the ideas of the AMS were systematically expressed by Muhammad 'Ayyash al-Kubaysi in a series of twenty articles under the title *On the Jurisprudence of Resistance and Jihad*, which were partially published in the Jordanian Muslim Brotherhood weekly, *al-Sabil*.³⁰ Five topics stand out especially in the ideology of the AMS.

First, the ideological legitimization to resist was initially primarily couched in a non-Islamic discourse of international law. In a debate during a television program on al-Jazeera just after the fall of Falluja in November 2004, when the whole of 'Anbar

province was in revolt and it was clear that the resistance was there to stay, Muhammad 'Ayyash al-Kubaysi stated that every population, whether Vietnamese or Arab, non-Muslim or Muslim, had the right to armed resistance against the forceful occupation of its country. As it was a natural human right (*haqq al-insan*) it was not necessary to call for a *jihad* or issue a *fatwa* to sanction it.³¹ This hesitation to call for *jihad* was confirmed during one of Harith al-Dhari's *khutbas* during the first Falluja crisis in April 2004, when he refused to comply with the demand of his audience to declare *jihad*.³²

Instead of the term *jihad*, the AMS preferred the term *muqawama*, resistance. Like Hamas, from whom AMS borrowed the Islamo-nationalist terminology of rejecting foreign occupation (*ihtilal*) and boycotting elections, the term resistance became the central frame of reference.³³ By comparing the American presence to the Israeli occupation of the West Bank and Gaza, the AMS reversed the American claim to have liberated Iraq. It regarded the invasion as an "occupation" and as part of a "Zionist-American invasion".³⁴ In the first of his twenty articles, al-Kubaysi explained why AMS prefers the term *muqawama* and the general right of resistance to the term *jihad*.³⁵ As in the debate on al-Jazeera, the main arguments against calling for a *jihad* are first that the defence of one's "religion" (*din*), "possession" (*mal*), "land" (*ard*), "honor" (*ird*), and "dignity" (*sharaf*) is a "human right" (*haqq al-insan*). Another reason why one needed to be careful with the term *jihad* is that the concept is too broad, as it covers two meanings, an offensive war of expansion (*jihad al-talab* or *jihad al-fath*) and a defensive war of resistance (*jihad al-daf*). The first meaning in particular might discourage non-Muslims from joining the national struggle for independence. Moreover, the term *muqawama* implies a *jihad al-daf*, which is clear to Muslims and therefore does not need to be stressed separately.³⁶

However, despite this effort to couch the insurgency in secular terms, it is clear that the AMS gave it a religious legitimization as well. Interestingly, in defence of *jihad*, al-Kubaysi uses a Salafi mode of reasoning. This is especially apparent in his vehement condemnation of moderate 'ulama', who oppose *jihad*, as hypocrites (*munafiqun*), one of the prominent themes in Salafi writings. In stressing the importance of resistance, he asserts that this is not the time for leniency (*tasamuh*), and pliability (*lin*). In a direct attack on the Islamic *umma* by the unbelievers, there is no place for moderation and the peaceful spreading of the "call" (*da'wa*). There is only room for armed resistance, and all Muslim activities should be subordinated to *jihad*.³⁷ What especially enrages him is the argument that *jihad* is rejected because "the balance of forces" (*tawazun al-quwa*) is in favor of the Americans. How would the Prophet Muhammad have been able to overcome the overwhelming odds at the battle of Badr if he had accepted this principle? And how can we accept injustice (*zhulm*) and unbelief (*kufur*) without resistance, he asks rhetorically.³⁸ In another of his articles, he stresses the Salafi relationship between *tawhid*, the necessity of steadfastness (*sumud* and *istimrar*) and the duty of resistance against the tyrant (*taghut*). Resistance has in this sense become a struggle against *taghut* and has become a *fard 'ayn* that can only be ignored at the risk of denying *tawhid*.³⁹

Underlining the glory and the necessity of resisting the enemy in one of his later articles in his series entitled *The Jurisprudence of Resistance and Jihad*, Muhammad 'Ayyash al-Kubaysi states that joining the *muqawama* is a "duty of the times" (*wajib*

al-waqt). He argues that every period has its own specific duties/decisions that are essential for the preservation of the Islamic *umma*. During the life of the Prophet this was the *hijra*, while in later periods, when Islam was established and consolidated, it consisted of building mosques and carrying out other good deeds. Now, however, in the face of a aggressive attack, "the duty for the times" is to take up arms (*naḥḥir*) and the call for taking up arms (*istinḥar*), an action that takes precedence over all other duties like fasting and even prayer. This supremacy of resistance and sacrifice implies a redefinition of *al-wala' wa al-bara'* (loyalty and keeping distance) and drawing the lines between to whom one belongs and whom one is against.⁴⁰ Quoting extensively from the Qur'an, al-Kubaysi regards excuses for not joining the resistance as stemming from fear and cowardice, egoism, wavering, doubt, and conceit. All these are characteristic features of the hypocrites mentioned in the Qur'an.⁴¹

Third, while the AMS adopted an uncompromising stand on the predominance of resistance and glorified force, it tried to make a distinction between legitimate Sunni resistance against the American occupation and the indiscriminate terrorism of more radical groups like those of Abu Mus'ab al-Zarqawi, who started his operations in Falluja, and whose actions were increasingly directed against Iraqi Shi'is who are described as "collaborators." In making the distinction between resistance and terrorism, the AMS made an important contribution to constructing a counter-frame to the American attempt to tar the whole Iraqi resistance with the brush of terrorism, as is apparent from one of the press conferences of Secretary of Defence Donald Rumsfeld, when he condemned the resistance in Falluja as consisting of only "thugs, gangs, and terrorists."⁴² In numerous communiqués, the AMS condemned terrorist attacks against "innocent people" (*abriya'*).⁴³ The official position of the AMS is that both Iraqi civilians and the Iraqi military belong to this category.⁴⁴ This term even applied to the recruits of the National Guard, who were mostly Shi'is and were used increasingly by the Americans against the Sunni resistance. Muhammad 'Ayyash al-Kubaysi stated that according to Islamic law, "these people must be convicted in a court of law and cannot be executed without legal proceedings." The major distinction he makes between an American soldier and a member of the Security Forces is that the first is part of the occupation while the latter is an Iraqi citizen (*muwatin*) and a member of the Iraqi nation and the Islamic *umma* and that the rules of *jihad* do not apply to him.⁴⁵ The AMS did, however, condemn in a *fatwa* the recruitment of Iraqis to the Security Forces.⁴⁶ As part of its condemnation of random violence and its role in giving ideological guidance (*tarshid*), the AMS condemned the kidnapping of foreigners and worked as an intermediary in the release of French and Italian hostages in the summer of 2004.⁴⁷

Muhammad 'Ayyash al-Kubaysi has exerted great efforts to demonstrate that American attempts to discredit the resistance by associating it with negative terms such as terror (*irhab*), suicide (*intihar*), and extremism (*tatarraf*), are really propaganda. "Is everyone who rejects the occupation an extremist?" he asks himself rhetorically. In his eyes, martyrdom differs from suicide. While the second "is weak and cannot face up to the hardships of life (lacks *sumud*) and flees from its responsibilities, lacks faith, purpose, and goals, the first is strong and courageous and faces death with equanimity

and a strong faith (*'aqida wadiha*) for a noble goal (*hadaf nabil*).⁴⁸ As for the foreign fighters in the resistance, another argument used by the American authorities to discredit the resistance, Harith al-Dhari points out that these foreign fighters are only a minority and, as an auxiliary force, have a largely symbolic function to underline the solidarity of the Islamic *umma* with the Iraqi resistance against occupation.⁴⁹ According to al-Dhari, American propaganda should only be considered a means of concealing American fears of the Sunni population.⁵⁰

Despite its attempts to distinguish between resistance and terrorism, the AMS only addressed the issue of Abu Mus'ab al-Zarqawi directly and straightforwardly on 15 September 2005, when it condemned him in one of its communiqués.⁵¹ Until that time most leaders of the AMS had denied his existence, regarding him as a "media fantasy,"⁵² a figment of "American imagination,"⁵³ and as a deliberate attempt to foment ethnic strife.

Fourth, the success of the AMS was based on translating the concept of the American "occupation" into a policy of an uncompromising boycott of all political institutions as long as the United States had not drawn up a timetable for troop withdrawal. The common AMS argument is that "true democracy is impossible under an occupation." The angle the AMS chose to frame this ideological point was to accuse the Americans of deliberately instigating sectarian strife (*al-fitna al-ta'ifiyya*).⁵⁴ From the moment the Interim Governing Council was installed, with its proportional representation of different ethnic and religious groups, the AMS accused the United States of introducing a form of political representation that undermined the Iraqi nation.⁵⁵ Instead of introducing a more equitable political system that would give formerly discriminated persecuted groups equal rights, the proportional system was regarded as a deliberate means of destroying national unity by playing the "sectarian card" (*al-waraqa al-ta'ifiyya*). Muhammad 'Ayyash al-Kubaysi was convinced that the American aim was to install in the Iraqi Shi'i community the idea that they were an oppressed sect (*al-ta'ifa al-mathluma*).⁵⁶ Outraged by the American claim that the American presence had prevented civil war, the AMS held that the Americans were in fact the reason for civil strife and that without them, the Iraqi religious and ethnic communities could solve their problems by themselves and "live peacefully together" (*al-ta'ayush al-silmi*). Moreover, the AMS denied that Shi'is had been discriminated against during the Saddam era, or in any other previous era, for that matter, claiming that they had even formed a majority in the branches and the leadership of the Ba'th Party and had always occupied high positions in government.⁵⁷

Fifth, in line with its counter argument that Iraq was really a united nation, the AMS cleverly used the insurgency in Falluja to propagate its Arab and Islamic program of unity between Shi'is and Sunnis. This platform had a twofold purpose. While on the one hand, it addressed the pan-Arabism and the indivisibility of Iraq as a nation, with an eye to the Ba'thists who played an important role in the resistance, it on the other hand tried to win over the Shi'is to join the insurgency, by stressing their Arab, Iraqi, and Muslim identity rather than their shared identity with their Iranian co-religionists. Highlighting this aspect of Shi'i strategy was directed especially at Muqtada al-Sadr,

the main rival of the pro-Iranian SCIRI (Supreme Council for the Islamic Revolution in Iraq) and who had pro-Iraqi sentiments.⁵⁸ It was also a means of splitting the Shi'is into rival factions and weakening them.

On the practical and political level, the AMS transformed this concept of national unity into a campaign of Sunni-Shi'i solidarity. On 8 April 2004, a few days after the start of the first American offensive against Falluja, the AMS organized a massive demonstration that portrayed the offensive as an attempt not only to destroy the insurgency but to destroy the Islamic movement as a whole, both Sunni and Shi'i.⁵⁹ During this demonstration 200,000 Sunni and Shi'i demonstrators came together in front of the Umm al-Qura mosque, shouting slogans of national solidarity, such as "No Sunna and no Shi'a. Yes to Muslim unity!" and, "We are Sunni and Shi'i brothers and we will never sell our country." Falluja was presented as the symbol of the joint Sunni and Shi'i struggle for independence.⁶⁰ This campaign was continued in the spring and summer of 2004, during the uprising in Najaf and Karbala' led by Muqtada al-Sadr, who became the most important Shi'i contact of the AMS.⁶¹ During the American clampdown on Muqtada al-Sadr in Najaf in July and August, Muthanna al-Dhari expressed his support, fearing that if the Mahdi Army failed to withstand the Americans, the latter would turn their attention to Falluja in the autumn,⁶² while Harith al-Dhari tried to organize another demonstration at the Umm al-Qura mosque.⁶³

On the institutional level, the AMS tried to maintain the Sunni-Shi'i momentum by organizing a National Constitutive Congress (*Mu'tamar al-Ta'sisi al-Watani*) on 8 May to oppose the transfer of power on 30 June 2004.⁶⁴ It consisted of a coalition of Iraqi leftists, nationalists, and Islamists from various tendencies who had opposed Saddam's regime but who also refused to take part in an appointed 'Allawi government. It had the same political program as the AMS, and was headed by the Shi'i shaykh Jawad al-Khalisi, who was elected secretary-general of the organization. Another important member was the Shi'i *marja'*, Ahmad al-Husni al-Baghdadi, who stated that the role of the organization was to "encourage unity and end the division between the *madhhabs* that has sprung up."⁶⁵ But the most important participant was the group of Muqtada al-Sadr. Different multi-religious and multi-ethnic organizations constantly popped up during these meetings, such as the Society of '*ulama*' of United Iraq (*Jam'iyyat 'Ulama' al-'Iraq al-Muwahhida*).⁶⁶

This institutional effort was supported by an ideological campaign by the AMS to weaken the cooperation of the Shi'is with the Americans by turning their own political themes against them. One of the main arguments used against the Shi'is was that their cooperation with the Americans was tantamount to a betrayal of their own ideology of resistance, which had sprung up since the Iranian revolution. The AMS ideologues especially repeated again and again that the martyrdom of the Imam Husayn at Karbala' was an example for all who those seeking to defend Islam against the invasion of the unbelievers. According to Muhammad 'Ayyash al-Kubaysi, the Imam Husayn had established a school of martyrdom (*madrasat al-Husayn al-istishhadiyya*). According to him, the Shi'i *hawza's* disregard of this tradition demonstrated that the matter of resistance was about issues of "belief" (*'aqida*), "principle" (*mabda'*), "morals" (*akhlaq*), and "schooling" (*madrasa*). The implication is that the Sunnis are, at the

moment, at the forefront of this battle and that apart from Muqtada al-Sadr, the Shi'i religious establishment has deviated from its own religious teachings.⁶⁷ According to the Saudi Salafi 'alim A'ith al-Qarni, the Shi'is were helping "to erase the identity [of Iraq] and [destroy] its personality and [change] it into a source of further destruction in the region, by supporting the "crusading forces."⁶⁸

Hegemony of the AMS

How effective was the threefold strategy of the AMS in boycotting the American sponsored political institutions, supporting the insurgency, politically and ideologically, and trying to form an alliance with dissident Shi'i leader Muqtada al-Sadr?

Answering this question needs to take into account the reaction both of AMS' Sunni rivals and of its real opponents, SCIRI, the Da'wa Party, and the Americans. As for the first group, it seems that the AMS did achieve hegemony over its rivals. The major test case was the first general elections of 30 January 2005. In accordance with its origins in the Muslim Brotherhood, and in contrast with the Salafi movement, the AMS is not in principle against elections. In several of its communiqués and press conferences it has supported democracy and has spoken out in support of the "will of the people" (*iradat al-sha'b*) as a means of limiting the power of the ruler.⁶⁹ Its main argument against holding elections is that "under the occupation" the Iraqi people are not free to choose their representatives.⁷⁰ It was therefore not surprising that the AMS called for a boycott of the first general elections.⁷¹ On 6 October, Muhammad Bashir al-Faydhi, the official spokesman of the AMS, condemned the general elections that were scheduled for January as a "comedy" (*mahzala*).⁷² At the end of the month he threatened again to boycott the elections if the Americans did not call off their military campaign against the insurgents in the Sunni triangle. He said they could only be "fake elections" (*intikhabat suriyya*).⁷³ As was the case with the other institutions the Americans had promoted, AMS regarded the elections as a means of consolidating the sectarian divide. At this stage the AMS was unaware of the momentum that the "democratic" political process would acquire. Harith al-Dhari believed that the "non-participation of the Sunnis in drawing up the permanent constitution, which the parliament was scheduled to draw up, will not have any influence. In any case, the constitution cannot be worse than the TAL that we have opposed from the beginning."⁷⁴

If Falluja had been an opportunity for the AMS to emerge as a political force, the expansion of the insurgency helped establish that organization's political hegemony over its rivals. First, the general elections were announced a moment after the first assault on Falluja in April had failed and the second assault was to be launched in November, just after the 2004 election of President Bush. To make sure that none of its Sunni rivals would waver in their boycott of the American sponsored political institutions, the AMS launched a campaign to honor the name of Falluja and the other cities of 'Anbar province, which were bearing the brunt of the American attacks. In addition, it stepped up efforts to give voice to the resistance and its legitimacy in fighting against the occupation as the "honorable nationalist resistance" (*al-muqawama al-sharifa wa al-wataniyya*).⁷⁵ And while it spoke out in favor of armed attacks on Americans,⁷⁶ it tried to distance itself from terrorism by systematically issuing communiqués condemning

bomb attacks against Iraqi recruits and Shi'i civilians.⁷⁷ These attacks were condemned as an "incitement to sectarianism" (*ihdath fitna ta'ifiyya*).⁷⁸ Third, despite the confrontation with the great bulk of the Shi'is as represented by SCIRI and the Da'wa party, which joined to form the United Iraqi Alliance, and which had gained the support of Grand Ayatollah 'Ali al-Sistani, the AMS continued to support national unity. The participation of Shi'i shaykhs such as Ahmad al-Husni al-Baghdadi and Jawwad al-Khalisi in the Iraqi Constitutive Conference (*al-Mu'tamar al-Ta'sisi al-'Iraqi*) was meant to underline the AMS' nationalist credentials. The AMS also strove to maintain good relations with Muqtada al-Sadr, who, it was claimed, had been betrayed, like the Sunnis in Falluja, by the Shi'i leaders who collaborated with the Americans. To consolidate this alliance, the AMS erected Sunni-Shi'i organizations like the Iraqi Nationalist Forces in Uprising Against the Occupation (*al-Quwa al-Wataniyya al-Munahida li al-Ihtilal*) and the Charter of Understanding and National Action, whose seven resolutions had been signed by sixty organizations and individuals of all sects and ethnic groups in Iraq.⁷⁹ The joint delegation of Shi'is and Sunnis that emerged out of this initiative visited several Arab countries to present the alternative program.⁸⁰ Finally, another factor that worked to the advantage of the AMS was the unwillingness of the Americans to speak to the insurgents. Unwittingly, Secretary of State Powell's statement condemning the insurgency because "they're terrorists, they're murderers, and they have no interest in free, fair elections" helped the cause of the hardliners like the AMS.⁸¹

The resonance of the strategy of the boycott of the AMS with the Sunni community and the particular circumstances working to its advantage made it almost impossible for the rivals of AMS to declare themselves in favor of the elections.⁸² The best that the IIP, as well as 'Adnan al-Dulaymi, could do was to argue in favor of postponing the elections for half a year.⁸³ Eventually, however, one by one they succumbed to the pressure of the circumstances. By the end of December 2004 they announced their decision to boycott the elections, although the IIP explicitly stated that it would not withdraw from the "political process."⁸⁴ With the exception of Sunni moderates like Ahmad 'Abd al-Ghafur al-Samarra'i, who remained opposed to the boycott until the very end, the boycott was complete a few weeks before the elections.⁸⁵

The boycott turned out to be a complete success for the AMS. Once the votes were counted on 4 February, only seventeen thousand of as many as 250,000 eligible voters from 'Anbar province had voted, or 0.2 percent of the voters, although it must also partly be ascribed to a fear of the lack of security when going to the polls.⁸⁶ Less than fifty percent of eligible voters nation-wide had voted. Only seventeen Sunnis had managed to acquire seats in the 275-seat parliament. In contrast, the Shi'i list, the United Iraqi Alliance, won 150 seats, while Muqtada al-Sadr's supporters obtained twenty-three seats, despite his rejection of the elections. This was a remarkable achievement for the AMS, as the Americans had scored a major propaganda success by having organized free elections in Iraq for the first time in history. Adopting the American presentation of the elections as a victory for democracy, the international media lauded the democratic attitudes of the Shi'is and condemned the Sunnis as spoilsports. The AMS itself, however, paid a high price for its uncompromising stand. Tens of its members were assassinated that winter.⁸⁷ The AMS leadership was not spared, either: both Harith al-Dhari and Bashar al-Faydhi lost brothers to assassins' bullets.⁸⁸

On the national level the price of opting out of politics was even higher. The elections deepened the rift between Sunnis and Shi'is. While Grand Ayatollah 'Ali al-Sistani, called for "massive participation" (*al-musharaka al-kathifa*) in the elections, and one 'alim considered non-participation a "betrayal of [one's] national right" (*khiyana bi-haqq al-watan*), issuing a *fatwa* regarding voting as a personal duty (*fard 'ayn*),⁸⁹ the Sunnis felt betrayed as this enthusiasm for politics occurred at a time when Falluja was on the point of being invaded and destroyed. The Sunni sentiment was expressed by shaykh Mahdi al-Samada'i of the Ibn Taymiyya mosque in Baghdad, who stated, "When Najaf was attacked we all stood as one man [behind the Shi'i resistance]. Why do the Iraqi people [Shi'i authorities] not support the people of Falluja now?"⁹⁰ The silence of Grand Ayatollah 'Ali al-Sistani on Falluja and his studied neglect of the resistance were considered a betrayal of the national cause and confirmed the worst Sunni fears of the consequences of Shi'i-American collaboration.⁹¹

Return of the Rivals

The hegemony of the AMS was short-lived. On 2 February 2005, 'Abd al-Salam al-Kubaysi held a press conference in which he disqualified the elections because the Sunni community was not represented in parliament. A communiqué of the AMS supported this view, arguing that for this reason the incoming government could "not negotiate on behalf of the population."⁹² On the other hand, the AMS does seem to have had some premonition of the awkward position it found itself in, for while it stated that "the government lacks legitimacy," it also announced that "we respect [the will of the people]."⁹³

It would prove to be much harder for the AMS to maintain a united Sunni front and continue its pressure on its rivals once the elections had taken place and the mechanism of politics reasserted itself. Already five days after the elections, the imam of the Umm al-Qura mosque, Shaykh Ahmad 'Abd al-Ghafur al-Samarra'i, organized a meeting between attendants at the Friday prayer and a spokesman of the Ministry of Religious Endowments, who asked them to participate in the next elections, to be held in December 2005, after the constitution had been drawn up.⁹⁴ In the meantime, leading Sunni politicians, such as Muhsin 'Abd al-Hamid, the secretary general of the Islamic Iraqi Party, and Ghazi 'Ajil Yawar, the former interim president, and future vice president met representatives of the United Iraqi Alliance. Iyad al-Samarra'i, assistant secretary-general of the Iraqi Islamic Party, confirmed the earlier policy of his party, stating that "any proposal will be studied and considered," adding, "we have not withdrawn from the political process."⁹⁵ Later the Iraqi Islamic Party even denied having participated in the boycott of the elections, claiming that it had not taken part in the elections on account of the security situation in 'Anbar province.⁹⁶ A further breach of unity occurred when Shaykh Ahmad Hasan al-Sammara'i announced that a General Conference of the Iraqi People (*al-Mu'tamar al-'Amm li-Ahl al-'Iraq*) would be held and that its aim was "to prepare to join the process of drafting the permanent constitution and to encourage broad Sunni participation in the next elections."⁹⁷ Later he claimed that the resistance had adopted "a big change in strategy."⁹⁸

Speculation on the split within Sunni ranks was strengthened by rumours about negotiations between the Americans and the resistance leaders.⁹⁹ To put an end to these rumours, Harith al-Dhari stepped in and gave a rare interview to the *New York Times* in which he denied there existed dissident voices and repeated the official position of the AMS: no participation without a timetable for American troop withdrawal.¹⁰⁰ But the tide could not be stemmed. Another major breach in the front occurred on 1 April, when Ahmad 'Abd al-Ghafur al-Samarra'i read a *fatwa* signed by sixty-four Sunni clerics and scholars that encouraged Iraqis to join the security forces to protect the country and their own interests, otherwise the Shi'is would take them over.¹⁰¹ After the vehement reaction of the AMS, 'Abd al-Ghafur al-Samarra'i reportedly left the AMS.¹⁰² A new impulse in this direction was given on 20 May when one thousand Sunni shaykhs, clerics and political leaders from Baghdad and nearby cities convened to form a new Sunni political alliance, the Sunni Block (*al-Takattul al-Sunni*), that would lead in October to the establishment of *Jabhat al-Tawafuq al-'Iraqi*. That even the AMS participated in this initiative shows how the political landscape had changed. Tariq al-Hashimi, one of the leaders of the IIP, said during the conference: "We are passing through a very hard time, and we decided that all Sunnis should gather and rebuild our own house." The purpose of the conference was "to build a concrete coalition for the next election."¹⁰³ The *Washington Post* hailed the conference as the end of the two-year boycott of the Sunni community of politics and quoted 'Adnan al-Dulaymi as saying that "the Sunnis are now ready to participate [...]. We think it is time to take steps to save Iraq's identity, and its unity and independence. Iraq is for all, and Iraq is not sectarian."¹⁰⁴ On 8 June he founded the Conference of the Sunni Council as a political organ, a political act that led new president Jalal Talabani to fire him from his position as head of the Sunni Waqf Endowment. This organization demanded the drawing up of a constitution on the basis of "Iraqi national consensus" (*ijma' watani 'Iraqi*) and repeated the main Sunni demands: a unified state, no decentralization of the Arab provinces, and the retaining of Iraq's Arab identity.¹⁰⁵

This process of incorporation into the political process was enhanced when the United Iraqi Alliance succeeded in forming a government at the end of April with the common Kurdish list and they started taking over government institutions, underlining the increasing marginalization of the Sunnis and the failure of the strategy of the boycott. It is here that the second part of the strategy of the AMS, to draw Muqtada al-Sadr into a nationalist front, proved to be most ephemeral. Although his followers occupied twenty-three seats in the new parliament, in the end their Shi'i solidarity or opportunism prevailed over their common political program with the Sunni insurgency, despite the severe differences of opinion with SCIRI. Muqtada al-Sadr limited his actions during the following period to intermediating between SCIRI leaders and the AMS, after the AMS accused the militia of SCIRI, the Badr Brigades, of assassinating its members. Other joint Sunni-Shi'i manifestations of solidarity were expressed in the Noble National Manifesto (*al-Mithaq al-Sharaf al-Watani*), which demanded the immediate withdrawal of American troops.¹⁰⁶ The frustration of Muqtada al-Sadr's followers with the political situation was channelled into a march of 300,000 men to Firdus Square on the second anniversary of the fall of Saddam Hussein.¹⁰⁷

On the other hand, it was apparent that the Sunni insurgency had not lost its force and that intra-sectarian violence was growing. Indiscriminate bomb attacks, executions of Sunnis and Shi'is, and the assassination of clerics marked a new phase in violence in Iraq in the period after the elections. As a result of the increasing Iraqization of the war, Sunni-Shi'i sectarian strife seemed to be replacing the struggle between the Sunnis and the Americans. By 22 March 2005, attacks on Americans had decreased to twenty-two a month while car bomb attacks against civilians jumped from sixty-four in February to 135 in April. In contrast to the previous year, when twenty-five car bombings had occurred in Baghdad, there were twenty-one car bombings in Baghdad in May alone. That month proved one of the bloodiest of the war, with eight hundred Iraqis and eighty American troops killed.¹⁰⁸ The attacks climbed from a daily rate of between thirty and forty from February to March to an average of seventy a day in May.¹⁰⁹ In April, the mixed Shi'i-Sunni town of Mada'in south of Baghdad became notorious as an example of ethnic sectarian cleansing,¹¹⁰ while it became common for Sunnis from Baghdad and the mixed regions to be found executed blindfolded with their hands tied behind their backs.¹¹¹ The AMS became involved in these incidents, reacting to them in its communiqués and issuing a report on the Mada'in affair.¹¹² In protest, it shut its mosques for three days in May.¹¹³ The relations between SCIRI and AMS deteriorated further after the AMS accused the Badr Brigades, now acting as a government security force, of killing Sunni clerics,¹¹⁴ and the Conference of Sunni People called for the resignation of the Minister of Interior.¹¹⁵ The Shi'is retaliated in kind. After a suicide bomb attack on the Shiite mosque of al-Sabih in east Baghdad claimed numerous victims, the governor of Najaf demanded that "the AMS, which claims to lead the Sunni sect, take a decisive stand against this criminality."¹¹⁶ Even moderate Shi'is held the AMS responsible for the increasing conflict between Sunnis and Shi'is. They reasoned that if the AMS had supported the elections and had distanced itself more clearly from al-Zarqawi, there would have been much fewer attacks on Shi'is.¹¹⁷

The AMS and the Political Process

The AMS found itself caught in the middle between the Sunni insurgency and the incorporation into the political process of the Sunni political parties. Its response was to revert back to the more aloof position of the Sunni "religious authority," leaving "the political process" to more overtly political organizations. This explains why it had no answer to the establishment of the new coalition government in April of the Shi'i-Kurdish government under Ibrahim Ja'fari and the inexorable train of political developments the Americans had designed to keep what they regarded as the democratic momentum going: the appointment of a constitutional council in May, the referendum on the constitution on 15 October, and the new general elections to be held on 15 December. In all of these events, the AMS played a minor and passive role whereas its rivals played an increasingly more active part, taking the initiative in finding a way out of the impasse of the boycott. For instance, when Condoleezza Rice flew to Baghdad to urge the Shi'is and Kurds to include more than two Sunnis on the fifty-five member constitutional committee, the AMS' comment was that her endeavor consisted of "only words without meaning."¹¹⁸ In contrast, 'Adnan al-Dulaymi

welcomed her involvement on the side of the Sunnis.¹¹⁹ Although the AMS did play a role in the negotiations with the constitutional committee on the issue of including fifteen full Sunni members and ten advisors, it did not, in line with its uncompromising stand, join the committee, which was left to members of the IIP and the Iraqi National Dialogue Front of Salih al-Mutlaq. Neither did it consolidate its position when these political groups rejected the final draft of the constitution, which could be regarded as a vindication of the AMS policy.

Throughout these events, the AMS upheld its official position of boycotting political institutions as long as the American troops had not withdrawn. Its policy was partly based on the miscalculation that the Shi'is and Kurds could not rule the country without including the Sunni community.¹²⁰ It was partly based on the principle – adopted from Hamas' earlier stance – that joining the political process would legitimate the American presence. Even as late as May 2005, when the government had already been formed and SCIRI had gained control over the Ministry of the Interior, Harith al-Dhari stated in an interview with al-Jazeera that boycotting the elections had been a good idea.¹²¹ In one of its statements the AMS even added another condition for participation in the political process, namely that the government should regard the insurgency against the American occupation as a legitimate nationalist act.¹²² As for the constitutional committee that had to present a draft by 15 August, the AMS was firmly opposed to members of parliament taking part in this process, arguing, "[I]t is important that the constitution is drawn up by the people of Iraq, far from the influence of the Americans."¹²³

Three events provide further insight into the position the AMS adopted towards politics as a "religious authority." They also provide insight into its definition of politics "under occupation." On 19 August, when the outlines of the constitution became clear, Muhammad 'Ayyash al-Kubaysi issued a *fatwa* on both the referendum and the elections.¹²⁴ Basing himself on the principles of *al-'amr bi al-ma'ruf wa al-nahi 'an al-munkar* (commanding right and forbidding wrong), he considered it the duty of every voter to register himself and cast his or her vote. Later, the AMS, like all the Sunni political organizations, would reject the constitution.¹²⁵ As for the general elections themselves, Muhammad al-Kubaysi supported the Sunnis' participation in them but only according to very strict conditions. His premise was that according to the *shari'a* it is not permitted for a Muslim to cast his or her vote in a country that is occupied by non-believers, or at least that this would only be allowed in exceptional circumstances when it is a matter of survival and therefore becomes a "necessity" (*darura*). Consequently, political parties can only take part in the political process on four conditions. First, they must subordinate politics to waging *jihad* and the armed struggle to evict the occupier; second, they are not allowed to reach an agreement (*muhadana*) with the adversary that might transcend the boundaries of *al-wala' wa al-bara'* (loyalty and keeping distance); third, their politics must serve only the purpose of evicting the adversary; and fourth, they must realize that they are bound by the mandate of the whole nation and cannot decide issues on their own. Although the *fatwa* was commonly regarded as an endorsement of the political process and thus as a major turning point, the Arabic press missed the highly limited conditions in which it is permissible to take part in the political process.¹²⁶ Interestingly, one of

the six insurgent groups that announced a ceasefire during the referendum caught the essence of the position of the AMS when it called the referendum "a form of *jihad*."¹²⁷ The AMS participated in many demonstrations held in the Sunni Triangle after the final publication of the constitution on 28 August and called upon Iraqis to "use all legal means that our people regard as effective to have the constitution withdrawn." Its basically anti-political stand was confirmed in its warning against participating in the elections – it stated, "If you want to participate in the referendum, you are warned that the enemy propaganda will do anything to mislead you, because in the past it has stolen your vote and in the absence of international supervision it will do so again during the referendum."¹²⁸

The Conference of National Conciliation (*Mu'tamar al-Wafaq al-Watani*), in which the main Shi'i, Kurdish, and Sunni organizations participated, except for Muqtada al-Sadr, was held in Cairo between 19 and 21 November under the aegis of the Arab League, confirmed the political line of the AMS. The conference confirmed the importance of the AMS as a major representative of the Sunni community and even signified a major success on its part, as it accepted one of the main points of the AMS' program: acceptance of the legality of the armed resistance against the Americans and the rejection of terrorism against innocent Iraqis. In its final communiqué, the AMS also rejected the broad de-Ba'thification process, limiting it to Ba'thists who had implicated themselves in the crimes of the previous regime. One of the highlights was a meeting between Harith al-Dhari and Ibrahim Ja'fari and Hamam al-Hammudi of SCIRI. It was the first time the AMS leader had met his Shi'i counterparts. Although the final communiqué provoked an outcry from Barzani and 'Abd al-'Aziz al-Hakim, who had not participated, most agreed that it was an important step towards some form of conciliation.¹²⁹

The position of the AMS was further underlined during the general elections of December. In an interview with the TV station al-Arabiyya, Harith al-Dhari repeated the official position that the AMS rejected the political process under occupation, but that it would adopt a completely neutral stance. It would neither support those participating in the elections nor those in favor of boycotting them. It would stay away from the elections and not hamper their process. It would "respect the choice of the Iraqis to participate or not to participate in the elections, and calls upon all Iraqis to refrain from imposing their will upon each other and to respect one another."¹³⁰ However, this neutral position was less significant than it may have appeared, because, as the interviewer surmised, the AMS probably favored the Ba'thist National Iraqi Dialogue Front of Salih al-Mutlaq, which was less inclined to compromise with the Shi'i and Kurdish parties after the elections.

Conclusions

The AMS was and remains an important political expression of the Sunni community after the collapse of the regime of Saddam Hussein. Its precise overall relevance, though, is difficult to determine. Its unique strategy of boycotting the "political process" and supporting the insurgency, as long as the Americans continue to "occupy" Iraq, while trying to build an alliance with the radical Muqtada al-Sadr, has placed

the AMS in an entirely different position from that of other Sunni political forces that are willing to move from the phase of violence and disruption to the phase of political participation based on negotiation with the Shi'is and the Americans. This unique position is also manifested in the framework it has constructed for itself, one that borrows from different sources. In an attempt to cover a wide spectrum of ideologies, it not only reaches out to the mainstream Muslim Brotherhood, but also includes a pan-Arab and 'Iraq first' ideology characteristic of the Ba'th party; a *jihadi* Salafi ideology with regard to self-sacrifice, *jihad*, and its interpretation of *al-wala' wa al-bara'*; and the condemnation of the moderate '*ulama*'. This ideology has offered the resistance an important alternative to the Salafi *jihadi* radicalism of uncompromising war and terror, to the political compromise of the IIP, as well as to the tribal discourse of honor. Framing resistance in this manner has been a successful means of mobilizing the Sunni community for a short period between the first assault on Falluja in April 2004 until the formation of the Ja'fari government a year later. During that period, the AMS succeeded in ideologically focusing the Sunni insurgency and bringing about unity between the different Sunni political organizations, which reached its apogee during the elections of January 2005. Afterwards, its preponderance was lost but its influence has remained considerable, as was apparent at the Cairo conference in November 2005. More than the other political organizations, the AMS tries to reconcile the demands and the spirit of the insurgency with the pragmatic realization that eventually politics are inevitable. In this capacity, it has contributed a new, albeit destructive, dimension to Muslim resistance discourse in Iraq.

Whether the AMS will regain its preeminent position as a powerful player in the future remains another matter. The strategy of confrontation, boycott, and support of the insurgency by the AMS has exacerbated its relations with the Shi'is. Despite its good relations with Muqtada al-Sadr, the AMS did not succeed in winning over his movement to forming a coalition with the Sunni insurgency, or even with the Sunni political parties, which would have meant a major breakthrough in Sunni-Shi'i relations. The AMS itself is partly to blame for this failure. Falling back on its particular aloof position as a "religious authority" with regard to politics has not enhanced its position as a viable partner. Its belated and insufficient condemnation of al-Zarqawi and its accusation of the Badr Brigades of terrorism condemned the AMS in the eyes of SCIRI, while for Muqtada al-Sadr the AMS was probably too close to the Ba'thists to be acceptable as a reliable ally against its Shi'i competitors. Iraqi politics at this stage,¹³¹ however, is extremely fluid and unpredictable, and it is quite possible that the AMS will remain an important player, especially if the attempts to revive the political process by the IIP fail and Shi'i and Kurdish leaders refuse to make concessions to the Sunni community.

ENDNOTES

¹ www.islamonline.net, last accessed 22 August 2005.

² For a much abbreviated version of this article, see Roel Meijer, "The Association of Muslim Scholars in Iraq," *Middle East Report* 237 (Winter 2005), pp. 12-19.

³ For the background of the AMS, see *al-Sharq al-Awsat*, 20 April 2004.

⁴ Basim al-'Azami, "The Muslim Brotherhood: Genesis and Development," in *Ayatollahs, Sufis and Ideologies. State, Religion and Social Movements in Iraq*, Faleh Abdul-Jabar, ed. (London: Saqi Books, 2002), pp. 162-76.

⁵ The website of the AMS is www.iraq-amsi.org. The website of the AMS was refurbished after July August 2005 so that most of its articles can no longer be found there. Its communiqués are, however, still on the website beginning with the first one.

⁶ *Al-Basa'ir*'s website is www.basaernews.i8.com.

⁷ *Bayan 'ulama al-'Iraq bi-sha'n al-'azmat al-'Iraqiyya*, issued by the League of Iraqi 'ulama on 4 November 2002. www.islamonline.net/Arabic/doc/2002/11/article0.shtml.

⁸ "*Ulama al-'Iraq: Muwajahat al-ghazat fard 'ayn*." Last accessed 25 March 2003.

⁹ See the program of the AMS, *Manzumat al-islah wa-l-taghyir mashru' Hay'at 'ulama al-Muslimin li-bina' al-hayat al-amthal*, published on its website.

¹⁰ Farhad Khosrokhavar, *Suicide Bombers. Allah's New Martyrs*. London, Ann Arbor: Pluto Press, 2005, pp. 70-148.

¹¹ Interview with Harith al-Dhari by the television station al-Arabiyya, broadcast on 11 December 2005, and published on the AMS website.

¹² *Al-Sharq al-Awsat*, 6 October 2004. The critical attitude to *Jihadi Salafism* in general, despite the adoption of some of its tenets, is reciprocated by a critical analysis of the AMS. See "*Hay'at 'ulama al-Muslimin fi mizan al-Tawhid wa-l-Jihad*," published on www.tawhed.ws.

¹³ *Bayan* (No. 1) *hawli ma yusmi bi-'Majlis al-Hukm*. 16 July 2003.

¹⁴ *Bayan* (No. 41) *hawli tashkila al-hukuma*, 9 June 2004.

¹⁵ *Al-Sharq al-Awsat*, 29 July 2004. The boycott of "foreign" political institutions or institutions that legitimate "occupation" has also a strong parallel with the boycott of Hamas of the Palestinian elections as part of the rejection of Oslo Agreements.

¹⁶ See the program of the Syrian Muslim Brotherhood led by 'Ali al-Bayanuni, "*al-Mashru' al-Siyasi li-Suriya al-Mustaqbal. Ru'ya Jama'a al-Ikhwan al-Muslimin fi Suriya*," on its website, www.ikhwan-muslimoon-syria.org, and the new program of the Egyptian Muslim Brotherhood, *Muhadara Jama'at al-Ikhwan al-Muslimin li-l-islah al-dakhili fi Misr*, published on 3 March 2004, on its website www.afaqarabia.com.

¹⁷ See its political program, "*Man nahnu?*" on its website www.iraqiparty.com.

¹⁸ Interview with Harith al-Dhari on al-Arabiyya.

¹⁹ This has been repeated during the years, one of the last times during the al-Arabiyya interview with Harith al-Dhari broadcast just before the general elections.

²⁰ See www.swissinfo.org, last accessed 29 April 2005.

²¹ Interview with 'Abd al-Salam al-Kubaysi in *al-Sabil*, 7 October 2003. *al-Sabil* is an important source for research on the AMS. Its website is www.assabeel.info.

²² Interview in *al-Ahram Weekly*, reposted in SF Bay AreaIndymedia, 21 January 2005.

²³ Interview with Harith al-Dhari in *al-Sabil*, 18 May 2004.

²⁴ See Roel Meijer, "'Defending our Honor': Authenticity and the Framing of Resistance in the Iraqi Sunni Town of Falluja," *Etnofoor* 17 (2004) 1/2, pp. 23-43.

²⁵ See for remarks on the IIP, *al-Sabil*, 18 May 2004.

²⁶ See for instance an interview with 'Abd al-Salam al-Kubaysi, who stated "The AMS was independent and that is why the resistance trusted it," *al-Sabil*, 18 May 2004.

²⁷ Interview with Muhammad 'Ayyash al-Kubaysi in *al-Sabil*, 1 February 2005.

²⁸ Interview on al-Arabiyya with Harith al-Dhari.

²⁹ See for an analysis of the diversity of the Sunni Resistance, Amatzia Baram, *Who Are the Insurgents? Sunni Rebels in Iraq* (United States Institute of Peace: Special Report 134, April 2005).

³⁰ The series, *Min Fiqh al-Muqawama wa al-Jihad*, was published between May and July 2005 and consisted of twenty issues dealing with a variety of issues relating to Islamic law and the Sunni resistance. The first ten articles were published in *al-Sabil*, the rest were put on the internet site of the AMS. It has been published as booklet of 141 pages by *al-Sabil* as *Fiqh al-Muqawama* in December 2005. This booklet was even obtainable at the Sheraton in Amman, Jordan, when I was there in February.

³¹ Transcript of the program of al-Jazeera, *al-Shari'a wa al-Hayat* (Islamic Law and Daily Life) in which Muhammad 'Ayyash al-Kubaysi participated, broadcasted on 28 December 2004. During this program Muhammad 'Ayyash al-Kubaysi stated that "I do not think there is a 'alim or thinker in the world who forbids a people whose land is occupied from defending itself. A case like this does not need a *fatwa* and

is not the subject matter for *ijtihad*."

³² Article on the event in *al-Sabil*, 13 April 2004.

³³ See for comparisons with Hamas: Beverley Milton-Edwards, *Islamic Politics in Palestine* (London: I.B. Tauris, 1996), pp. 181-98; Jean-Francois Legrain, "Palestinian Islamism: Patriotism as a Condition of Their Expansion, in *The Fundamentalism Project: Accounting for Fundamentals. The Dynamic Character of the Movements*, Martin E. Marty and R. Scott Appleby, eds. (Chicago: The University of Chicago Press, 1994), pp. 413-27.

³⁴ For the comparison of the Sunni Iraqi resistance with the Palestinian resistance against the Israeli state see *al-Sabil*, 1 October 2004. The close identification of the AMS with the Palestinian cause is also expressed in its communiqués commemorating the assassinations of Shaykh Ahmad Yasin, *Bayan* (No. 26) *hawli istishhad al-shaykh Ahmad Yasin*, 22 March 2004, and 'Abd al-'Aziz al-Rantisi, *Bayan* (No. 31) *hawli ighiyat al-duktur 'Abd al-'Aziz al-Rantisi*, 18 April 2004.

³⁵ *Min Fiqh al-Muqawama wa al-Jihad*, Part 1, "Limadha muqawama wa laysat jihadan?" published originally in *al-Sabil*, 22 February 2005.

³⁶ See the transcript of the program of the al-Jazeera program broadcast on 28 December 2004.

³⁷ *Min Fiqh al-Muqawama wa al-Jihad*, Part 11, "Mujahidun am Du'a?" www.iraq-amsi.org, 4 May 2005.

³⁸ *Min Fiqh al-Muqawama wa al-Jihad*, Part 2, "al-Muqawama wa tawazun al-quwa," originally published by *al-Sabil*, 3 March 2005. See also the al-Jazeera debate.

³⁹ *Min Fiqh al-Muqawama wa al-Jihad*, Part 3, "al-Muqawama wa-'aqida tawhid," originally published in *al-Sabil*, 1 March 2005.

⁴⁰ *Min Fiqh al-Muqawama wa al-Jihad*, Part 10, "al-Muqawama wa wajibat al-waqt," originally published in *al-Sabil*, 26 April 2005.

⁴¹ *Min Fiqh al-Muqawama wa al-Jihad*, Part 8, "al-Muqawama wa l-munafiqin al-judud," originally published in *al-Sabil*, 12 April 2005.

⁴² *The Guardian*, 8 April 2004.

⁴³ *Bayan* (No. 18) *hawli ahdath fi al-mudun al-'Iraqiyya*, February 15, 2004. See also interview with 'Umar Ghalib, spokesman of the AMS, who stated that the AMS "rejects all forms of terrorism," in *al-Sharq al-Awsat*, 15 February 2005.

⁴⁴ Interview with Harith al-Dhari by al-Arabiyya, 11 December 2005. Despite this official condemnation many more Shiites have been killed by the Sunni resistance than Americans.

⁴⁵ Interview with Muhammad 'Ayyash al-Kubaysi in *al-Sabil*, 1 February 2005.

⁴⁶ *Al-Sharq al-Awsat*, 13 August 2004.

⁴⁷ See for instance *al-Sharq al-Awsat*, 3 and 30 August 2004, and 14 September 2004.

⁴⁸ *Min Fiqh al-Muqawama wa al-Jihad*, Part 4, "al-Muqawama...al-ithlal...wa harb al-mustalahat," originally published in *al-Sabil*, 29 March 2005.

⁴⁹ Interview with Harith al-Dhari in *al-Sabil*, 27 April 2004.

⁵⁰ Speech by Harith al-Dhari printed by www.iraq-amsi.org, 8 April 2005.

⁵¹ Condemnation of Zarqawi in *Bayan* (No. 157), *al-Muta'allaq bi al-tasrihat al-akhira li-Abi Mus'ab al-Zarqawi*, www.iraq-amsi.org, 15 September 2005.

⁵² *Al-Sabil*, 14 August 2004.

⁵³ Interview with Bashar al-Faydi in *al-Sharq al-Awsat*, 6 October 2004.

⁵⁴ See for example *Bayan* (No. 21) *hawli al-'itida' ala al-Rawda al-Kazimiyya*, 28 February 2004 and the communiqués the attack on Najaf, *Bayan* (No. 28) *hawli ahdath al-Najaf al-damiyya*, 4 April 2004.

⁵⁵ *Bayan* (No. 1) *hawli ma yusmi bi-'Majlis al-Hukm*, 16 July 2003.

⁵⁶ *Min Fiqh al-Muqawama wa al-Jihad*, Part 12, "al-Muqawama wa al-waraga al-ta'ifiyya," www.iraq-amsi.org, 11 May 2005.

⁵⁷ *Al-Sabil*, 9 March 2004.

⁵⁸ On the history of the Shiite movement see Juan Cole, "The United States and Shi'ite Religious Factions in Post-Ba'thist Iraq," *The Middle East Journal* 57/4 (Autumn 2003), pp. 543-66.

⁵⁹ *Al-Sabil*, 20 April 2004.

⁶⁰ *Al-Sharq al-Awsat*, 9 April 2004.

⁶¹ *Bayan* (No. 52) *hawli al-'awda' al-damiyya fi al-Najaf wa mu'azam anha' al-'Iraq*, 7 August 2004.

⁶² *Al-Sabil*, 24 July 2004.

⁶³ *Al-Sabil*, 13 August 2004.

⁶⁴ *Al-Sabil*, 9 May 2004.

⁶⁵ *Al-Sabil*, 9 May 2004 and 9 June 2004. Shaykh Ahmad al-Husni al-Baghdadi's anti-American communiqués have been collected and published as *Hakadha takallama Ahmad al-Husni al-Baghdadi: al-Muqawama mustamirra wa al-ithital ila jawal wa-sha'buna Lan Yamut*, Hamid al-Qusrayshi, ed. (Beirut: al-Bisan, 2005).

⁶⁶ *Al-Sabil*, 9 May 2004.

⁶⁷ Al-Jazeera debate, 28 December 2004.

⁶⁸ Ibid.

⁶⁹ See the program of the AMS, *Manzumat al-islah wa al-taghyir mashru' Hay'at 'Ulama' al-Muslimin li-bina' al-hayat al-amthal*, www.iraq-amsi.org.

⁷⁰ *Bayan* (No. 14) *Hawl mawdu' al-intikhabat*, January 2004.

⁷¹ The AMS does not seem to have issued a *fatwa* on the boycott of the elections. In an interview with al-Jazeera after the elections Harith al-Dhari stated that the AMS had issued a *munashada* (appeal) not a *fatwa* for the boycott. Broadcast by al-Jazeera on 7 May 2005. It is clear from all the publications of this period that the AMS was the main force behind the boycott.

⁷² *Al-Sharq al-Awsat*, 6 October 2004.

⁷³ *Al-Sharq al-Awsat*, 31 October 2004.

⁷⁴ *Al-Sharq al-Awsat*, 26 December 2004. The Transitional Administrative Law, drawn up by the Americans, formed the basis for the political institutions the Americans established in Iraq until the Permanent Constitution was drawn up in August 2005.

⁷⁵ These are the words of Muthanna al-Dhari in a program of al-Jazeera with the title "religious authorities in Iraq," 11 January 2005.

⁷⁶ Interview with 'Abd al-Salam al-Kubaysi in *al-Sabil*, 28 December 2004.

⁷⁷ See, for instance, *Bayan* (No. 82), denouncing the assassination of Shaykh Mahmud al-Mada'ini, an assistant of al-Sistani.

⁷⁸ See for instance the condemnation of the attack on Karbala' and Najaf in *al-Sharq al-Awsat*, 22 December 2004. See also communiqués of the AMS Nos. 77 and 78 issued on 15 and 20 December 2004.

⁷⁹ See www.iraq-amsi.org, 18 January 2005.

⁸⁰ See the report on the trip www.iraq-amsi.org, 16 January 2005.

⁸¹ *The Los Angeles Times*, 26 December 2005.

⁸² *Al-Sharq al-Awsat*, 21 November 2004.

⁸³ *Al-Sharq al-Awsat*, 28 November 2004.

⁸⁴ See the declaration in favour of joining the elections by Ahmad 'Abd al-Ghafur al-Samarra'i in *al-Sharq al-Awsat*, 25 December 2004. See the announcement of Iraqi Islamic Party of its boycott of the elections in *al-Sharq al-Awsat*, 26 December 2004, and the announcement of 'Adnan al-Dulaymi's boycott of the elections, www.iraq-amsi.org, 4 January 2005.

⁸⁵ *Al-Sharq al-Awsat*, 25 December 2004.

⁸⁶ *The Los Angeles Times*, 5 February 2005.

⁸⁷ In September 2005 the AMS disclosed a report in which it computed that since the American invasion of Iraq, and especially since the fall of Falluja 107 Sunni 'ulama' had been assassinated, 163 'ulama' had been arrested and 663 Sunni mosques had been destroyed or taken over. See for the article on the topic www.islamonline.net, 25 September 2005.

⁸⁸ *Al-Sharq al-Awsat*, 23 November 2004.

⁸⁹ *Al-Sabah*, 23 October 2004.

⁹⁰ *Al-Sharq al-Awsat*, 30 October 2004.

⁹¹ Al-Jazeera, 28 December 2004.

⁹² *Bayan* (No. 86) *Hawl intikhabat*, 2 February 2005. See also the analysis of the statement of the AMS in *al-Sharq al-Awsat*, 2 February 2005.

⁹³ Interview with Muhammad 'Ayyash al-Kubaysi in *al-Sabil*, 1 February 2005.

⁹⁴ *The Los Angeles Times*, 5 February 2005.

⁹⁵ Ibid.

⁹⁶ Interview with Nasir al-'Ani in *al-Sharq al-Awsat*, 17 May 2005.

⁹⁷ *Al-Hayat*, 23 February 2005.

⁹⁸ *The Financial Times*, 26 February 2005.

⁹⁹ *The Observer*, 27 March 2005.

¹⁰⁰ *The New York Times*, 29 March 2005.

¹⁰¹ *The New York Times*, 2 April 2005; www.washingtonpost.com, 2 April 2005.

¹⁰² Kathleen Ridolfo, "Iraq: Choice of Parliamentary Speaker Reveals Sunni Discord," Radio Free Europe/Radio Liberty (6 April 2005).

¹⁰³ *The New York Times*, 22 May 2005.

¹⁰⁴ *The Washington Post*, 22 May 2005. See also *The Los Angeles Times*, 22 and 23 May 2005.

¹⁰⁵ www.islamonline.net, 8 June 2005.

¹⁰⁶ See www.iraq-amsi.org, 27 May 2005.

¹⁰⁷ *The New York Times*, 10 April 2005. According to *al-Sharq al-Awsat*, there were one million demonstrators (10 April 2005).

¹⁰⁸ Paul Garwood, "14 soldiers killed in 3 days in Iraq," Associated Press, 24 May 2005, and *The New York Times*, 6 June 2005.

¹⁰⁹ See www.washingtonpost.com, 9 May 2005; and *The New York Times*, 19 May 2005.

¹¹⁰ *The Los Angeles Times*, 22 April 2005. See also the report by the AMS on Mada'in.

¹¹¹ Mohamad Bazzi, "Iraq's sectarian gap," www.newsday.com, 23 May 2005.

¹¹² See al Mendhar, 24 April 2005. See the report published on the website of the AMS, www.iraq-amsi.org, 27 April 2005.

¹¹³ See www.islamonline.net, 18 May 2005.

¹¹⁴ Scott Peterson, "Iraq's religious factions make calls for restraint," *Christian Science Monitor*, 23 May 2005.

¹¹⁵ See www.elaph.net, 22 May 2005.

¹¹⁶ *Al-Mendhar* 23 and 26 April 2005.

¹¹⁷ Debate with Harith al-Dhari on al-Jazeera, 7 May 2005.

¹¹⁸ *Al-Hayat*, 17 May 2005.

¹¹⁹ *Al-Sabah*, 17 May 2005.

¹²⁰ Interview with Muthanna al-Dhari in *al-Sabil*, 15 March 2005.

¹²¹ Interview with Harith al-Dhari with al-Jazeera, 7 May 2005.

¹²² Remark made by Harith al-Dhari, see article in www.iraq-amsi.org, 8 February 2005.

¹²³ *Al-Sabah*, 7 May 2005.

¹²⁴ The *fatwa* was republished by www.thisisyyria.net, 21 August 2005.

¹²⁵ Bayan (No. 148) *al-mut'allaq bi al-dustur al-da'im al-muqtarah min al-Jam'iyya al-Wataniyya*, 24 August 2005.

¹²⁶ See *al-Sabil*, 23 August 2005.

¹²⁷ See www.islamonline.net, 22 August 2005.

¹²⁸ See www.elaph.net, 8 September 2005.

¹²⁹ *Al-Hayat*, 23 November 2005, and *al-Sharq al-Awsat*, 21, 22 and 23 November 2005.

¹³⁰ See the interview with Harith al-Dhari on al-Arabiyya, 14 December 2005. ♦