

**Between a Rock and a Hard Place:
The *Ṭālibān*, Afghan Self-Determination,
and the Challenges of Transnational Jihadism***

Jan-Peter Hartung

London

Abstract

At the core of this article stands an investigation into a legal response by a Pakistani official of the *Ṭālibān* to the claim of the caliphate by IS leader Abū Bakr al-Baghdādī. This treatise is understood here as an important position paper of the *Ṭālibān* as a whole, reacting to the changing landscape of global Islamic militancy. As such, it was triggered by a number of only loosely connected events: firstly, there is the defection of a faction of the Pakistani *Ṭālibān* to the IS, resulting in the establishment of its governorate “Khurasan”. This coincided, secondly, with the release of documents by the leadership of *al-Qāʿida* in which it declared its unconditional allegiance to *Ṭālibān* leader Mullā Muḥammad ʿUmar. The third event was the official declaration of Mullā ʿUmar’s death in July 2015 and the subsequent election of a new leader of the *Ṭālibān* to whom the *al-Qāʿida* leadership has now transferred its allegiance.

In this article it is shown that the *Ṭālibān*, as a movement with only regional aspirations, find themselves trapped in a dispute over global leadership within Muslim militant circles, crystallizing between *al-Qāʿida* and the IS.

Keywords

Islamism, Jihadism, Salafism, *Ṭālibān*, *al-Qāʿida*, Islamic State, Caliphate, Mullā ʿUmar, Abū Bakr al-Baghdādī

At the latest since the refusal of the Afghan *Ṭālibān* to hand over Usāma ibn Lādin to the US authorities in the immediate aftermath of the attacks on American landmarks on 11 September 2001,¹ and the subsequent military invasion of the Islamic Emirate of Afghanistan by the USA and its allies in what they euphemistically called “Operation Enduring Freedom”, the *Ṭālibān* have been inseparably linked with transnational Islamic militancy. Consequently, alongside captured *al-Qāʿida* activists, numerous *Ṭālibān* have been detained under the stipulations of the US Senate Joint Resolution 23 (ratified on 18 September 2001)² as “illegal enemy combatants” at the Guantánamo Bay Detention Camp in south-eastern Cuba.³

This proximity of *Ṭālibān* and *al-Qāʿida* seemed to gain a new quality in mid-2015 when Ayman al-Zawāhirī (b. 1370/1951), the current *amīr* of the latter, pledged his unconditional allegiance to the newly elected commander-in-chief of the *Ṭālibān*, Mullā Akhtar Maṣṣūr (b. 1383/1963).⁴ However, while Zawāhirī’s *bayʿa* had been accepted, the apparent closeness of the two outfits is rather deceptive.

In fact, leading *Ṭālibān* detainees, such as the former ambassador of the Islamic Emirate of Afghanistan to Pakistan Mullā ‘Abd al-Salām Z̤aʿīf (b. 1388/1968), have hinted at a less affectionate relationship between the Afghans and the Arab and Central Asian fighters on their soil than public imaginary would have it.⁵ Apart from a shared deep-seated loathing of the “West” as *epitomé* of successful alternative norms and values, they in fact had little in common. An especially prominent point of difference was the strategic logic of “near enemy” and “far enemy”, which informed much of *al-Qāʿida*’s agenda,⁶ but wholly contrasted with

* The Romanization of the various relevant languages in non-Latin script for which the *WI* does not make any clear provision follows the ALA-LC conventions for each respective language. Finally, an “h” struck out (ḥ) indicates aspiration of the preceding consonant.

¹ See Abdul Salam Zaef. *My Life with the Taliban*, ed. and trans. Alex Strick van Linschoten and Felix Kuehn (London: Hurst / New York: Columbia UP 2010), 145f.

² This document is also known as “Authorization for Use of Military Force Against Terrorists” (AUMF). See www.gpo.gov/fdsys/pkg/PLAW-107publ40/html/PLAW-107publ40.htm (accessed 13 September 2015), section 2 (a).

³ Prominent figures in this regard, who have tried to come to terms with their experiences in written accounts, are erstwhile ambassador Mullā ‘Abd al-Salām Z̤aʿīf and former journalist ‘Abd al-Raḥīm Muslim Dost (b. 1379/1960). See Mullā ‘Abd al-Salām Z̤aʿīf. *Da Guvāntānāmo anzūr* (n.p.: no publisher 1385sh); ‘Abd al-Raḥīm Muslim Dost and Badr al-Zamān Badr. *Da Guvāntānāmo māle-zolānah: da 1/9/1422h spožhmīz nah tar 9/2/1426h spožhmīz* (Quetta: Khilāfat khpanḍiyah ṭolānah 1427h).

⁴ See Ayman al-Zawāhirī. ‘al-Bayʿa tanzīm al-Qāʿida maʿa Ṭālibān imārat Afghānistān al-islāmiyya amīr al-muʿminīn al-mullā Akhtar Muḥammad Maṣṣūr’ (*Muʿassasat al-sahāb* 13 August 2015), URL: <https://pietervanostaeyen.wordpress.com/2015/08/13/dr-ayman-az-zawahiri-pled-ging-baya-to-mulla-akhtar-muhammad-ma-nsur/> (accessed 31 August 2015).

⁵ See Zaef, *My Life*, 135f and 157-9.

⁶ The notion of “adūw gharīb” and “adūw baʿd” seems to have appeared for the first time explicitly in the early 1980s, as for example in Muḥammad ‘Abd al-Salām Faraj. *al-Jihād: al-farīda al-ghāʿiba* (n.p. 1981), 15f. Compatriots of Faraj, like Ayman al-Zawāhirī, have later taken this conceptual pair into the *al-Qāʿida* universe, here as “adūw dākhilī” and “adūw khārijī”, which

the *Ṭālibān*'s focus that remained solely on Afghanistan. In this, the *Ṭālibān* appeared as true heirs to the war of liberation from Soviet occupation in the 1980s, and the subsequent civil war in Afghanistan that lasted until their final seizure of power in 1994. However, the persistent existence of *al-Qā'ida* representatives, including its leadership, in *Ṭālibān*-controlled areas in the Afghanistan-Pakistan frontier region, begs nonetheless for a directed probe into the nature of the ostensibly uneasy relationship between the *Ṭālibān*, in several of its manifestations over time, with an equally amorphous *al-Qā'ida*.

A guiding question in this investigation is whether the emergence of new powerful forces among Muslim militants, such as prominently the *Dawla islāmiyya* (IS),⁷ and the resulting contestations over leadership of a global *jihādī* front has had an impact on this bilateral affiliation and, if so, whether such a development was indeed mutual, as suggested by *Zawāhirī*'s *bay'a* to Akhtar Maṣṣūr and its acceptance. Conversely, I argue that, in the conflict over the supreme command in the transnational Jihadist circles, the *Ṭālibān* became caught between the pull of the *IS* and the appropriation by *al-Qā'ida*, while they seek to assert their regionally confined self-determination with increasingly new argumentative tools. This inquiry therefore begins with observations of the more recent developments in the landscape of Islamic militancy, which in a next step are juxtaposed with the historical development of the *Ṭālibān*–*al-Qā'ida* relationship. This will be followed by shedding some light on the recent developments from a *Ṭālibān* perspective, before a preliminary conclusion is finally drawn.

A New Momentum

Zawāhirī's *bay'a* to Akhtar Maṣṣūr is the current culmination point of a fierce and long-lasting contestation of leadership within the militant Salafist spectrum. In this dispute, al-Baghdādī was positioned against “the Commander of the Faithful” Mullā Muḥammad 'Umar, the enigmatic leader of the Afghan *Ṭālibān* and one-time host to Usāma ibn Lādīn and other prominent leaders of *al-Qā'ida*. In justifying the leadership of Mullā 'Umar, these *al-Qā'ida* commanders refer back to 4 April 1996, when Mullā 'Umar donned the cloak that once allegedly had belonged to the Prophet and since the eighteenth century has been kept in the *Da khirqah sharīf ziyārat* in Qandahar, and the assembled crowd, which contained numerous religious dignitaries, cheered him as “*amīr al-mu'minīn*”. Mullā 'Umar had

adds an interesting momentum to this conceptual binary. See Ayman al-Zawāhirī. *al-Fursān taḥta rāyat al-nabī*, 2 vols. (n.p.: Mu'assasat al-sahāb 21431/2010), I: 9-14 and 63. From there, the notion of “near/far enemy” has apparently become a fast-selling item in academic circles, as indicated by works such as Guido Steinberg. *Der nahe und der ferne Feind: Die Netzwerke der islamistischen Terrorismus* (Munich: Beck 2005) and Fawaz A. Gerges. *The Far Enemy: Why Jihad went Global* (Cambridge et al.: CUP 2005).

⁷⁾ The outfit is in fact known by various names, most prominently *al-Dawla al-islāmiyya fi'l-'Irāq wa'l-Shām* (*DĀ'ISH*) or its direct English renderings *ISIS* or *ISIL*. The emphasis here however shall be on its ideological aspiration, which in fact is global in scope, rather than giving credit to its current geo-political existence in a defined region, therefore the de-territorialized label “IS” is adopted.

thus effectively received a caliphal epithet from the hands of his community.⁸ Whether he actually intended this, or whether it was rather a spontaneous expression of religious excitement by the crowd, Mullā ‘Umar accepted the title and henceforth signed all his official correspondence and public announcements as “Commander of the Faithful”, alongside “Custodian of Islam” (*khādīm al-islām*).⁹

Meanwhile, the rejection of Mullā ‘Umar as legitimate caliph by the *IS* cadres was not without basis: after all, the Afghan commander has been physically absent from the community he claimed to lead for over a decade, having been forced to go underground by the successes of the US-led military alliance in Afghanistan since 2001 and the promise of a healthy reward of up to US\$ 10 million by the US authorities for information regarding ‘Umar’s whereabouts.¹⁰ An example of such dissent from groups with *Tālibān* affiliations is the *Özbekiston Islomiy Harakati* (IMU), who have — ostensibly on these grounds — increasingly withdrawn from the *Tālibān* and eventually, in September 2014, declared their allegiance to al-Baghdādī.¹¹

Around that time, *IMU* cadre Asadulloh Urganchiy (b. 1391/1971), who is allegedly based in the Fāryāb province of north-western Afghanistan,¹² claimed that the maintenance of allegiance to Mullā ‘Umar would, due to the latter’s physical absence, be in contradiction to the *sharī‘a*, and a transfer of the pledge onto al-Baghdādī was therefore entirely justified, even indispensable. A few months earlier, however, in May 2014, the celebrated Jihadist theorist Abū

⁸ See Ahmed Rashid. *Taliban: The Power of Militant Islam in Afghanistan and Beyond*, revised edition (London: I.B. Tauris 2008), 42. Research on the origins of the title “*amīr al-mu‘minīn*” appears rather scarce so far. See Patricia Crone and Martin Hinds. *God’s Caliph: Religious Authority in the First Centuries of Islam* (Cambridge et al.: CUP 1986), 11 and 16; Madelung, *Succession*, 49. On the historical significance of the cloak at Qandahar for the political ethnogenesis of the Afghan nation, see Louis Dupree. *Afghanistan* (Princeton, NJ: PUP 1973), 339; and Asta Olesen. *Islam and Politics in Afghanistan* (Richmond, Surrey: Curzon 1995), 159.

⁹ See Muḥammad Rizā Hājj Bābāyī (ed.). *Qawānīn-i Mullā ‘Umar: majmū‘ah-yi qawānīn va āyīn-nāmah’hā-yi Tālibān dar Afghānistān* (Tehran: Nigāh-i amrūz 1382sh), passim. Interestingly, though, this nomenclature has been tacitly taken over by Mullā ‘Umar’s successor as *amīr* of the *Tālibān*, as the latest address on occasion of ‘Īd al-aḍḥā 1436 (22 September 2015) indicates. See ‘Da nekmarghah loye-akhtar da rā-rasedo pah munāsibat da amīr al-mu‘minīn Mullā Akhtar Muḥammad Maṣṣūr — ḥafīzahū allāh — payghām’, URL: <http://alemara1.org/?p=28812> (accessed 5 October 2015).

¹⁰ See www.rewardsforjustice.net/english/mullah_omar.html. The “Rewards for Justice” program of the US State Department was launched in 1984 as part of the *1984 Act to Combat International Terrorism*, Public Law 98-533.

¹¹ See ‘Halif Abu Bakr Baghdodiyga özbekistonliklar dan bay’at.’ *Shom TV* (http://hilofatnews.com/Video_v6902.html). The video had been released around 13 July 2014, but is not accessible anymore because of violation of YouTube Terms of Service. Whether or not this *bay‘a* had been accepted by al-Baghdādī is still a matter of dispute.

¹² On Urganchiy, no further biographical information could be found. Many of his writings, however, appear prominently on the *IMU* website www.furqon.co [*sic*], hosted by a server in the Zlín region of the Czech Republic (accessed 2 July 2015). It is interesting to note that, according to a statement by official *Tālibān* spokesman, dated 25 August 2015, no Uzbek militia was operating from Afghan territories. See ‘Da islāmī imārat vayānd Zabīḥallāh Mujāhid yaw-laḥramahmū suvālūnū tah zavābūnah vīlī’, URL: <http://alemara1.org/?p=25669> (accessed 31 August 2015).

Muḥammad al-Maḡdisī (b. 1378/1959)¹³ issued a declaration on behalf of the militant *Jabhat al-Nuṣra li-Ahl al-Shām*, the Levantine wing of *al-Qā'ida*, in which he reacted strongly against al-Baḡhdādī's attempt about a month earlier to extend his control over *al-Nuṣra*.¹⁴ Though not ostensibly taking up the cudgel for Mullā 'Umar, al-Maḡdisī indirectly furthered his cause when he asked:

Will this Caliphate be a sanctuary for every oppressed one and refuge for every Muslim? Or will this creation take up a sword against those who oppose it from among the Muslims, and cut away with it all the Emirates that came before their declared state, and nullify all the groups that fight *jihād* in the Path of God in the different battlefields before them?¹⁵

Clearly, al-Maḡdisī wanted the *IS* to acknowledge their own pedigree. They had emerged out of *al-Qā'ida*'s branch in Iraq, the earlier *Jamā'at al-Tawḥīd wa'l-Jihād*, which was initially led by Abū Muṣ'ab al-Zarqāwī (killed 1427/2006), but around 2010 taken over by Abū Bakr al-Baḡhdādī. The latter, however, severed all ties with his former commanders, when, on 17 April 2014, the *IS* spokesman Abū Muḥammad al-'Adnānī “the Syrian” (b. ~1397/1977)¹⁶ declared in an official audio message their rejection of *al-Qā'ida* command, citing the latter's adoption of a new and disputable “method” (*manhaj*) — a core term of the Salafist discourse¹⁷ — as *ultima ratio* for this defection.¹⁸ Zawāhirī, as the current *amīr* of *al-Qā'ida*, reacted almost instantly with an audio message, strongly pleading to not sow dissent among the *mujāhidūn*, but rather to bow to “party discipline” and relocate back to Iraq, leaving Syria in the hands of *Jabhat al-Nuṣra*.¹⁹ The futility of this and

¹³ The standard work on him so far remains Joas Wagemakers. *A Quietist Salafi: The Ideology and Influence of Abu Muhammad al-Maḡdisī* (Cambridge et al.: CUP 2012).

¹⁴ See Abū Muḥammad al-Maḡdisī, *Fī bayān ḥāl “al-Dawla al-islāmiyya fi'l-Iraq wa'l-Shām” wa'l-mawqif al-wājib tujāhahā* (Minbar al-tawḥīd wa'l-jihād 19 Rajab 1435/19 May 2014). URL: <http://justpaste.it/fm4t> (accessed 20 August 2015).

¹⁵ Ibid.

¹⁶ On 'Adnānī's biographical background, see the short eulogizing essay by *IS* ideologue Turkī ibn Mubārak al-Bin'alī, *nom-de-guerre* “Abū Humām Bakr ibn 'Abd al-'Azīz al-Atharī” (b. 1405/1984), *al-Lafz al-sānī fī tarjamat al-'Adnānī, “manjunūq al-dawla al-islāmiyya”* (JustPaste.it 27 Rajab 1435/26 May 2014), URL: <http://justpaste.it/g7qa> (accessed 5 October 2015).

¹⁷ *Manhaj* constitutes the outward aspect of the Salafist worldview, the inward one being “creed” (*aqīda*). Most Salafist authors maintain that, while the *aqīda* remains unchanged, the *manhaj*, referring to a legal methodology as well as to the actions derived from it, is subject to changes depending on an evaluation of the temporally and spatially variant context (*fiqh al-wāqī*).

On the role of *manhaj* in Salafist discourse generally, see Justyna Nedza. ‘«Salafismus» — Überlegungen zur Schärfung einer Analyse-kategorie.’ *Salafismus: Auf der Suche nach dem wahren Islam*, ed. Behnam T. Said and Hazim Fouad (Freiburg i.B. et al.: Herder 2014), 80-105, here 88-90.

¹⁸ The statement was titled “This was never our Method, and never will be” (*mā kāna manhajunā wa-lan yakūnū*) (*Mu'assasat al-furqān li'l-intāj al-islāmī* 17 April 2014). URL: <https://isdarat.tv/2467>; for an English translation, see <https://pietervanostaeyen.wordpress.com/2014/04/18/message-by-isis-shaykh-abu-muham-mad-al-adnani-as-shami/> (both accessed 19 August 2015).

¹⁹ See al-Zawāhirī, ‘Shahādat li-ḥaqāna dimā' al-mujāhidīn bi'l-Shām’ (*Mu'assasat al-sahāb* 3 May 2014), URL: <https://archive.org/details/sheham-history2> (accessed 20 August 2015). Zawāhirī received further reinforcement of his viewpoint by Abū Muḥammad al-Maḡdisī in late May 2014 (see *Fī bayān ḥāl*). The original postings are no longer retrievable because of the shut-down of the

related attempts to curb the influence of the *IS* over militant Islamists worldwide became an undeniable fact when, on 11 May, al-‘Adnānī released a new official statement, this time directly addressed to al-*Zawāhirī*, in which he rejected all the arguments of al-*Zawāhirī* and his associates for the reestablishment of unity among militant Islamists under the umbrella of *al-Qā‘ida*, stressing that ‘the [Islamic] State is neither a branch nor a subordinate to *al-Qā‘ida*, nor was it at any time’.²⁰ An important point is made only in passing, when al-‘Adnānī claims that al-*Zawāhirī* and his closest associates, still in hiding somewhere in the Tribal Areas of Pakistan’s Khyber-Pakhtunkhwa Province, ‘are today soldiers under the authority [*taḥta sulṭān*] of Mullā ‘Umar’²¹, allegiance to whom cannot rightfully be pledged by an emirate or state, since he represents only an organization (*tanẓīm*).

Such dismissive words against Mullā ‘Umar resonate quite vividly with an alleged later statement by Abū Bakr al-Baghdādī himself, in which he declared the Afghan ‘an idiot [*ma‘tūh*] and ignorant warlord [*amīr ḥarb jāhil*]’ who ‘does not deserve any spiritual or political credibility [*ayy miṣḍāqīyya rūḥīyya aw siyāsīyya*]’.²²

Meanwhile, on 9 May 2015 representatives of the *Ṭālibān* — here its Pakistani wing (*TTP*) — finally entered the floor in this dispute over leadership. A Pashtun militant writing under the name “Abū ‘Us_mān Sālārẓay” published an interesting document on the official website of the *TTP*. In this document, published simultaneously in Arabic and Pashto, Sālārẓay claims to present the official statement of the Supreme Council of the Pakistani *Ṭālibān* regarding the claims to the caliphate put forth by Abū Bakr al-Baghdādī and his supporters of the *IS*. In a lengthy exposition, the author presents his elaboration of twenty-two arguments ‘in the light of the sublime oral traditions, the pearls of the texts from the Book and the Sunna, and the consensus of the community’²³ against these claims.

Two dominant lines of conflict are visible here. The first one consists of a dispute over rightful leadership over militant Islamists worldwide between *al-Qā‘ida* and its adolescent, rebellious spin-off the *IS*. At the surface of this

homepages of al-Maqdisī and associates, such as Abū Qatāda al-Filasṭīnī (b. 1379/1960), some time in spring 2015. Whether or not this is related to Maqdisī’s arrest in October 2014 by the Jordanian authorities on the suspicion of fomenting terrorism on the internet needs to remain open for now.

²⁰ Abū Muḥammad al-‘Adnānī al-Shāmī. “Udhran, amīr al-qā‘ida’ (*Mu‘assasat al-furqān li’l-intāj al-‘ilāmī* 11 May 2014). URL: <https://isdarat.tv/2463> (accessed 19 August 2015), mins. 12’20’’-25’’.

²¹ *Ibid.*, mins. 12’32’’-45’’.

²² Anonymous. ‘al-Baghdādī: al-Mullā ‘Umar ... “ma‘tūh”.’ *al-Waṭan al-‘arabī* 30 January 2015. URL: www.alwatanalarabi.com/article/61111/%D8%A7%D9%84%D8%A8%D8%BA%D8%AF%D8%A7%D8%AF%D9%8A%D8%A7%D9%84%D9%85%D9%84%D8%A7%D8%B9D9%85%D8%B1%D9%85%D8%B9%D8%AA%D9%88%D9%87 (accessed 9 July 2015). The original statement of al-Baghdādī, allegedly issued on 29 January 2015, could not be located and its veracity remains therefore to be proven.

²³ al-Sālārẓay, Abū ‘Uthmān. *Mawqif ḥarakat Ṭālibān al-bākistānīyya ‘an khilāfat al-Shaykh al-Baghdādī — ḥafīẓahu allāh — al-maz‘ūma* (n.p.: Idārah ‘Umar barā-yi nashr va ishā‘at 1436/2015). URL: <https://umarmedia.files.wordpress.com/2015/05/d985d988d982d981d8add8b1d983d8a9-d8b7d8a7d984d8a8d8a7d986-d8a7d984d88d8a7d983d8b3d8aad8a7d986d98ad8a9-click-here-to-download1.pdf> (accessed 2 July 2015), 6.

argument lie ostensibly different conceptions of the method (*manhaj*) of *jihād*,²⁴ but a more specific undercurrent is the negotiation of authority following the assassination of Usāma ibn Lādin, whose leadership appears to have been undisputed by today's *IS* renegades.²⁵ It may not be surprising to see the conflicting parties looking back to the early Islamic tradition for guidance. After all, all the people involved here aspire to emulate what they consider to be the ultimate yardstick for perfection, that is, the practice of the *salaf ṣāliḥ*. This retrospection reveals a precedent for dealing with the death of the community leader: with the demise of a caliph, all bets were off and — ideally — the *umma* would have to decide over the succession;²⁶ hence the assumption of the leadership of *al-Qā'ida* by al-Zawāhirī almost instantly after the assassination of Ibn Lādin²⁷ could legitimately be challenged by former cadres of the organization. In fact, all the arguments presented by either side in this polemical dispute revolve around the question of whether or not each contender for leadership conforms to the appropriate *manhaj*, which appears as a standard debate in Salafist circles of whatever provenance.²⁸

With the *Tālibān*, however, a second line of conflict emerges that informs a different rhetoric in arguing for or against a given claimant for leadership. Transnational Jihadist leadership has never been an aspiration of the *Tālibān*, who, throughout their existence, have hardly ever aspired to extend their dominion beyond Afghanistan and the Pashtun region of western Pakistan. As such, their direct interactions with various militant actors from the Middle East and other regions of the Muslim world were based rather on an interpretation of the tribal

²⁴ See al-Shāmī. 'Udhran, mins. 27'30''-29'44'', here 27'30''-39'': 'The bottom line is that the dispute between the *IS* and the leadership of *al-Qā'ida* is a dispute of methodologies [*khalāf manhajiy*] ... and it is not about who pledged allegiance to whom or who references whom [*bay'atu man li-man wa-marja'iyatu man li-man*].'

²⁵ See *ibid.*, mins. 16'00''-16'': And here we are extending our hands to you again, to be the worthy successor to the best of the elders [*khayra khalafin li-khayri salaf*]; for the *shaykh* Usāma [ibn Lādin] united the *mujāhidūn* upon one word, whereas you disunited them, split them and dispersed them in total dispersion [*farraqtahā wa-shaqaqtahā wa-mazzaqtahā kulla mumazzaq*].'

²⁶ This, of course, has historically hardly been the case. See, for example, M. J. Kister. 'Notes on an Account of the Shura appointed by 'Umar b. al-Khattab.' *Journal of Semitic Studies* 9:2 (1964), 320-6; and Wilferd Madelung. *The Succession to Muhammad: A Study of the Early Caliphate* (Cambridge: CUP 1997).

²⁷ The succession to Ibn Lādin was only officially announced more than a month after his assassination, giving rise to speculations about internal leadership disputes. For the text of the announcement, see <https://archive.org/details/lbikfurypxmx> (accessed 19 August 2015).

²⁸ For example, see Abū Qatāda 'Umar ibn Maḥmūd al-Filasīnī. *Risāla ilā ahl al-jihād wa-muḥibbīh* (n.p. 1435/2014), 1: 'Those that blame the command of *jihād* and leaders like the Doctor [*ka'l-ḥakīm*] al-Zawāhirī, or those that claim that he has changed [his *manhaj*] are those who play with words. This is because they have no experience regarding the path of *jihād*, nor do they understand the belief of the people of *jihād*, their words or method [*lā ustūbahum*]. It is strange that it is claimed that the Doctor — may God protect him — sees matter differently to Abū 'Abdallāh [Usāma] ibn Lādin.'

On *manhaj* in the thought of al-Maqdisī, which coincides with the respective views of Abū Qatāda, see Wagemakers, *Quietist Salafi*, 75-95.

customs of unconditional hospitality (Pashto: *melmastiyā*, or *melmah palānah*) and, inseparably linked to it, of sanctuary (Pashto: *panāh*, or *nanawātay*),²⁹ rather than on a common agenda.³⁰ Instead, what riled them was the explicit contestation of *Tālibān* leadership by the *IS*, through their establishing the caliphate of al-Baghdādī, and their attempt in doing so to open up *Tālibān* cadres to a more trans-regional agenda.

The Intricate Relationship of the Tālibān and al-Qā'ida: A Brief History

In order to better understand the dynamics between the various actors under review, a brief historical excursion into the origins and development of the relationship between the *Tālibān* with what would eventually become known as *al-Qā'ida* is necessary. In this regard, it is important to note that the relationship between Deobandī scholarship in the Frontier region — the intellectual context from which the *Tālibān* emerged — and the Arab Muslim world was initially rather loose. While the collected correspondence of the principals of the *Jāmi'ah haqqāniyyah* at Akorah Khattak contains a whole volume of exchanges with the wider Muslim world, the exchange with Arab dignitaries remained formal and rather confined. Moreover, nothing in these exchanges foreshadowed a stronger leaning towards those Muslim thinkers that would eventually contribute to the *mésalliance* of the *Tālibān* and *al-Qā'ida*.³¹

When the founding principal of the *Haqqāniyyah*, Mawlānā 'Abd al-Ḥaqq (d. 1409/1988), went on *hajj* for the first time in 1964, he came into direct contact with leading Muslim Brethren from Egypt and Syria, but the account of this meeting in a Mecca hotel suggests that he was largely oblivious of the who-is-who of Arab Islamism.³² This indifference seems to have continued in the correspondence of his son and successor as principal of the *Haqqāniyyah*, Mawlānā Samī'

²⁹ On these categories, considered to be major constituents of the somewhat idealized Pashtun ethical code — *pashṭūnwālī* —, see Willi Steul. *Pashtunwali: Ein Ehrenkodex und seiner rechtliche Relevanz* (Wiesbaden: Steiner 1981); and Bernt Glatzer. 'Zum Pashtunwali als ethnisches Selbstportrait.' *Subjekte und Systeme: Soziologische und anthropologische Annäherungen. Festschrift für Christian Sigrist zum 65. Geburtstag*, ed. Günter Best and Reinhart Kößler (Frankfurt a.M.: IKO-Verlag 2000), 93-102.

³⁰ See Andreas Rieck. 'Afghanistan's Taliban: An Islamic Revolution of the Pashtun.' *Orient* 38:1 (1997), 121-42; Vahid Brown and Don Ressler. *Fountainhead of Jihad: The Haqqani Nexus, 1973-2012* (London: Hurst / New York: OUP 2013), 105-7. Pakistani columnist Farhat Taj Andersen, however, challenges this narrative on the basis of around 2,000 interviews conducted in the FATA of Pakistan in 2008 and 2009, as well as her own normatively grounded cultural imaginary. See Farhat Taj. *Taliban and Anti-Taliban* (Newcastle: Cambridge Scholars 2011), 1-4 and 8-11.

³¹ See Samī' al-Ḥaqq, *Mashāhir*, VI. Among the prominent Arab correspondents are heads of state and ministers of Saudi Arabia, Egypt and Libya, as well as leading officials in religious affairs in these countries, such as the Grand *muftī* of Saudi Arabia and the *Shaykh al-Azhar*.

³² This is vividly shown by the fact that 'Abd al-Ḥaqq (and his son Samī' al-Ḥaqq as editor of his correspondence) seems to have confused the prominent Muslim Brother Sa'īd Ramaḍān (d. 1416/1995), editor of the periodical *al-Muslimūn* and father of prominent public figure Tariq Ramadan (b. 1962), with the Syrian traditionist Muḥammad Sa'īd Ramaḍān al-Būṭī (killed 1434/2013). See *ibid.*, I: 254, esp. fn. 1.

al-Ḥaqq (b. 1356/1937): the only few significant contacts for the development of the matters under review here appear to have been with the leading Saudi Arabian *Ṣaḥwī* scholar Safar al-Ḥawālī (b. 1375/1955), the Yemenite radical thinker ‘Abd al-Majīd al-Zindānī (b. 1360/1942) and the Sudanese Islamist leader Ḥasan al-Turābī (b. 1351/1932).³³ These contacts, however, date predominantly in the time after 9/11, when the relationship between the *Ṭālibān* and *al-Qā’ida* had long since been established. Even the contents of the communication do not really touch upon issues that would suggest a greater participation of the Deobandī scholars of Akoraḥ Khaṭṭak and the *Ṭālibān* in more global conceptions of Islamic activism.

Of greater significance in this regard seems to be the awareness of organized religious developments in the former Central Asian Soviet Republics from around the early 1990s: in December 1991, Samī‘ al-Ḥaqq offered free tuition at the *Ḥaqqāniyyah* to 1,000 students from Uzbekistan, some of whom would a few years later be killed in concerted combative action in Afghanistan and Uzbekistan alike.³⁴ Equally, almost immediately after its foundation, the *Ḥaqqāniyyah* established official contact with the *Hizbi Nahzati Islomii Tojikiston* (NIT), then led by the Islamist Sajid Abdullohi Nurij (d. 1427/2006) who openly advocated the transformation of Tajikistan into an Islamic state.³⁵ Contacts were also established with the secessionist Chechens around Yandarbin Abdūl-Muslimān kânt Zelīmxa (Russ.: Zelimxan Abdulmuslimovič Yandarbiev; assassinated 1424/2004), one-time president of the Chechen Republic of Ichkeria that was formally proclaimed in November 1991. In fact, Yandarbin’s stay at Akoraḥ Khaṭṭak in January 2000 provided the framework for the establishment of formal — though rather short-lived³⁶ — diplomatic relations between Chechen Republic of Ichkeria and the Islamic Emirate of Afghanistan, a bond that would also unite the various international irregular combatants fighting against the repeated Russian occupation and their counterparts in the Afghanistan-Pakistan borderlands. Figures like Saudi-born Thāmir Ṣāliḥ ‘Abdallāh, better known by his *nom-de-guerre* “Ibn al-Khaṭṭāb” (killed 1423/2002), played a crucial role here: having had his baptism of fire between 1988 and 1995 in Afghanistan and Tajikistan,³⁷ he moved on to Chechnya to deploy his *Islamic International Brigade* (IIB; known by an array of different names) there. It was during his training in the Jalalabad camp in Afghani-

³³ See *ibid.*, VI: 168-71 (al-Turābī), 192-201 (al-Ḥawālī) and 216-22 (al-Zindānī).

³⁴ See *ibid.*, VI: 346f and 351.

³⁵ See *ibid.*, VI: 351-6: the correspondence with Nurij spans from the year 1994 to 2000.

³⁶ With the collapse of *Ṭālibān* rule in Afghanistan in late 2001, the successor of Yandarbin as president of the Chechen Republic of Ichkeria, Masxadan Ali klânt Aslan (assassinated 1426/2005), decided to renounce the alliance with the *Ṭālibān*, claiming that Yandarbin’s quest for diplomatic recognition of the Chechen Republic from the *Ṭālibān* had not at all been authorized. See Ilyas Akhmadov and Miriam Lansky. *The Chechen Struggle: Independence Won and Lost*, London: Palgrave Macmillan 2010), 184f.

³⁷ See Muhammad al-‘Ubaydi. *Khattab* (Westpoint, NY: Combating Terrorism Center 2015), 9-15.

stan that he also established a personal acquaintance with Usāma ibn Lādin who at that time was regarded as the ‘head of the Arab gangs [*al-farīq al-‘arabī*] there’³⁸.

What can be deduced from the story so far is that the cognitive map of the Deobandī scholars in the Frontier region from whom the *Tālibān* would eventually hail was clearly focused on their own region which comprised Muslim Central Asia as well as the Indian subcontinent; the Arabic-speaking Middle East, in turn, was of a more general religious significance to them, but interest in and awareness of actual developments there were ostensibly limited. While Arab volunteers in the resistance against the Soviet occupation of Afghanistan were generally welcome, it was expected that they would subordinate themselves to the local fighters. Usāma ibn Lādin himself is a case in point here: while establishing himself as leading figure among the Arab volunteers, his expertise in guerrilla warfare was clearly limited, as his participation in the disastrous attack on Jalalabad airport in March 1989 had vividly illustrated,³⁹ and he would subsequently submit himself to the military and also spiritual authority of the “*Amīr al-mujāhidīn*” Muḥammad Yūnus Khālīṣ (d. 1427/2006), commander of a major offshoot of the Gulbuddīn Ḥikmatyār’s *Ḥizb-i islāmī* and, moreover, a one-time student of Mawlānā ‘Abd al-Ḥaqq of Akorah Khaṭṭak.⁴⁰

While Bell cautions against jumping to conclusions here — stressing that Khālīṣ’s education had already been completed well before Partition and, thus, the establishment of the *Ḥaqqāniyyah* — there exists sufficient evidence of the continued relationship between the leadership of the institution and the man whom Usāma ibn Lādin allegedly would call his “Father Shaykh” (*al-shaykh al-walīd*).⁴¹ In fact, Khālīṣ served well as a charismatic link between the *Ḥaqqāniyyah* and aspiring *mujāhidīn* among its students; in this regard a number of recruitment-events have been held in Akorah Khaṭṭak, with Khālīṣ in attendance.⁴² In return, Samī‘ al-Ḥaqq kept the links between the institution and its fighting alumni alive when, in his capacity as a secretary general of the *Jam‘iyyat al-‘ulamā’-i islām* (JUI), he visited his former students at Khālīṣ’s own encampment, called “Najm al-Jihād”, a little south of Jalalabad.⁴³ It may have been during such a visit that the scholar-politician from Pakistan became personally acquainted with Usāma ibn Lādin

³⁸ Muṣṭafā Ḥāmid. *Ṣalīb fī samā’ Qandahār: qiṣṣat al-mujāhidīn al-‘arab fī Afghānistān min dukhūl al-awwal ilā al-khurīj al-akhīr* (n.p. n.d.), 26.

³⁹ See *ibid.*, 26-31.

⁴⁰ See Kevin Bell. *Usama bin Ladin’s “Father Sheikh”: Yunus Khalis and the Return of al-Qa’ida’s Leadership to Afghanistan* (Westpoint, NY: Combating Terrorism Center 2013), 8f and 27-9.

⁴¹ See the comparatively intense correspondence between Samī‘ al-Ḥaqq and Khālīṣ between 1979 and 2006 in Samī‘ al-Ḥaqq, *Mashāhīr*, VII: 47-59. Here, the seminary at Akorah Khaṭṭak is labelled as Khālīṣ’s “alma mater” (*mādar-i ‘ilmī*), while the latter addresses Samī‘ al-Ḥaqq as “our shaykh and teacher” (*shaykhunā wa-ustādhunā*).

⁴² See *ibid.*, 57.

⁴³ See *ibid.*, 58f.

who ostensibly spent some time there in the mid-1990s after his forced expulsion from the Sudan.⁴⁴

Bell does not give much credit to the appellation “Father Shaykh”, arguing that it would only complement the already established and widely used Pashto epithet “Khālīṣ bābā”, but carries little additional meaning beyond this.⁴⁵ While one may consent that to consider Khālīṣ a substitute-father for Ibn Lādin, whose real father had died when Usāma was only ten years old, is fairly far-fetched and of little analytical value, an alternative reading of this appellation is certainly relevant. This is to note that the use of an established honorific for the Afghan facilitator indicates Ibn Lādin’s at least feigned submission to the existing hierarchies among the Afghan *mujāhidīn* at that point. In fact, this would be the expected behaviour of someone considered a guest and *protégé* in an environment that is clearly shaped by strong traditional tribal values which, in this environment, are not negotiable. Especially in situations of fragile personal circumstances, as was probably the case immediately after Ibn Lādin’s expulsion from the Sudan, such subordination carries a strong pragmatic attitude. That it was not an indication of affection between the Arab and his Afghan hosts became finally clear when, a few years on and then as a guest of Mullā Muḥammad ‘Umar, Ibn Lādin began to conduct arbitrary activities which seriously strained the relationship with his host.⁴⁶ The shifty attitude of the *al-Qā’ida* leader towards Mullā ‘Umar and the *Ṭālibān* appears to be representative of that of many other non-Afghan Muslim militants who were active in the many conveniently difficult-to-navigate areas of Afghanistan during the time of the Islamic Emirate and beyond.

For most of the newcomers from the Arab world in the late 1990s, what had started as the fight of the Afghan *mujāhidīn* was not theirs anymore. Hence, their relationship with their Afghan counterparts went only so far as to ensure the un-

⁴⁴ Bell, *Father Shaikh*, 31 n. 153, lists an abundance of references to sustain his claim on the same page that ‘we can state with some confidence that Khalis hosted the al-Qa’ida leader at the housing development near Jalalabad known as Najm al-Jihad.’ The references here, however, appear to be exclusively to secondary materials, which appear hardly sufficient to establish the stated confidence in this claim. Also the Pashto references, predominantly *Khālīṣ bābā qadam pah qadam* (n.p.: Da khaparvalo žāy šargand naday 1390/2012) by writer and poet ‘Abd al-Kabīr “Ṭalāy” must be considered secondary ones, and do therefore not really alter this assessment.

That Ibn Lādin and Samī al-Ḥaqq must have established contact at some point and have shared at least some fundamental views is indicated by the fact that the former contributed a special address to a special issue of the *Ḥaqqānīyyah* in-house journal «al-Ḥaqq» almost immediately after 9/11. See Usāma ibn Lādin. ‘Idārah.’ *al-Ḥaqq* 36: 11-12 / 37: 1-2 (2001): *ishā’at-i khuṣūṣī: ikīsūvīn šadī ke chelīnjīz awr ‘ālam-i islām*, 11-5 (trans. n.n.).

⁴⁵ See Bell, *Father Sheikh*, 34f. Again, it seems that Bell lacks the required source-critical approach of the good historian, as he rates the various Pashto works on Khālīṣ almost as indicative as a primary text. In fact, most of the works he refers to on p. 3, n. 13 are hagiographical in nature, and to investigate in the motivation of the respective authors would therefore be a prerequisite for a better evaluation of the veracity of these texts.

⁴⁶ See, e.g., Brown and Rassler, *Fountainhead*, 105-7. The personal relationship of Mullā ‘Umar and Usāma ibn Lādin was ostensibly strengthened by the uncorroborated claim that each one had married into the other’s family.

hindered existence of their increasingly nationally segregated training camps,⁴⁷ their attitude towards their Afghan hosts mainly one of peaceful coexistence and non-interference. Besides this pragmatic arrangement, there is ample evidence that the general attitude of the Arabs towards the Afghans, be they *mujāhidūn* or just the local population at large, was one of contempt for their perceived backwardness.⁴⁸ For the leadership of *al-Qā'ida*, however, the relation with the *Ṭālibān* appears to have been much more complex, especially after the beginning of US-American attacks on Afghanistan in retaliation for the *al-Qā'ida*-engineered attacks on American targets on 11 September 2001, an attack that was very much in line with the infamous *fatwā* from 23 February 1998 in which Ibn Lādin declared such action as individual duty of each capable Muslim (*farḍ 'ayn*).⁴⁹ With this and similar declarations *al-Qā'ida* established non-regional targets as prime concern of the international Muslim volunteers on Afghan soil, which would very much impair the locally confined agenda of the *Ṭālibān* during the Islamic Emirate of Afghanistan. As it was precisely this line of thinking that was responsible for the eventual invasion of Afghanistan by US-American and allied troops in October 2001, Ibn Lādin and his associates had a lot to make up for, especially if they wanted to continue staying under the protection of the *Ṭālibān* in the Afghanistan-Pakistan Frontier region. After a period of rather self-confident and increasingly independent acting, it was time again to submit to the authority of the Afghan leader of the *Ṭālibān*, Mullā Muḥammad 'Umar.⁵⁰

⁴⁷ See, for example, the account on camp life by an unidentified witness on the second day in the trial “United States of America v. Usama bin Laden, et al.” [S(7) 98 Cr. 1023], 6 February 2001. In *Daily Transcripts of the USA v. Usama bin Laden et al. Trial in the Southern District of New York. Digital Files from the Court Reporters Office (212) 805-0300*. URL: <http://cryptome.org/usa-v-ubl-02.htm> (accessed 25 August 2015).

⁴⁸ See, e.g., Alan Cullison. ‘Inside Al-Qaeda’s Hard Drive.’ *The Atlantic Monthly* 294: 2 (2004), 55-70, here 58f; Rashid, *Taliban*, 139.

⁴⁹ See ‘Naṣṣ bayān al-jabha al-islāmiyya al-‘ālamīyya li-jihād al-yahūd wa’l-ṣālibīyīn.’ *al-Quds al-‘arabi* 2,732 (26 Shawwāl 1418/23 February 1998), 3.

⁵⁰ As an interesting aside, it is worth comparing this to the words of Ibn Lādin’s former companion and Egyptian *al-Qā'ida* ideologue Sayyid Imām al-Sharīf, *noms-de guerre* “Dr Faḍl” and “‘Abd al-Qādir ibn ‘Abd al-‘Azīz” (b. 1369/1950), who interpreted Ibn Lādin’s acting out of Afghanistan in contravention of explicit orders from Mullā ‘Umar as a breach of the stipulation for asylum and hospitality (*al-aqd al-amān*). This, among other points of criticism, was used by Sayyid Imām in his *Mudhakkirat al-tāriyya li-kitāb al-tabrī‘a* from 2008 as a tool to delegitimise the *al-Qā'ida* organization. See Muḥammad Muṣṭafā Abū Shāma. ‘D. Faḍl munazzir al-jihādiyīn: kitāb al-Zawāhirī kadhb wa-buhtān wa-mughālīṭāt fiqhiyya wa-talbīs ‘alā al-qāri’: ḥalqa thāniyya.’ *al-Sharq al-awsaṭ* 10,949 (20 Dhī al-qā‘da 1429/19 November 2008), URL: <http://archive.aawsat.com/details.asp?section=4&issueno=10949&article=495514&search=%25C7%25E1%25D9%25E6%25C7%25E5%25D1%25ED&state=true/details.asp#.VhK6vdpdz8y1> (accessed 5 October 2015). Similar criticisms have also been put forth by Muṣṭafā Aḥmad Muḥammad ‘Uthmān Abū al-Yazīd, *nom-de-guerre* “Sa‘īd al-Miṣrī” (killed 1431/2010), yet another of Ibn Lādin’s former Egyptian confidants, at around the very same time. See Muḥammad Shāfi‘ī. ‘‘Aqala «al-Qā’ida» ... al-ḥisābī.’ *al-Sharq al-awsaṭ* 10,860 (19 Sha‘bān 1429/22 August 2008), URL: <http://archive.aawsat.com/details.asp?section=45&issueno=10860&article=483754&search=%25CF.%2520%25DD%25D6%25E1&state=true/details.asp#.VhK7U5dz8y2> (accessed 5 October 2015).

Oddly however, already a few months earlier, in mid-June 2001, Ibn Lādin emphatically reaffirmed his pledge of allegiance to Mullā ‘Umar, stating — with reference to Prophetic *ḥadīth*, the precedence of the consensus of the *saḥāba* and even the legal opinion of Muḥammad ibn ‘Abd al-Wahhāb (d. 1206/1791) on the issue — that this pledge would constitute a “supreme one” (*bay‘a ‘uzmā*) and its validity therefore was not confined to a limited time span.⁵¹ Only a few months later, about a fortnight after 9/11, Ibn Lādin stated in his *First Address to the People of Pakistan*:

I decree that you, oh brethren from among those who are firm on the walk of *jihād* in the Path of God [and] in emulation of the Prophet — God’s blessing upon him and peace — [are now joined] with the heroic and faithful Afghan people under the leadership of our commander of the *muḥjāhidīn*, invigorated by his religion, the Commander of the Faithful Mullā Muḥammad ‘Umar.⁵²

On the basis of the retrospective account of Ibn Lādin’s one-time retainer Muṣṭafā Ḥāmid, *nom-de-guerre* “Abū Walīd al-Miṣrī” (b. 1364/1945), however, Wahid Brown argues convincingly that Ibn Lādin’s *bay‘a* to Mullā ‘Umar was hardly without ambiguity,⁵³ concluding that this ‘challenges the notion that al-Qa`ida is, or ever was, subservient to the aims and method of the Afghan Taliban. On the contrary, this purported subservience is a useful illusion that obscures al-Qa`ida’s fundamental conflicts with the Afghan Taliban agenda.’⁵⁴ Pledging allegiance was thus first and foremost a strategic tool for pursuing one’s own interests. In fact, as Muṣṭafā Ḥāmid points out, ‘Abū ‘Abdallāh [Ibn Lādin] continued to disobey the basic rules [*al-ta‘līmāt al-asāsīyya*] of the Commander of the Faithful’,⁵⁵ one of which was to refrain at all cost from all militant action against American targets.

The fact that the matter of Ibn Lādin’s *bay‘a* to Mullā ‘Umar is currently hotly debated in militant Muslim circles, along with the fact that the video in which Ibn Lādin confirmed to have pledged the *bay‘a ‘uzmā* to the Afghan leader was not released by the media department of *al-Qa`ida* until July 2014, ties the matter to the current dispute over the legitimacy of Abū Bakr al-Baghdādī’s claim of the caliphate. The discussion in Arab circles, however, revolves around the question of whether Ibn Lādin’s *bay‘a* to Mullā ‘Umar expressed an acknowledgement of the Afghan leader as caliph, or only to a supreme military commander over a con-

⁵¹ See Ibn Lādin, ‘Bushrayāt’ (*Mu‘assasat al-saḥāb* 13 July 2014), URL: www.youtube.com/watch?v=UEqG_H_t9x7Q (accessed 25 August 2015), mins. 36’09’’-38’39’’. Also, see Cole Bunzel, *From Paper State to Caliphate: The Ideology of the Islamic State* (Washington, DC: Centre for Middle East Policy at Brookings 2015), 33; and Wagemakers, ‘The Concept of *bay‘a* in the Islamic State’s Ideology.’ *Perspectives on Terrorism* 9:4 (2015), 98-106, here 102.

⁵² Ibn Lādin, al-Arshīf al-jāmi‘ li-kalimāt wa-khiṭābāt imām al-muḥjāhidīn Usāma ibn Muḥammad ibn Lādin — ḥafīzahu allāh (n.p.: Shabakat al-burāq al-islāmiyya 1427/2006), 2.

⁵³ See Ḥāmid, *al-Sā‘irūn niyāman* (n.p. n.d.), 18-31 (*Qiṣṣat al-bay‘a al-‘arabiyya li-‘amīr al-mu‘minīn ‘Mullā Muḥammad ‘Umar’*), esp. 23-30; Wahid Brown, ‘The Facade of Allegiance: Bin Ladin’s Dubious Pledge to Mullah Omar.’ *CTC Sentinel* 3:1 (2010), 1-6.

⁵⁴ *Ibid.*, 5f.

⁵⁵ Ḥāmid, *Sā‘irūn*, 30.

financed territory. The latter view had initially been adopted by al-Zawāhirī while Ibn Lādin was still alive, stating that Mullā ‘Umar was supreme Commander (*amīr*) over the Emirate of Afghanistan; allegiance to him was thus one of a soldier (*jundī*) to those above him in the chain of command.⁵⁶ This view, however, changed drastically in the light of Baghdādī’s contested aspiration to the caliphate, and Zawāhirī would now, like Ibn Lādin before him, see good strategic value behind an acknowledgement of Mullā ‘Umar as supreme leader.

All in all, then, in the heated controversy over the legitimacy of the caliphal claims of al-Baghdādī *vis-à-vis* Mullā ‘Umar, the crucial question for the Arab participants with regard to the latter was, and still is, to ascertain whether or not the assumption of the epithet “*amīr al-mu’minīn*” was a conscious, yet tacit claim to caliphate by the Afghan leader. Subordinate to this is the question of whether Usāma ibn Lādin’s ostensible *bay’a ‘uzmā* was, as earlier authors on this matter have established,⁵⁷ indeed an acknowledgment of Mullā ‘Umar as supreme leader of the entire Muslim *umma*, or whether Ibn Lādin had only declared his allegiance as to a military commander. Quite different, meanwhile, is the approach of current Afghan authors, such as aforementioned Abū ‘Uṣmān Sālārẓay, to whom we shall now turn.

A Ṭālib Addresses the Current Situation

The trigger for Sālārẓay’s elaborate response was once again one of regional significance. In January 2015, a faction of *TTP* activists under the leadership of Ḥāfiz Sa‘īd Khān of the Orakẓay tribe and ‘Abd al-Ra‘ūf Khādīm Abū Ṭalḥa — both killed in action soon afterwards — defected and pledged their readily-accepted allegiance to Abū Bakr al-Baghdādī.⁵⁸ In turn, they were given a due place on the

⁵⁶ See al-Zawāhirī, ‘Liḳā’ al-maftūḥ ma’a al-duktūr Ayman al-Zawāhirī – al-ḥalaqa al-thāniyya’ (*Mu’assasat al-saḥāb* April 2008), URL: http://ia700400.us.archive.org/24/items/ayman_zawhri/leqa2_2.mp3 (accessed 25 August 2015), mins. 125’37’’-126’00’’.

⁵⁷ The question of a difference in quality of a *bay’a*, that is, the distinction between a “supreme” and a “lesser” one, appears to have occurred only long after the abolition of the Ottoman-held Caliphate in 1924. This is indicated by the fact that in Muḥammad Rashīd Riḍā’s (d. 1354/1935) popular systematic treatise on that matter, written only two years before the termination of the caliphate, the distinction between a “*bay’a ‘uzmā*” and a “*bay’a sughrā*” does not appear at all, even though the institution is portrayed here as already seriously undermined by constitutional elements. See al-Shaykh Muḥammad Rashīd Riḍā. *al-Khilāfa* (Cairo: al-Zahrā’ li’l-‘ilām al-‘arabī 1408/1988), 32-5 and 155-7. See also Ella Landau-Tasserón. *The Religious Foundations of Political Allegiance: A Study of Bay’a in Pre-Modern Islam* (Washington, DC: Hudson Institute 2010). The synonymy of “*khilāfa*” and “*imāma ‘uzmā*”, which had been established much earlier (see, for example, Imām al-ḥaramayn Abū Ma‘ālī al-Juwaynī. *Ghiyāth al-umam fi’l-ṭiyāth al-zulam*, ed. Dr Muṣṭafā Ḥilmī and Dr Fu‘ād ‘Abd al-Mun‘im [Alexandria: Dār al-da‘wa 1979] 68) and formed part of the title of Rashīd Riḍā’s treatise, seems to have fostered the eventual terminological pairing with “*bay’a ‘uzmā*”.

⁵⁸ See al-Shāmī. ‘Qul: mūtū bi-ghayzikum!’ (*Mu’assasat al-furqān li’l-intāḡ al-‘ilāmī* 26 January 2015), URL: www.youtube.com/watch?v=pq61kGOa8AQ (accessed 2 July 2015), mins. 3’42’’-5’07’’.

cognitive map⁵⁹ of the *IS* caliphate, on which the Persianate region that comprises of the Fārsī-speaking parts of Iran, Muslim Central Asia, Afghanistan and Pakistan including Kashmir constitutes the “Governorate Khurasan” (*wilāyat Khurāsān*).⁶⁰ Being given command over their ancestral homelands as part of a geographically much larger political entity, the decisions of the so-called “*shūrā* for Khurasan” are based on a normative framework devised in the culturally distinct region of Iraq and the Levant, which in turn does not recognize cultural specifics in the Pashtun areas as the *Ṭālibān* do.

Such a sensitivity to cultural specifics is also widely absent in the statements of such sworn Arab opponents to the *IS* as Abū Muḥammad al-Maqdisī and Abū Qatāda. The universalizing Salafist emphasis on ‘*aqīda* and *manhaj*’ in the light of the “Pious Elders” (*al-ṣalaf al-ṣāliḥ*) as the two main constituents of their religious worldview is not automatically compatible with the more localized Deoband-derived Ḥanafī heritage of the *Ṭālibān*. Therefore, while certainly recognizing the *IS* as common adversary,⁶¹ critics like the above introduced Abū ‘Uṣmān Sālārẓay had to develop a largely alternative strategy in refuting the claims of the *IS* in what, for the *Ṭālibān*, is perceived to be a regionally confined affair, in order to prevent further dissent within their ranks.

In doing so, the author introduces himself clearly as a representative of the new generation of *Ṭālibān* which has somewhat outgrown their intellectual dependency on the Deobandī scholarship that, especially with the *Ḵāṣṣat al-Ḵaṣṣat* in Aḳoṛah Khattak near Peshawar, possesses a mighty presence in the Pashtun-dominated region of Pakistan.⁶² The generation of *TTP* activists like Sālārẓay, however, has increasingly turned against the less militant Deobandī

⁵⁹ The concept of “cognitive maps”, or “mental maps”, has been established in Cultural Studies to generally frame any kind of spatial separation, cognitive spatial imaginaries, conceptual worlds, maps of significations, internal and external representations of concrete places and hierarchies of spatial values. See, for example, Roger M. Downs and David Stea. *Maps in Mind: Reflections on Cognitive Mapping* (New York: Harper & Row 1977); Denis Cosgrove. ‘Introduction: Mapping Meaning.’ *Mappings*, ed. idem (London: Reaktion [sic] Books 1999), 1-23, esp. 9-16; Frithjof Benjamin Schenk. ‘Mental Maps: Die Konstruktion von geographischen Räumen in Europa seit der Aufklärung.’ *Geschichte und Gesellschaft* 29:3 (2002), 493-514. Lately, the term “significant geographies” has been introduced in this regard, to also capture literatures as representatives of mental maps.

⁶⁰ For the *IS* cognitive map, comprising by late September 2015 twenty-four *wilāyāt*, fifteen of which are sub-governorates of the Governorate of Iraq and the Levant, see <https://dump.to/Welayat> or also the section containing reports from the governorates (*al-makātib al-‘ilāmiyya li’l-wilāyāt*) on the official *IS* site <https://isdarat.tv/> (both accessed 20 August 2015).

⁶¹ See al-Sālārẓay, *Mawqif*, 13 and 36, where he explicitly mentions al-Maqdisī and Abū Qatāda as ‘of the scholars of the Salafī-Jihādī orientation’ and their refutation of al-Baghdādī’s caliphate on the ground of his erroneous *manhaj* that allows for the killing of fellow Muslims.

⁶² On the *Ḵāṣṣat al-Ḵaṣṣat*, established right after the Partition in 1947, and its relationship to the *Dār al-‘ulūm* at Deoband, see Jan-Peter Hartung. ‘The *Ṭālibān* Legal Discourse on Violence.’ *Legitimate and Illegitimate Violence in Modern Islamic Thought*, vol. 3, ed. Robert Gleave and Mustafa Baig (Edinburgh: EUP forthcoming). The relationship is also well indicated by the correspondence exchanged between the leadership of both institutions; see Mawlānā Samī‘ al-Ḥaqq. *Mashāḥir ba-nām-i Mawlānā ‘Abd al-Ḥaqq va Mawlānā Samī‘ al-Ḥaqq*, 7 vols. (Aḳoṛah Khattak: Mu’tamar al-muṣannifin 1433/2012), I: 58-60, 86-91, 176-80, 326-52 and 576-85, IV: 259-63, and V: 281-4.

culture of religious learning. Seasoned by their participation in combat “in the Path of God” and exposed to alternative explanatory frameworks through their interaction with non-Afghan militants operating in the Afghanistan-Pakistan borderlands, these upcoming cadres have embraced certain aspects of transnational Salafist thought that turned out to clash with distinct features of the Deobandī approach. The most obvious one appears to be the abandoning of the *taqlūd shakhṣī*, that is, the ineluctable emulation of legal opinion of one’s respective teaching authority ‘in times of affliction and chaos [*fitna va fasād*]⁶³ which is usually bolstered by Sufi relationships of master and adept (*pīrī-murīdī*), and its emphatic replacement by an *ijtihād* that is oriented by precedence purportedly established by the *salaf ṣāliḥ*.

Against the backdrop of the recent defection of the *TTP* contingent to the *IS*, the subsequent establishment of its “Khurasan *shūrā*”, and the resulting fear for further fragmentation of the *Tālibān* movement, Sālārẓay sets out to deconstruct al-Baghdādī’s caliphate as void. Interestingly, he does not do this by attempting to legitimize a caliphate held by Mullā ‘Umar instead, but rather by presenting historical and legal arguments against al-Baghdādī alone. From this, the thrust of his argument appears clear: if al-Baghdādī’s caliphate is not legitimate, then pledging allegiance to him is illegitimate, too; for the *TTP* defectors this implies in turn that their pledge of allegiance to Mullā ‘Umar still holds value. Such an aspiration does not require a justification of Mullā ‘Umar as “Commander of the Faithful”, only the proof that al-Baghdādī’s claims are not valid.

In the following, Sālārẓay’s detailed argument shall briefly be sketched, in order to get a better sense of how distinct the mode of argumentation used by the *Tālibān* is from that of the Arabs. Instead, and without making an explicit point of it, Sālārẓay embraces a Salafist *manhaj* in his reasoning insofar as he provides a vast array of references, both classical and more contemporary, ranging from authors of the Arab world to South Asian ones. Moreover, his references to legal views embrace all four canonical traditions of *fiqh*. This way, Sālārẓay is able to present his readership with something approximating a consensus of the learned ones of the entire Muslim *umma*, past and present.

For kickoff, Sālārẓay reiterates the four core points of the official statement of the Supreme Council of the *TTP* where they established their position towards al-Baghdādī’s claims. First, the Council decreed, al-Baghdādī is leading a resistance ‘against the coalition of crusaders, Zionists and deserters’⁶⁴, but, counters

⁶³ Ḥaẓrat Mawlānā al-Ḥājj al-Ḥāfiẓ Rashīd Aḥmad Gangohī. *Fatāwā-yi rashīdiyyah. mubawwab bi-tarzi-jadīd* (Delhi: Darsī kutubkhānah 1987), 235. More extensively on *taqlūd shakhṣī*, see also Shaykh al-Hind Mawlānā Maḥmūd al-Ḥasan Ṣāhib-i Deobandī. *Adillah-yi kāmīlah, ya’nī ghayr-muqallidūn ke das su’ālāt awr unke taḥqīqī jawābāt* (Karachi: Qadīmī kitābkhānah 1990), 73-88.

⁶⁴ al-Sālārẓay, *Mawqif*, 6. The term “deserters” (*rawāfiḍ*) here serves as polemical appellation of the Shiites, as it is well established in Sunnite heresiographical traditions, most prominently here in the writings of Ibn Taymiyya (e.g. his *Majmū‘at al-fatāwā*, ed. ‘Amir al-Jazzār and Anwar al-Bāz, 37 vols. [al-Manṣūra: Dār al-wafā’ li’l-ṭaba‘a wa’l-nashr ²1998], III: 221; or the *Minhāj al-sunna al-nabawīyya fī naqd kalām al-shī‘a al-qadariyya*, ed. Dr. Muḥammad Rashād Sālim, 9 vols. [Riyadh: Jamī‘at al-Imām Muḥammad ibn Sa‘ūd 1406/1986]). However, the context in which Sālārẓay uses this term suggests an alternative reading, as it could well refer to those who have deserted the

Sālārẓay, he is not the caliph of all Muslims, hence the traditionist argument that those who die without having pledged the *bay'ā* to a caliph would “die the death of the *jāhiliyya*” does not apply to this context.⁶⁵ Second, he states that the *TTP*'s application of relevant Prophetic traditions in support of the case of al-Baghdādī distorts the meaning of these *ahādīth*. Third, denouncing the manner in which the claimant requires the *bay'ā* from all those in the subjugated areas as part of their Sunnī creed, Sālārẓay decries this as entirely unprecedented in the practice of the Companions and the Rightly-Guided Caliphs, and thus constituting an illegitimate innovation (*bid'ā*). Finally, and somewhat related to the previous allegation, he declares that the introduction of a new form of caliphate runs counter to the Qur'ānic notion that Islam is a complete and perfect religion.⁶⁶

Over the following pages, Sālārẓay provides an extensive commentary to these four points, thus adding substance to the claim that all four points have been derived according to the *sharī'a*, that is to say in light of the Qur'ān, the Prophetic Sunna and the consensus of the *umma*. His exposition has been split into twenty-two points of varying length. These do not aim at establishing Mullā 'Umar as the rightful caliph against al-Baghdādī, but rather to provide a sound argument for why the defection of a small band of former *Ṭālibān* neither legitimates al-Baghdādī's claims to the, nor constitutes any reason for the *Ṭālibān* as a whole to submit themselves to the *IS* and its trans-territorial agenda. If some *Ṭālibān* felt like pledging their allegiance to al-Baghdādī there was little that could be done about it. If, however, they wanted to compel others to follow their example, then the questionable character of al-Baghdādī's caliphal claims needed to be exposed in the light of the Qur'ān, the Prophetic Sunna, and an as large as possible consensus of the scholarly community.

This appears exactly to be what Sālārẓay is aiming for. His arguments refer, among others, to the procedure in which al-Baghdādī's caliphate was purportedly established, the qualification of those who appointed him and affirmed him in this position, to the purpose that it serves for al-Baghdādī personally, and the limited territorial validity of his caliphate.⁶⁷ In order to lend more substance to his deliberations, Sālārẓay quotes extensively from an abundance of classical as well as more contemporary reference works,⁶⁸ even though a thorough cross-check re-

Imam to whom they have initially pledged their allegiance. Hence, the term could have deliberately been employed to refer to the members of the “Khurasan *shūrā*”.

⁶⁵ The reference here is to Muslim, *Ṣaḥīḥ*, kitāb al-imāra, bāb al-amr bi-luzūm al-jamā'a 'inda zuhūr al-fitan wa-taḥdhīr al-du'āt ilā al-kufr, ḥadīth 10 (no. 4,686).

⁶⁶ The Qur'ānic reference here is 5 (al-Mā'ida): 3: ‘Today I have perfected for you your *dīn*.’

⁶⁷ This is more or less the extent of the first five reasons for why al-Baghdādī's caliphate is to be considered only a feigned one (*maz'ūma*). See al-Sālārẓa'ī, *Mawqif*, 7-33.

⁶⁸ For backup on the first point, that al-Baghdādī's appointment did not correspond with the three established modes of caliphal succession by a consensus (see *ibid.*, 7-10), Sālārẓay referred to Ibn Khaldūn's historico-typological exposition, as well as the critical evaluations of Ibn Taymiyya and the medieval Shāfi'ite jurist Yaḥyá ibn Abī Khayr al-'Umrānī of the contested caliphate of 'Alī ibn Abī Ṭālib. compare Walī al-Dīn 'Abd al-Raḥmān ibn Muḥammad ibn Khaldūn. *Muqaddimat Ibn Khaldūn*. Edited by 'Abdallāh Muḥammad Darwīsh, 2 vols. (Damascus: Dār ya'rrib li'l-dirāsāt wa'l-nashr wa'l-tawzī' 1425/2004), I: 391-9, esp. 395; Ibn Taymiyya, *Shubuhāt ḥawla al-ṣaḥāba*

veals that the cited passages all belong to rather confined and contiguous sections of voluminous works, and, moreover, have been cited repeatedly across the whole treatise. A prominent example here are the works of Ibn Taymiyya, first and foremost his seminal *Minhāj al-sunna al-nabawiyya*, which suggests that Sālārẓay assigned him a key role in his various arguments.⁶⁹

Such frequent recourse to Ibn Taymiyya is to be regarded as a clever move: after all, the medieval Damascene traditionist figures among the chief references for Salafists. Moreover, the title of this work in particular gives a clear and useful indication that Sālārẓay considers his opponents to be in violation of Prophetic precedent. It is therefore not surprising that this constitutes Sālārẓay's main reference in this regard, though it is certainly not his only argument. Rather, he also refers to classical authors from all four canonical *madhāhib al-fiqh*: for the Shāfi'ites, for example, he refers to Abū 'l-Ḥasan al-Māwardī (d. 450/1058), Abū Ḥamid al-Ghazālī (d. 555/1111), Yaḥyá ibn Abī Khayr al-'Umrānī (d. 558/1163), Badr al-Dīn ibn Jamā'a (d. 733/1333), Shams al-Dīn al-Dhahabī (d. 748/1348) and Abū 'l-Fidā' Ismā'īl ibn Kathīr (d. 774/1373), Jalāl al-Dīn al-Suyūṭī (d. 911/1505) and Shams al-Dīn al-Ramlī (d. 1004/1596).⁷⁰ A similar array of reference works Sālārẓay provides also for the Ḥanafites,⁷¹ the Mālikites⁷² and the Ḥanbalites.⁷³

wa'l-radd 'alayhā, ed. Muḥammad Mālallāh, 2 vols. (Cairo: Maktabat Ibn Taymiyya 1410/1989), II: 11; Yaḥyá ibn Abī 'l-Khayr al-'Umrānī. *al-Intiṣār fi'l-radd 'alá al-mu'tazila al-qadariyya*, ed. Dr. Sa'ūd ibn 'Abd al-'Azīz al-Khalaf (Medina: al-Jāmi'a al-islāmiyya 1419h), 900.

⁶⁹ Across Sālārẓay's treatise there are fourteen reference to the *Minhāj al-sunna*. See al-Sālārẓay *Mawqif*, 11-13, 20, 30, 34-6 and 56. These references, however, are drawn from a rather limited selection of passages from Ibn Taymiyya's work and, on occasion, misquoted. Compare Ibn Taymiyya, *Minhāj*, I: 526f, 530, 532f and III: 386.

⁷⁰ See *ibid.*, 10, 13, 15f, 20, 22, 26, 30, 33, 35, 37, 42-4, 46, 51, 53 and 55. Compare Abū 'l-Ḥasan 'Alī al-Mawārdī. *Tashīl al-nazar wa-ta'jīl al-zafar fi akhlāq al-malik wa-siyāsa li'l-mulk*, ed. Muḥyī Hilāl al-Sarḥān (Beirut: Dār al-nahḍa al-'arabiyya 1981), 168 and 258; *idem*, *Kitāb al-aḥkām al-sultāniyya wa'l-wilāyāt al-dīniyya*, ed. Dr. Aḥmad Mubārak al-Baghdādī (Kuwait: Dār Ibn Qutayba 1409/1989), 22f; Abū Ḥamid Muḥammad al-Ghazālī. *Fadā'ih al-bāṭiniyya*, ed. 'Abd al-Raḥmān Badawī (Kuwait: Mu'assasat dār al-kutub al-thaqāfiyya 1383/1964); 177; al-'Umrānī, *al-Intiṣār*, 836 and 900; Badr al-Dīn Ibn Jamā'a. *Taḥrīr al-aḥkām fi tadbīr al-islām*, ed. Dr Fu'ād 'Abd al-Mun'im Aḥmad (Doha: Ri'āsat al-maḥākim al-shar'iyya wa'l-shu'ūn al-dīniyya 1405/1985), 65; al-Ḥāfiẓ Abū 'Abdallāh Muḥammad ibn 'Uthmān al-Dhahabī. *Muntaqá min minhāj al-'itidāl fi naqd kalām ahl al-rafd wa'l-'itizāl, wa-huwa mukhtaṣar minhāj al-sunna*, ed. Muḥibb al-Dīn al-Khatīb (Riyadh: al-Ri'āsa al-'amma li-'idārāt al-buḥūth al-'ilmiyya wa'l-iftā' wa'l-da'wa wa'l-irshād ³1413h), 62; al-Ḥāfiẓ 'Imād al-Dīn ibn Kathīr. *al-Bidāya wa'l-nihāya*, ed. Dr. 'Abdallāh ibn 'Abd al-Muḥsin al-Turkī, 21 vols. (Giza et al.: Dār Ḥajar 1417/1997), X: 220f; Muḥammad ibn Jarīr al-Ṭabarī. *Ta'rikh al-Ṭabarī: ta'rikh al-umam wa'l-mulūk*, ed. Nawāf al-Jarrāh, 6 vols. (Beirut: Dār Ṣādir ²1426/2005), II: 751; al-Imām al-Ḥāfiẓ Jalāl al-Dīn al-Suyūṭī. *Ta'rikh al-khulafā'*, ed. Markaz al-minhāj li'l-dirāsāt wa'l-taḥqīq al-'ilmī (Jeddah et al.: Dār al-minhāj ²1434/2013), 87f; Shams al-Dīn Muḥammad al-Ramlī. *Nihāyat al-muḥtāj ilá sharḥ al-minhāj fi'l-fiqh 'alá madhhab al-Imām al-Shāfi'ī — raḍiy allāhu 'anhu*, ed. Muḥammad 'Alī Bayḍūn, 8 vols. (Beirut: Dār al-kutub al-'ilmiyya ³1424/2003), VII: 410.

⁷¹ Sālārẓay's Ḥanafite reference authors include Zayn al-Dīn ibn Nujaym (d. 971/1563) and 'Alā al-Dīn al-Ḥaṣkafī (d. 1088/1677), who both endorsed the earlier Ḥasan ibn Manṣūr "Qāḍī Khān" of Farḡhana (d. 592/1196). See al-Sālārẓay, *Mawqif*, 26f, 29f and 49f; compare Muḥammad ibn 'Alī al-Ḥaṣkafī. *al-Durr al-mukhtār sharḥ tanwīr al-abṣār wa-jāmi' al-baḥār*, ed. 'Abd al-Mun'im Khalīl Ibrāhīm (Beirut: Dār al-kutub al-'ilmiyya 1423/2002), 351; Zayn al-Dīn ibn Nujaym. *Baḥr al-rā'iq*

Besides such references to classical legal works, he also refers on occasion to mainstream Sunnite theological works, mainly of Ash‘arite and Māturīdite background,⁷⁴ spiked with the common references to Ibn Taymiyya’s theology as a more traditionalist perspective. This way, Sālārẓay appears to have covered much of the legal and theological tradition, without showing clear signs of a Hanafite persuasion such that a Deobandī would stand for. By doing so, and without assigning his references to particular scholarly traditions, Sālārẓay suggests a robust consensus among the learned of the past in matters such as the number and qualifications of the *ahl al-ḥall wa’l-‘aql* — those entitled to assert or deny a caliphate — across the divides of different legal and theological traditions.

On the other hand, there are certain aspects in al-Baghdādī’s case which cannot be best addressed with recourse to the classical Islamic tradition. After all, the formal abolition of the Ottoman-held caliphate (who, in turn, claimed to hold it in succession to the Abbasids) in 1924 created a new reality that strongly impacted the further development of a caliphate-centred political theory. It is therefore not really surprising that Sālārẓay needed to also include such later deliberations, which seem to have started prominently with Muḥammad Rashīd Riḍā’s (d. 1354/1935) treatise *al-Khilāfa aw al-imāma al-‘uzmā*,⁷⁵ a text which holds a corresponding prominence in Sālārẓay’s more contemporary references.⁷⁶ Alt-

‘alā sharḥ kanz al-daqa’iq, ed. Zakariyā ‘Umayrāt, 9 vols. (Beirut: Dār al-kutub al-‘ilmiyya 1418/1997), VI: 439. The two quotes, ostensibly taken from Qāḍī Khān, are in fact taken from the two later authors. Compare Fakhr al-Dīn Qāḍī Khān. *Fatāwā Qaḍīkhān fī madhhab al-imām al-‘aẓam Abī Hanīfa al-Nu‘mān*, ed. Sālim Muṣṭafā al-Badaī, 3 vols. (Beirut: Dār al-kutub al-‘ilmiyya 2009).

⁷² Sālārẓay’s Mālikite reference authors comprise of Abū Barakāt Aḥmad al-Dardīr (d. 1201/1786) and Muḥammad ibn Aḥmad ibn ‘Arafā al-Ḍasūqī (d. 1230/1815), who have both commented on the «Muwaṭṭa’» of Mālik ibn Anas (d. 179/711). See al-Sālārẓay, *Mawqif*, 32; compare Abū Barakāt Aḥmad al-Ṣawī. *Hāshiyā ‘alā sharḥ ṣaghīr ‘alā al-masālik ilā madhhab al-Imām Mālik*, ed. Dr. Muṣṭafā Kamāl Waṣāfī, 4 vols. (Cairo: Dār al-ma‘ārif 1986), IV: 427; ‘Allāma Shams al-Dīn Shaykh Muḥammad al-Ḍasūqī. *Hāshiyat al-Ḍasūqī ‘alā sharḥ kabīr*, 4 vols. (Cairo: Dār ihyā’ al-kutub al-‘arabiyya n.d. [reprint from ed. 1304h]), IV: 298.

⁷³ Sālārẓay’s Ḥanbalite reference authors include, besides Ibn Taymiyya, also Qāḍī Abū Ya‘lā al-Farrā’ al-Ḥanbalī (d. 458/1065) and Aḥmad ibn Qudāma al-Maqḍīsī (d. 620/1223). See al-Sālārẓay, *Mawqif*, 31; compare al-Qāḍī Abū Ya‘lā Muḥammad ibn al-Ḥusayn al-Farrā’. *al-Aḥkām al-sultāniyya*, ed. Muḥammad Ḥamid al-Fayqī (Beirut: Dār al-kutub al-‘ilmiyya 1421/2000), 23; Mu‘affaq al-Dīn Abū Muḥammad ibn Qudāma. *al-Mughnī*, ed. ‘Abdallāh ibn ‘Abd al-Muḥsin al-Turkī and ‘Abd al-Fattāḥ Muḥammad al-Ḥulw, 15 vols. (Riyadh: Dār ‘ālam al-kutub ³1417/1997), XIII: 17.

⁷⁴ Chief references in this regard are the Ash‘arite systematiser ‘Aḍud al-Dīn al-Ījī of Shiraz (d. 756/1355), who clearly argued against the Mu‘tazilite-cum-Zaydite position on the matter, as well as his Māturīdite counterpart Sa‘d al-Dīn Taftāzānī (d. 792/1390) from Samarqand. See al-Sālārẓay, *Mawqif*, 22, 24 and 29; compare ‘Aḍudallāh wa’l-dīn al-Qāḍī ‘Abd al-Raḥmān ibn Aḥmad al-Ījī. *al-Mawāqif fī ‘ilm al-kalām* (Beirut: ‘Ālam al-kutub 1405/1984), 398-414; and Sa‘d al-Dīn al-Taftāzānī. *Sharḥ al-maqāṣid fī ‘ilm al-kalām*, ed. Ṣāliḥ Mūsā Sharaf, 5 vols. (Beirut: ‘Ālam al-kutub ²1419/1998), V: 232f and 255.

⁷⁵ It appears likely that Riḍā had initially planned to publish this work in a serialized form on his propaganda platform *al-Manār*. However, only its introduction had been published here. See Riḍā, ‘Fātihāt kitāb al-Khilāfa — aw al-imāma al-‘uzmā.’ *al-Manār* 24:6 (1341/1923), 359-66.

⁷⁶ See al-Sālārẓay, *Mawqif*, 25 and 29.

though all his cited works are interspersed without contextualization from case to case, they can nonetheless be classed into a few distinct groups. The most prominent appears to be relevant texts from Islamist authors: the spectrum ranges here from Abū 'l-A'lá Mawdūdī (d. 1979) and his distinct ideas of “*khilāfa*” to the Yemenite *al-Qā'ida* leader Muḥammad al-Murshidī, also known as Ḥārith ibn Ghāzī al-Nazārī (killed 1436/2015), including such illustrious figures like the controversial Muḥammad 'Amāra (b. 1350/1931) from Egypt, Ṣalāḥ al-Ṣawī (b. 1374/1954), also an Egyptian and ardent admirer of Sayyid Quṭb, who is currently Secretary General of the Sacramento-based *Assembly of Muslim Jurists of America*, as well as also the Libyan Muḥammad 'Alī Ṣallābī (b. 1963) from Benghazi, founder of the *Ḥizb al-Waṭan*.⁷⁷ The inclusion of Taqī al-Dīn al-Nabhānī (d. 1397/1977) seems especially significant here, because the *Ḥizb al-Taḥrīr* (HuT) founder and his ideas do not generally appear to play any role at all in the current debates over the caliphate outside HuT circles.⁷⁸

This group of Islamist reference points is complemented by authors from within the wider *Tālibān* circles: here feature the influential *muftī* Rashīd Aḥmad Ludhiyānavī (d. 1422/2002), the former Minister of Information of the Islamic Emirate 'Abd al-Bāqī Ḥaqqānī, and remarkably also the luminous 'Abd al-Raḥīm Muslim Dost (b. 1380/1960),⁷⁹ who has meanwhile, on 2 July 2014, declared his allegiance to Abū Bakr al-Baghdādī and the *IS* and has allegedly been elevated to *amīr* of the *Wilāyat Khūrāsān* only recently.⁸⁰

Both these more politically motivated groups of authors are supplemented by a number of jurists and scholars of *ḥadīth*. Especially significant in this regard appears the frequent recourse to more encyclopaedic works on *fiqh* that present a systematic and balanced treatment of the issues at hand, taking into consideration contemporary developments in Islamic jurisprudence. Outstanding in this regard appear *al-Fiqh al-islāmī wa-adillatuhu* by the Syrian professor of *sharī'a* law at the University of Damascus Wahba Muṣṭafā al-Zuhaylī (d. 1436/2015) and the most extensive *Mawsū'a al-fiqhiyya al-kuwaytiyya*, issued by the Government of Kuwait.⁸¹

⁷⁷ See *ibid.*, 8, 16, 23, 35 and 52; compare Sayyid Abū 'l-A'lá Mawdūdī. *Khilāfat wa mulukiyyat* (Delhi: Markazī maktaba-yi islāmī 1997), 123-31; Dr. Ṣalāḥ al-Ṣawī. *al-Wajīz fī fiqh al-khilāfa* (Cairo: Dār 'l'ilm al-duwalī 2008), 49; Dr. Muḥammad 'Amāra. *al-Islām wa-falsafat al-ḥukm* (Beirut: Dār al-shurūq 1409/1989), 250-4; al-Ṣallābī (1427/2006), 66; Ḥārith ibn Ghāzī al-Nazārī. *Aḥkām al-imāra* (n.p.: Mu'assasat al-malāḥim al-tuqaddim 1435/2014), 14-20. The latter is based on the second of a series of nine lectures, initially published by the Media Department of *al-Qā'ida* in Yemen, the *Mu'assasat al-malāḥim al-taqaddum*. On the concept of *khilāfa* in the systematic thought of Mawdūdī, see Hartung. *A System of Life: Mawdūdī and the Ideologisation of Islam* (London: Hurst/New York: OUP 2013), 103-22.

⁷⁸ See al-Sālārza'ī, *Mawqif*, 39 and 47f; compare Taqī al-Dīn al-Nabhānī. *al-Shakhṣiyya al-islāmīyya*, 2 vols. (Beirut: Dār al-umma ⁶1422/2001), II: 151.

⁷⁹ See al-Sālārza'ī, *Mawqif*, 39.

⁸⁰ See 'Bay'at al-shaykh 'Abd al-Raḥīm Muslim Dost al-Afghānī — ḥafīzahu allāh — li-khalīfat al-muslimīn wa-imāmihim Abū Bakr al-Baghdādī — ḥafīzahu allāh', URL: <https://archive.org/details/doost> (accessed 31 August 2015), mins. 10'04'' to 19'41''.

⁸¹ See al-Sālārza'ī, *Mawqif*, 14, 20, 26f, 34, 48f and 54; compare Dr. Wahba al-Zuhaylī. *al-Fiqh al-islāmī wa-adillatuhu: shāmil li'l-adilla al-sharīyya wa'l-ārā' al-madhhabiyya wa-ahamm al-nazariyyāt al-fiqhiyya wa-taḥqīq al-aḥādīth al-nabawiyya wa-taḥrījihā*, 8 vols. (Damascus: Dār al-fikr ²1405/1985), VI:

All these diverse references from different times, different regions and even different intellectual persuasions serve to present Sālārẓay’s points against the claims of caliphate by al-Baghdādī and his supporters as expression of a wide consensus of Muslim scholars past and present, radical and moderate. Finally, repeated emphasis on the issue of “territoriality” in relation to caliphate is crucial here: according to Sālārẓay, and backed up again with classical as well as more contemporary references, a caliphate requires a *dār al-islām* in which it resides and for which a caliph oversees the worldly and religious affairs (*al-wilāya al-‘amma al-qā’ima bi-ḥirāsāt al-dīn wa’l-dunyā*). Baghdādī, instead, was the head over some militant association (*al-majmū‘āt al-jihādīyya*), to proclaim him caliph for the entire Muslim *umma* would thus amount to a rather questionable amity (*tawallī*) of his followers.⁸² Therefore, al-Baghdādī right to rule is territorially confined, and his rules and regulations cannot legitimately be enforced in regions not under his control, such as Khurasan.⁸³ This seems to be the crunch point of Sālārẓay’s whole argument: The *IS* may set up a *shūrā* for a “Governorate Khurasan” as it pleases, because this would not have any compelling bearings on the people in the region. If al-Baghdādī’s retainers there were about to enforce obedience to the *IS* then this would be entirely illegitimate from a *sharī‘a* point of view, and any such attempt could therefore be suppressed as criminal behaviour. In charge of such just and necessary suppression would, in turn, be those who maintain dominance in the territory and assert the older claims of religious, social and political authority, that is, the *Tālibān* under its supreme commander. Who this commander actually is, however, appears of subordinate importance: this explains why Sālārẓay did not need to strike a blow for the person of Mullā Muḥammad ‘Umar and could easily apply his conclusion to Mullā ‘Umar’s eventual successor as supreme commander of the *Tālibān*, Mullā Akhtar Manṣūr.

Conclusion

The fierce debate over the legitimacy of the caliphate of Abū Bakr al-Baghdādī and, by implication, the entire *IS*, is certainly impacting militant Muslim circles worldwide. While the band of supporters appears to grow on a daily basis, there is still substantial rejection. The main carrier of the criticisms appears to be *al-Qā’ida*, from which the *IS* had ultimately grown. It surprises little therefore that, despite the mutual criticisms, the speakers for both organizations maintain a somewhat common agenda and a global vision.

686f and 692; Wizārat al-awqāf wa’l-shu‘ūn al-islāmiyya (ed.). *al-Mawsū‘a al-fiqhiyya al-kuwaytiyya*, 45 vols. (Kuwait: Wizārat al-awqāf wa’l-shu‘ūn al-islāmiyya 21404/1983), VI: 216 and VII: 115.

⁸² See al-Sālārẓay, *Mawqif*, 24f; compare Abū ‘l-Abbās Aḥmad al-Qalqashandī. *Mā’thir al-ināfa fi’l-ma‘ālim al-khilāfa*, ed. ‘Abd al-Sattār Aḥmad Farāj, 3 vols. (Beirut: ‘Ālam al-kutub 2006), I: 8f; al-Sayyid Muḥammad ‘Abd al-Ḥayy al-Kattānī. *Nizām al-ḥukūma al-nabawiyya al-musammā al-tarātīb al-idariyya*, ed. Dr. ‘Abdallāh al-Khālīd, 2 vols. (Beirut: Dār al-arqām n.d.), I: 79; al-Taftazānī, *Maqāṣid*, V: 232; Riḍā, *al-Khilāfa*, 17 (Sālārẓay paraphrases the respective passages here, rather than citing it verbatim).

⁸³ See al-Sālārẓay, *Mawqif*, 47f.

However, not all of these militant Muslim circles that take part in the debate share this backdrop. The *Ṭālibān*, reeled into the discussion due to their own quite complicated relationship with *al-Qāʿida* and the fact that the latter has increasingly attempted to present the supreme commander of the *Ṭālibān*, Mullā Muḥammad ʿUmar, as a “counter caliph”,⁸⁴ are one such group. The defection of some activists of the *TTP*, the Pakistani branch of the movement, to the *IS* in January 2015 and the subsequent establishment of a *shūrā* for the “Governorate Khurasan”, covering a vast area including Afghanistan and Pakistan, necessitated a fast and determined response. This came in an official statement by the Leadership Council of the *TTP*, followed instantly by the publication of Abū ʿUṣmān Sālārẓay’s treatise on that matter only four months after the defection took place. This author, however, about whom little information is available in the public domain, represents already a qualitative leap away from the original roots of the *Ṭālibān* movement in the Deobandī orientation of Indo-Muslim scholarship towards a more Salafist approach that does not take well the confines of a certain scholastic tradition. While a methodical approximation of those cohorts that form the backbone of *al-Qāʿida* and *IS* alike is clearly discernible, the conclusion drawn from Sālārẓay’s twenty-two points have a distinct regionalist colour, which reflects the strong sense of autonomy in Pashtun social and political tradition. This explains why Sālārẓay did not need to strike a blow for the person of Mullā Muḥammad ʿUmar and could easily apply his conclusion to Mullā Akhtar Maṣṣūr as the latter’s eventual successor as supreme commander of the *Ṭālibān*.

For the leadership of *al-Qāʿida*, the case appeared not as simple and straightforward. Because their dispute with the *IS* was not in the first place to retain their autonomous claim over a distinct region, but rather over the monopoly of definition in a perceived global *jihād*, the refutation of al-Baghdādī needed to go hand in hand with the establishment of an alternative, and be it only as a formality with little intention to really submit to it. This is the background against which the *al-Qāʿida* leadership decided on the public release of Ibn Lādin’s acknowledgement of Mullā ʿUmar as supreme Muslim leader from thirteen years earlier, and also on al-Zawāhirī’s recent pledge of allegiance to Akhtar Maṣṣūr.⁸⁵

A refreshed view of this *bayʿa* is well suited to indicate the different discourses of the *Ṭālibān* and *al-Qāʿida*. Glossing over the disturbing fact that Mullā ʿUmar has purportedly died already in April 2013, yet had miraculously managed to convey his ʿĪd greetings for the following three years,⁸⁶ the text of al-Zawāhirī’s *bayʿa*,

⁸⁴ See Bunzel, ‘Al-Qaeda’s Quasi-Caliph: The Recasting of Mulla ʿUmar.’ *jihadica.com* (2014). URL: www.jihadica.com/al-qaeda%E2%80%99s-quasi-caliph-the-recasting-of-mullah-%E2%80%98umar/ (accessed 31 August 2015).

⁸⁵ See al-Zawāhirī, *al-Bayʿa*.

⁸⁶ The text of Mullā ʿUmar’s ʿĪd address for the year 1436 (~ 2015) remained live for about a fortnight on the official website of the Islamic Emirate of Afghanistan even after he had been declared dead on 30 July 2015. Meanwhile, however, it has been removed from the website in each of the five languages editions Arabic, Pashto, Dari, Urdu and English. His message for ʿĪd al-fiṭr 1434 (8 August 2013) had been published in various official journals of the Islamic Emirate of Afghanistan, which have meanwhile also all disappeared from the website, but are still available with the author of this article. See ‘Bayān amīr al-muʿminīn — ḥafīẓahu allāh — bi-munāsibat ʿĪd

again considered to be a *bay'a* 'uzmá, is somewhat revealing with regard to the more sinister global agenda of *al-Qā'ida*:

And we pledge allegiance to you on the disavowal of every rule, system, placement, treaty, agreement or covenant [*kull ḥukm aw nizām aw waḍa' aw 'ahd aw ittifāq aw mīthāq*] that contravenes the *sharī'a*, whether a system is within the land of the Muslims, or outside of it. [...] And we pledge allegiance to you in the *jihād* to liberate every span of land of the Muslims that has been usurped and violated, from Kashghar to al-Andalus, from the Caucasus to Somalia and Central Africa, from Kashmir to Jerusalem, from the Philippines to Kabul, Bukhara and Samarqand.⁸⁷

While Mullā Akhtar Maṣṣūr appears to have accepted this *bay'a*,⁸⁸ the public statements of the *Ṭālibān* under his command nonetheless do not suggest a globally expanded agenda of the movement, as suggested by al-Ḍawāhirī. In a public statement to the Afghan Islamic Press (*Afghān islāmī aḏāns*) from 25 August 2015, Ḥājjī Ismā'īl Zabīḥallāh Mujāhid (b. ~ 1393/1973), one of the official spokesmen for the Islamic Emirate, indicated that while the sympathies of the *Ṭālibān* certainly go out to all Muslim brethren and sisters worldwide, the agenda will still maintain its regional focus. Asked about the significance of al-Ḍawāhirī's *bay'a*, Zabīḥallāh states that

We have not asked anyone from outside of our country to pledge their allegiance to us, but if they do so because of their own affection [to us (*muḥabbat*)] then we have no religious grounds to reject their pledge. Rather, we must respond reciprocally to their affection.⁸⁹

Affection alone, however, is certainly not what the leadership of *al-Qā'ida* is after. The imbalance of aspirations, coupled with the intricate entanglement of the *Ṭālibān* in a global Muslim militant discourse, will ensure that — at least for the time being — the *Ṭālibān* remain caught between a rock and a hard place.

al-ḥiṭr.' *al-Ṣumūd* 8:8 (1434/2013), 2-5; 'Amīr al-mu'minīn Mullā Muḥammad 'Umar Mujāhid — ḥafīzahu allāh — kā payghām.' *Sharī'at* 2:6 (1434/2013), 4-8.

⁸⁷) al-Ḍawāhirī, *al-Bay'a*, mins. 5'50'' to 6'33''.

⁸⁸) See Zabīḥallāh Mujāhid.

⁸⁹) Ibid.