

# A Fatwa Issued by the Council of Indonesian Ulama (MUI) Against the U.S. Invasion to Iraq: the Responses of Indonesian Scholars and Ulama toward the Invasion

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## Abstrak

*Majelis Ulama Indonesia (MUI) mengeluarkan fatwa No. 2 tahun 2003 yang berjudul Penyerangan Amerika Serikat dan Sekutunya terhadap Irak. Fatwa tersebut dikeluarkan menyusul terjadinya invasi Amerika Serikat ke Irak dan atas dasar beberapa alasan, terutama setelah terjadinya banyak demonstrasi di belahan bumi Indonesia*

*Fatwa itu terutama berisi tentang sikap MUI terhadap invasi Amerika Serikat tersebut. Dalam artikel ini, penulis menjelaskan tiga tema utama. Yang pertama adalah penjelasan tentang eksistensi fatwa tersebut, termasuk latar belakang dikeluarkannya fatwa itu. Yang kedua, penulis berusaha untuk menganalisis respon ilmuwan dan ulama Indonesia tentang invasi tersebut. Yang terakhir, penulis juga membandingkan fatwa MUI tersebut dengan fatwa-fatwa lainnya dari berbagai belahan dunia.*

## Abstract

*The Council of Indonesian Ulama (the MUI) issued a fatwa number 2 year of 2003 entitled Penyerangan Amerika Serikat dan Sekutunya terhadap Irak (the U.S. and its allies' aggression to Iraq). The fatwa was issued following the U.S. invasion to Iraq and because of several reasons, mainly after numerous demonstrations in several areas of Indonesia.*

*The fatwa is mainly about the MUI's attitude concerning the invasion of the U.S. to Iraq. This paper will describe three main themes; firstly, the study will define the existence of the fatwa, including the backgrounds of the issuance of the fatwa. Secondly, it will attempt to examine the responses of Indonesian scholars and ulama toward the invasion. Thirdly, it will compare other fatwas from other countries, including similar and different fatwas.*

**Kata Kunci:** *Fatwa, MUI, ulama, ilmuwan Indonesia, Invasi Amerika Serikat ke Irak*

## Introduction

On 16 April 2003, the Council of Indonesian Ulama (the MUI) issued a fatwa number 2 year of 2003 entitled *Penyerangan Amerika Serikat dan Sekutunya terhadap Irak* (the U.S. and its allies' aggression to Iraq). The fatwa was issued following requests in numerous demonstrations against the U.S. invasion to Iraq from Indonesian Muslims in almost all over the country and after paying attention to the *tausiyah* (Ar. *tawsiya*)<sup>1</sup> of Forum Ukhuwah Islamiyah of the MUI (the advice of Ukhuwah Islamiyah Forum) on 20 March 2003; the outlook of the Fatwa Commission Meeting of the MUI; and the letter of the MUI branch of West Java.<sup>2</sup>

The fatwa is mainly about the MUI's attitude concerning the invasion of the U.S. to Iraq. The fatwa is significant not only because the invasion is an international issue, but also to show the position of the MUI among Islamic organizations in Indonesia and the Muslim world as well.

This paper will describe three main themes; *firstly*, the study will define the existence of the fatwa, including the backgrounds of the issuance of the fatwa. *Secondly*, it will attempt to examine the responses of Indonesian scholars and ulama toward the invasion. *Thirdly*, it will compare other fatwas from other countries, including similar and different fatwas.

## Background

### 1. The MUI

The MUI is a national government organization founded on 26 July 1975 as an initiative of President Suharto to function as a sort of boundary between the government and the Muslim community. The function of the MUI is limited to the issuance of fatwas and non-legal recommendations known as *tausiyahs* because it is not permitted to commence practical programs. The first person to propose such restrictions was Suharto himself. At the First National Conference of the ulama on 21 July 1975, prior to the establishment of the MUI, Suharto suggested that the MUI was supposed not to be engaged in such practical programs as running *madrasas* (Islamic boarding schools), mosques, or hospitals, for such activities were reserved for the existing Islamic social organizations, nor in practical politics, for this was reserved for the existing political parties. Throughout its existence, the activities of the MUI have been designed to insure its acceptance in society and to maintain good relations with both the government and other Muslim organizations.<sup>3</sup>

In the statutes of the MUI, one finds that it is expected to function in providing fatwas and tausiyahs both to the government and common Muslims on issues related to religion in particular and problems facing the nation in general. The MUI is also expected to encourage unity among Muslims, to play the role of mediator between the government and the ulama, and to represent Muslims in interreligious group deliberations.<sup>4</sup> In general, during the New Order Era of Suharto's presidency, the MUI's position *vis-a-vis* the government was uneasy, as reflected in its fatwas and tausiyahs.<sup>5</sup> However, as can be seen in its 2000 vision statement, the MUI plays five major roles. They are: (1) the heir to the Prophet in spreading Islamic teachings and striving for the construction of an Islamic life; (2) a fatwa-giver for the Muslim community, whether requested or not;<sup>6</sup> (3) a guide and servant to the community; (4) an agent for "reform and renewal; and (5) an upholder of the Qur'anic dictate to enjoin good and avert evil.<sup>7</sup>

Therefore, the collapse of the New Order Era on 21 May 1998, replaced by the Reformation Era (or known as "*Era Reformasi*"), signalled major changes and opened up a space for public opinion.<sup>8</sup> The new era gave the MUI a chance to redefine its roles for the future. The MUI then became more active in politics and *Umma*-oriented in its activities. Its political role is reflected in its tausiyahs. This is mainly because the MUI has been forced to react to political situations.<sup>9</sup> One of the well-known examples of tausiyahs is *amanat* (instruction) and was issued on the tausiyah section of *Mimbar Ulama* (the official mouthpiece of the MUI) in the days prior to the *Pemilihan Umum* (General Election) 1999 to instruct Muslims mainly to vote properly with sincerity and to be aware of the revival of the danger of communism, authoritarian, and secular powers by means of the political parties which participate in *Pemilihan Umum*. The MUI quoted Surah Al Imran verse 28, which is, "Let not the Believers take the Unbelievers as their leaders". Political analysts thought this instruction was directed against The Indonesian Democratic Party for the Struggle (PDI-P) for its several non-Muslim leaders.<sup>10</sup>

## 2. The 2003 U.S. Invasion and the Situations around the World

The 2003 Iraq war was one of the most controversial wars fought by the U.S. after World War II. When Al-Qaeda attacked the World Trade Centre and Pentagon in 2001, it altered the perception of threats to the U.S., especially in the minds of policymakers. In the first half of 2002, the Bush administration began to develop its case by placing Iraq at the very heart of the war on terrorism. They remained convinced that Iraq was a dangerous and impending threat. This led George Bush administration to release the National Security Strategy

(NSS) in September 2002. Following that address Bush assembled a coalition to confront President Saddam Hussein and demanded Iraq prove a difficult negative in terms of weapons of mass destruction (WMD).<sup>11</sup> Bush had been stressing the weapons issue for months prior to the invasion. On 15 February 2003, over eight million people demonstrated on five continents against a war that had not yet begun. This global mobilization sought to head off the occupation of Iraq being plotted in the Pentagon. On 21 March 2003, the U.S. and British forces began across the Iraqi border and conducted war to confront the regime of Saddam Hussein over its WMD developmental program and sponsorship of terrorist organizations.<sup>12</sup> However, no WMD have been found. Hans Blix, the Chief of the UN Arms Inspector, complained that the U.S. to justify its going to war had used him, and he advised other countries never to accept a UN team again.<sup>13</sup> On 9 April 2003 Saddam Hussein and Ba'ath totalitarian regime fell apart. The vast majority of Iraqis did not want to defend Ba'ath regime due to the nature of the patrimonial totalitarian regime Saddam Hussein created in his own image. The war officially ended on 1 May 2003 but the U.S. forces are still there up to the present day. After the war, many pundits expressed surprise that no nuclear weapons program was found in Iraq.<sup>14</sup>

Countries around the world reacted differently toward the invasion. On the one hand, Italy and Spain, as well as Portugal, Denmark, Greece and East European countries, such as Poland, Hungary, and Albania were among countries that supported the invasion. On the other hand, France and Germany protested for months by claiming opposition to the invasion. They coaxed Moscow into expressing its disagreement with the U.S. plans. In East Asia, Japan and South Korea were the main espousers of the invasion, while in the Middle East some countries such as Egypt, Saudi Arabia, and Jordan provided facilities for the U.S. forces. Surprisingly, the Arab League surpassed itself as a collective expression of ignominy, announcing its opposition to the invasion even as a majority of members were participating in it.<sup>15</sup>

In Saudi Arabia the officials from the Ministry of Islamic Affairs began to struggle to hold preachers to an apolitical line, declaring that Friday sermons are supposed to unite the nation instead of dividing people. Even if the Saudi leaders were aware that they could not camouflage all the U.S. war preparations reportedly proceeding in their country, they seemed to be pressing hard to keep away any open expressions of dissent that might galvanize a new internal opposition. Nevertheless, opposition appeared to be widespread and intensely felt. In the week before the invasion, a group of 200 Saudis intellectuals

published a petition both condemning the invasion and demanding a measure of democracy at home.<sup>16</sup>

It is interesting to note that even in Australia and the U.K., where the opposition party or significant numbers of the governmental party opposed the invasion, the legality of the invasion was contested. Indeed, in some debates to get the legitimacy to participate in the invasion, both governments took the unusual step of releasing internal legal memoranda outlining reasons by which the invasion could be considered legal.<sup>17</sup>

The situations in Southeast Asia became more sombre during the first days of the invasion. The governments of Indonesia and Malaysia, like the governments of Vietnam, Laos, and Burma, opposed this act as aggression, while the governments of Singapore, the Philippines, and Thailand supported the illegal war. Meanwhile, Brunei and Cambodia did not take public positions on the issue.<sup>18</sup> Malaysia demanded the resignation of Kofi Annan as Secretary General for his silence toward the U.S. invasion, while in Indonesia, President Megawati drew attention by calling for an emergency meeting of the Security Council to condemn the invasion.<sup>19</sup>

Nonetheless, it was at the level of the citizenry that opposition to the invasion was more vocal and organized. Muslims, not only in Indonesia and Malaysia but also in countries such as the Philippines and Thailand, where they are a minority, protested. The Muslims in Southeast Asia had an added reason to oppose the invasion and subsequent occupation of Iraq. This is why in many of the demonstrations and public rallies held in Indonesian and Malaysian cities prior to the invasion, the tragedy of the subjugation and oppression of the Palestinian people was often emblazoned across banners and buntings. It is partly because of the injustice done to the Palestinians that the invasion of Iraq has inflamed Muslim passions throughout the world.<sup>20</sup>

This anger and outrage explains the emergence of fringe groups in Indonesia, in particular those that have chosen to resort to violence and terror in order to achieve their political agenda. Of course, the situation in Indonesia itself has also been a contributing factor. However, it is important to emphasize that the overwhelming majority of Indonesians has vehemently rejected political violence in all forms. This is borne out by the fact that in every election since 1998, political parties that have adopted an uncompromising stand against violence and terror have been the biggest winners. Besides, Muslim mass movements in Indonesia with millions and millions of members, such as the

Nahdatul Ulama and the Muhammadiyah, have openly denounced terrorist groups and their leaders.<sup>21</sup>

### **The Responses of Indonesian Scholars and Ulama toward the Invasion**

In Indonesia, various responses rose concerning the invasion. Before the U.S. and British forces began to invade Iraq, Indonesia and Egypt had already committed their concerns about the possibility of the U.S. invasion. Based on their foreign policies, both Indonesia and Egypt refused the intervention of foreign power in a sovereign country and asked the United Nations to solve the crisis in the Middle East.<sup>22</sup>

Meanwhile, thousand Muslims from Jakarta and its environs gathered in the Mosque Istiqlal to hear tausiyahs from a prominent *alim* K.H. Abdullah Gymnastiar on 9 March 2003 and refused the possibility of the U.S. invasion all at once. The peace action was called "*Bersama untuk Bangsa*" (Together for Nation).<sup>23</sup> Other actions were held in several cities. The goals were connected with each other: to refuse the war because of humanity and solidarity of Muslims all over the world.

Moreover, Australia considered Indonesia as an important element in anticipating the possibility of war in Iraq regarding Indonesia as the largest Muslim country in the world. Australia's Prime Minister John Howard tried to convince Indonesia that the hostility is aimed at the Iraqi regime, not at the Iraqi people or Islam. Thus, he tried to obtain Indonesia's permission by visiting Jakarta after his trips to Washington and London as a symbol of how important Indonesia's position in the Iraq crisis.<sup>24</sup>

Right after the invasion, in a press conference after a plenary session on 20 March 2003, the Indonesian government criticized and deplored the act of the U.S. and its allies that unilaterally attacked Iraq. The session also produced seven policies concerning the invasion. One of them was to criticize the invasion. Indonesia thought that the abuse of military power in Iraq based on a unilateral decision was considered as an act of aggression that is incompatible with the international laws.<sup>25</sup>

However, a month before the invasion, George Bush called President Megawati Soekarnoputri explaining the U.S. plan to attack Iraq, yet there was no pressure from the U.S. to Indonesia to support the plan since Bush had already known where Indonesia stood in the issue.<sup>26</sup>

The invasion received many responses in Indonesia. All of them refused the war in the name of humanity. One day after the Americans invaded Iraq, demonstrations against the war were held in several big cities in Indonesia. The masses mainly gathered in the U.S. embassy in Jakarta. On the second day, it seemed that the embassy was a favourite

place to voice their anger against the war. Although they came from different groups, their demand was the same: ask the U.S. to stop the war. They also demanded the U.N. to prosecute George Bush, Tony Blair, John Howard, and Jose Maria Aznar of Spain in the International Court of Justice as war criminals. They thought that the war was not more than the U.S. and its allies' ambition to take over the power of Iraq oil. Furthermore, they also demanded the Indonesian government to end the diplomatic ties of Indonesia and the U.S. which they thought as a terrorist country. In addition, they blamed the U.N. for their silence attitude towards the issue. Even though the action was considered as a peaceful demonstration, there was an American flag-burning incident. Hizbut Tahrir Indonesia, Partai Amanat Nasional (the National Mandate Party), and Masyarakat Anti Perang (the Anti War Society) were among the demonstrators who stood against the war.<sup>27</sup>

Saiful Mujani,<sup>28</sup> an Indonesian scholar said that it was the Washington rhetoric which claimed the war as the Iraqis liberation from Saddam's tyranny. After the regime fell, the U.S. would build democracy there. The democracy would be built with war and occupation. Some people justified this thought. The Germany and Japan cases in World War II were considered as a justification. The U.S. and its allies fought Germany and Japan and then helped the countries to rebuild democracy politics after they were defeated in the war. However, the cases were not equal with the Iraq case. The U.S. justified its declaration of war against Germany and Japan due to the threats caused by their expansions to Europe, and East and Southeast Asia. No one could deny the threats and thus, the war became the final resort to solve the problem. Meanwhile, the war in Iraq was a war of choice, not because of a certainty. It means that the Iraqi war could have been avoided if President George Bush would like to avoid it. He and his administration could have chosen a peaceful way to disarm the Iraqi's weapon and there were still ways to build democracy peacefully.<sup>29</sup>

Meanwhile, another Indonesian scholar, Hamid Basyaib<sup>30</sup> stated that people easily considered the conflict in Iraq as a war. The fact showed us that it was not a war at all; not because the arms of the two sides were not equally strong, but rather than the reasons of the invasion were contrary to the international laws agreed upon by the world for a half century. Therefore, the right term was "invasion", and in the context of the victims, it would be more proper to call it a "massacre".<sup>31</sup>

As the sympathy, solidarity and effort to relieve the Iraqi's suffering, the Indonesian government decided to send humanity aid to Iraq. The Minister of Foreign Affairs Hassan Wirajuda stated the

government decree to the press on 27 March 2003. He said that the aid would be in the form of medicines and food.<sup>32</sup>

Furthermore, hundred thousand people from various elements with the slogan "*Aksi Sejuta Massa* (the Million People Action)" with the main purpose to oppose the U.S. invasion to Iraq gathered in the main streets in Jakarta. The sympathizers from Partai Keadilan Sejahtera (the Welfare Justice Party) dominated the masses in Komite Indonesia untuk Solidaritas Rakyat Irak (the Indonesian Committee for the Iraqis Solidarity). They gathered since 07.00 on Sunday morning and headed to the U.S. embassy. Other elements joined the action came from Partai Amanat Nasional (the National Mandate Party), PPP Reformasi, Persatuan Umat Katolik Indonesia (the United Indonesian Catholic), Persatuan Mahasiswa Muhammadiyah (the United Muhammadiyah Students), and Ikatan Remaja Muhammadiyah (the Association of Muhammadiyah Youths). Among the masses were political and public figures, such as Muslim scholars Amien Rais, Nurcholis Madjid, Hidayat Nur Wahid, a women activist Nursyahbani Katjasungkana, and a member of Komnas HAM (the National Commission for Human Rights) Bambang W. Suharto. The prominent figures declared anti-war oration to persuade the U.S. government to end the invasion and appealed the International Court of Justice to bring to justice by declaring George Bush and Tony Blair as war criminals. They also demanded the invasion to end as soon as possible.<sup>33</sup>

The chairperson of Muhammadiyah, one of the biggest Muslim organizations in Indonesia, Din Syamsudin said that the representatives of three million people demonstrating in "*Aksi Sejuta Umat*" refused to meet the U.S. ambassador in Jakarta. The main reason was clear. Their demand was to stop the war now. The statement "Stop the War Now" was stated repeatedly. Prior to Syamsudin was the chairperson of the MUI Amidhan, who also gave a speech concerning the issue.<sup>34</sup>

The National Committee for Human Rights (Komnas HAM) persuaded the U.N. to take action to stop the invasion. In its press conference on 31 March 2003 the committee said that the invasion was a serious offence against human rights, especially the rights of the Iraqis to live peacefully. The committee condemned the military aggression as well. The statement had been sent to the General Secretary of the U.N., the Security Council of the U.N., the General Assembly of the U.N., UNESCO, and ICRC. Meanwhile, the National Assembly of KAHMI (the Corps of Muslim Student Association Alumni) persuaded the General Secretary of the U.N. to commend an emergency session to ask the responsibility of George Bush towards his unilateral action violating the Universal Declaration of Human Rights and the U.N. Charter.<sup>35</sup>

The former of Indonesian president Abdurrahman Wahid said that Indonesia had to participate actively as a mediator in the conflict, because, according to him, if the invasion took more than three months, it meant that the crisis could not be solved (through war), but through the court. Thus, Indonesia had to stand in between to become a mediator.<sup>36</sup>

In Yogyakarta, the Nahdlatul Ulama branch of Yogyakarta appealed all Muslims to perform a funeral prayer for Muslims who died in Iraq because of the invasion. They considered the invasion as "impertinence" and "despotism". They considered it as an "accursed international terrorism" and endangered peace on earth. Moreover, the "despotism" done by the U.S. not only hurt the Muslim world, but also spread danger to the world society. As a kind of solidarity, they would collect aid to help the Iraqis.<sup>37</sup>

Nurcholis Madjid, a prominent Indonesian Muslim scholar gave his thought concerning the issue as well. He said that although the invasion was predicted before, it was still shocking. It meant that when a superpower country committed a unilateral act, the result would be injustice. Moreover, when this superpower country claimed getting a license to invade another country, it would be considered as an act of damaging.<sup>38</sup>

After all, many demonstrations against the U.S. invasion to Iraq led the MUI to issue a fatwa condemning the invasion. It shows us that people power was one of the key factors to determine or to support the MUI policies.<sup>39</sup>

In the fatwa, the MUI considered that the U.S. and its allies' aggression to Iraq was committed without agreements and mandates from the U.N.; that Iraq was a sovereign country and one of the members of the U.N.; that the aggression was a human tragedy which caused thousand innocent civilians wounded; that the aggression destroyed the world heritage, especially the Islamic civilization heritage and damaged houses of worship, public spheres, public schools, public housings, nature sources and others; that therefore, the MUI considered the necessity to draw up a fatwa about the legal status of the aggression to be a guidance for Muslims and people around the world.<sup>40</sup>

In addition, the MUI recalled Quranic verses, especially Surat al Naml (27) verse 34 which reads: "She said: Lo! Kings, when they enter a township, ruin it and make the honour of its people shame. Thus will they do"; Surat al-Araf (7) verse 56: "Work not confusion in the earth after the fair ordering (thereof), and call on Him in fear and hope. Lo! The mercy of Allah is nigh unto the good"; Surat al-Taubah (9) verse 41 : "Go forth, light-armed and heavy-armed, and strive with your wealth

and your lives in the way of Allah! That is best for ye but knew"; Surat al-Baqarah (2) verse 90-193: "Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors. And slay them wherever ye find them, and drive them out of the places whence they drove you out, for persecution is worse than slaughter. And fight not with them at the Inviolable Place of Worship until they first attack you there, but if they attack you (there) then slay them. Such is the reward of disbelievers. But if they desist, the lo! Allah is Forgiving, Merciful. And fight them until persecution is no more, and religion is for Allah. But if they desist, then let there be no hostility except against wrong-doers"; and Surat al-Hajj verse 39-40: "Sanction is given unto those who fight because they have been wronged; and Allah is indeed Able to give them victory. Those who have been driven from their homes unjustly only because they said: Our Lord is Allah-For had it not been for Allah's repelling some men by means of others, cloisters and churches and oratories and mosques, wherein the name of Allah is oft mentioned, would assuredly have been pulled down. Verily Allah helpeth one who helpeth Him. Lo! Allah is Strong, Almighty-".<sup>41</sup>

Moreover, the MUI also recalled *Hadiths*. The first is from Bukhari and Muslim which reads: "Ibn Umar reported that: "founded a woman murdered in some parts of Rasulullah s.a.w's *garwah*.; therefore Rasulullah s.a.w. forbade to kill women and children". The second is also from Bukhari and Muslim: "Abdullah ibn Amr reported: "whoever killed defending their wealth, therefore they died a martyr's death".

In addition, the MUI paid attention to the taushiyah of Forum Ukhuwah Islamiyah of the MUI (the advice of Ukhuwah Islamiyah Forum) on 20 March 2003; the outlook of the Fatwa Commission Meeting of the MUI on 9 April 2003, 12 April 2003, and 16 April 2003; opinions and demands from international society, especially Indonesians in almost all of the provinces who condemned and refused the aggression; and after paying attention to a letter of the MUI branch of West Java concerning the solution of the aggression.

After considering, recalling, and paying attention to the issues above, the MUI established *Fatwa tentang Penyerangan Amerika Serikat dan Sekutunya terhadap Irak* (Fatwa about the Aggression of the U.S. and its allies to Iraq). The fatwa was established on 16 April 2003 and signed by K.H. Ma'rif Amin as the chair of Fatwa Commission of the MUI and Drs. Hasanudin, M.Ag. as the secretary of the commission. The fatwa consisted of five points. They were:

1. The aggression of the U.S. and its allies to Iraq was an act of *zhalim* (despotic), unlawful, and against the Islamic and international laws.

2. The brutally aggression causing death of women, children and old men, and the shattering of public facilities were acts of *al-ifsad wal idhrrar* (annihilation and damaging), *al-i`tida* (overact), and a serious offence against human rights.
3. The U.S. administration and its allies who were responsible for the aggression and the result of it must be prosecuted to the International Court of Justice to be punished as aggressors and war criminals.
4. The U.S. government and its allies who were responsible for the aggression must be responsible to rehabilitate the damages.
5. The whole Iraq's territory before the aggression belonged to a sovereign country. Therefore, the establishment of a new government is the rights of the Iraqis.<sup>42</sup>

To a large extent I argue that the fatwa was no more than a way to show the MUI's legitimacy as the only religious national organization which holds the religious authority in Indonesia. The position of Indonesia as the largest Muslim country in the world was also legitimized by the MUI as one of the reasons to establish the fatwa. After the fall of the New Order Era, for some ulama, the MUI was considered as having more freedom to establish fatwas.<sup>43</sup> However, because of its activities in politics, the MUI seemed to have more interests to react to political situation than before.

### Other Fatwas

In most Muslim countries, as many scholars and political analysts thought, voices against the invasion rose. The voices I would like to discuss here are fatwas issued by muftis. It is interesting to note that there were two kinds of fatwas issued by two different kinds of muftis. The first ones were fatwas issued by Sunni muftis and the second ones were those issued by Shi'ite muftis. By describing these fatwas below, I would also like to make a comparison between them and the fatwa issued by the MUI.

Perhaps the earliest fatwa issued by Sunni muftis was the fatwa of hundred muftis in Iraq. In the months before the invasion, December 2002, Saddam Hussein gathered a group of 600 *imams* in Kirkuk and asked them to issue a fatwa calling on all Muslims to join a *jihad* against the U.S. as a response of the possibility of the U.S. invasion to the country.<sup>44</sup> After the invasion, many fatwas against the invasion were issued in some countries. Two of the fatwas were issued by Sheikh Ahmad Kutty, a senior lecturer and an Islamic scholar at the Islamic Institute of Toronto, Ontario, Canada and a group of muftis, consists of Dr. Ahmad Yusuf Sulaiman, Professor of Islamic Shari'ah at the Faculty

of Dar `Ulum, Cairo University; Dr. `Abdel Fattah-Idrees, Professor of Comparative Jurisprudence at Al-Azhar University; and Dr. Ahmad Abu-al-Wafa, Professor of International Law, Faculty of Law at Cairo University. The first fatwa was issued on 24 March 2003 in Live Fatwa of IslamOnline.net. A certain person, named Jasper from Germany asked the question. Kutty stated that Muslims should support the Iraqi people, but they should not do so while violating the laws of the lands where they live.<sup>45</sup> The second fatwa was issued on 30 July 2003 entitled "*Should Iraqis Fight the International Forces in Iraq?*" These muftis stated that scholars agree that it is an individual obligation to use all possible means to defend the homeland against invasion. This means that not only men have to fight, but also excused people, such as women and the old, must participate. In addition, any external forces that go to Iraq to support the U.S. invasion inside Iraq are considered invaders as well. Hence, they are to be treated in the same manner as the U.S. forces; the invaded people must resist them by all possible means. However, Muslim forces must never participate in fighting against Iraq. Nevertheless, if it happened that Muslims took part, the popular resistance forces in Iraq should try their best to avoid fighting them. If they did not manage to avoid them, there would be no blame on them.<sup>46</sup>

The first fatwa questioned by the German Jasper is:

"Is it allowed for Muslims all over the world to support (with weapons) the resistance of the Iraqi people against the American aggression?"<sup>47</sup>

Sheikh Ahmad Kutty answered:

"Yes, Muslims should support the Iraqi people, but they should not do so while violating the laws of the lands where they live. There are so many other ways of supporting our brothers and sisters in Iraq."<sup>48</sup>

Kutty pointed at his another fatwa entitled *Backing Fellow Muslims in Iraq* issued on 27 February 2005 at the request of a certain Mary from Austria who asked:

"How can Canadian, British, American, and European Muslims back their oppressed fellow Muslims in Iraq?"<sup>49</sup>

He answered:

"Not only Muslims who are supposed to back the fellow oppressed Iraqis as well as the humiliated peoples all over the world, but rather the whole humanity should play a positive role that is urged to step forward with the innate power to reject injustice, oppression, atrocities committed on every inch of today's world. It is the innate conscience, the pulsating peaceful heart whose calls go unheard. Here and there, there are millions

of peace-loving peoples, Muslims and non-Muslims, who stage peaceful demonstrations, make themselves 'human shields' to prevent the military action of the aggressor who is careless to the untold human suffering in Iraq, Palestine, Kashmir, Afghanistan and many other countries. Thus, when we (Muslims and non-Muslims) join hands together, when we say an emphatic "no" to the aggressor, when we clarify to what extent our religions condemn aggression and to what extent they criminalize human rights violations, then our demands, our calls and our efforts will reap fruits one day. Focusing more on the role of Muslims as far as the question in point is concerned, it's to be stressed that one of the main duties of Muslims is to support their Muslim brothers and sisters in all parts of the world, to provide them with the means to regenerate their strength, and support them until Allah grants them victory over the aggressive enemy. An-Nu'man ibn Basheer (may Allah be pleased with him) quoted the Prophet (peace and blessings be upon him), as saying: "You see the believers as regards their being merciful among themselves, and showing love among themselves and being kind, resembling one body, so that, if any part of the body is not well then the whole body shares the sleeplessness (insomnia) and fever with it." (Reported by Al-Bukhari).

For sure, Muslims can help ease the suffering of their fellow Muslims in Iraq through the payment of their zakah, charity, yields of their endowments, etc. Allah Almighty says, (...And whatsoever you spend (for good) He replaces it. And He is the Best of Providers. ) (Saba' 34: 39). Muslims outside the USA and Britain should boycott the products of those who launch attacks against Islam and Muslims.<sup>50</sup> This is the least that we can do so as to deter the enemy and help ease the dilemma Muslims are facing. Here are some of the things that we can realistically do:

1. We must join hands and voices with those peace-loving citizens who oppose the occupation.
2. We must bring out the truth and facts about the situation through whatever media or means that are available to us. The media, in general, systematically distort and project a false image in order to sell falsehood. As Muslims, we must take the initiative to mobilize our resources in order to convey the truth objectively.
3. We must come to the help of all those who are oppressed by providing all humanitarian aid that is possible.

4. We must come forward and participate actively in politics and make sure to contact our elected representatives to stand for truth and justice.
5. Lastly, and not the least, we must sincerely pray to Allah Almighty to send down victory to the oppressed. We should read *qunut an-nazilah*, which is a kind of special prayer recommended in time of calamities and tragedies. Usually, *qunut an-nazilah* is done while standing straight after bowing. As Muslims, we must close our ranks and pray from our hearts for the brothers and sisters who are suffering most terribly; it is our duty to pray to Allah to grant them victory and relief. *Qunut an-nazilah* can be recited both individually and collectively. While reciting it collectively, it is best that we choose to read it during Fajr, 'Isha' and Friday Prayers."<sup>51</sup>

Someone with initial "J" questioned the second fatwa.<sup>52</sup> He/she asked:

"The U.S. is trying to convince the U.N. and its allied countries to send international forces to Iraq. This is obviously due to the Americans' inability to face the Iraqi popular resistance forces alone. What is the ruling on fighting the international forces that enter Iraq?"<sup>53</sup>

A group of mufti answered:

"Scholars agree that it is an individual obligation to use all possible means to defend the homeland against invasion. This means that not only men have to fight, but also excused people, such as women and the old, must participate. In addition, any external forces that go to Iraq to support the U.S. invasion inside Iraq are considered invaders as well. Hence, they are to be treated in the same manner as the U.S.-led forces; the invaded people must resist them by all possible means. However, Muslim forces must never participate in fighting against Iraq. But if it happened that Muslims took part, the popular resistance forces in Iraq should try their best to avoid fighting them. If they did not manage to avoid them, there would be no blame on them. Answering your question, Dr. Ahmad Yusuf Sulaiman, Professor of Islamic Shari'ah at the Faculty of Dar 'Ulum, Cairo University, states the following: "No one can deny that fighting the invaders is an individual obligation, so that all people in an invaded country, men, women, old people and even children, have to participate in resisting the invaders. If international forces are sent to Iraq by U.N. resolution to maintain peace and security in the country, without extending any support to the invaders, then the popular resistance forces in Iraq must not fight them. If, on the other hand, they have gone there to support

the invaders and add legality to their occupation of the land, then they are in the same position of the invaders and should be resisted by all available defence mechanisms. Muslim forces should never take part in such invasion, and if they do, it would be a grave mistake. But the forces of popular resistance must try their best to avoid shooting the Muslim forces. However, if they could not manage anyway to avoid the Muslim forces, then there is no blame on them." Shedding more light on the issue, the eminent Muslim scholar, Dr. `Abdel-Fattah Idrees, Professor of Comparative Jurisprudence at Al-Azhar University, adds: "The U.S.-led forces are no more than invaders of the Iraqi people. So the Iraqis have to resist them. Allah Almighty says: "Allah will not give the disbelievers any way (of success) against the believers." (An-Nisa': 141). Exegetes of the Qur'an explain this verse to mean that disbelievers must never rule over the believers. So the Muslims are entitled to resist invasion by all possible means to defend themselves and their lands. This is one of the urgent cases of jihad in which fighting becomes an individual obligation on all people in the country, men, women, old people and children. It is principally impermissible for Arab and Muslim forces to participate in such invasion. But if Arab and Muslim are forces sent by the U.N. for the sake of maintaining peace and security until a fair government is established in Iraq, then the mission of such Arab and Muslim forces should not exceed peace maintenance. It is in this case only that Arab and Muslim forces may participate. But they are not permitted to use violence against the invaded people. Otherwise they would be no more than invaders or supporters to invasion and must be resisted. If any Arab or Muslim forces participated to maintain security of the invaders, then they are to be treated as invaders." Moreover, Dr. Ahmad Abu-Al-Wafa, Professor of International Law, Faculty of Law at Cairo University, concludes: "The status quo in Iraq indicates that the main purpose of sending international forces to Iraq is to avoid daily losses in the U.S.-led forces there. Sending international forces to Iraq has two possible interpretations: First, they are support to occupation. In other words, the international forces would be placed as shields for the U.S. and the British forces in Iraq. In this case, it is permissible to fight them. Second, they are sent to evacuate U.S. and British forces from Iraq and giving the reins of power there to the Iraqis themselves. In this case they are not to be fought. Rather, the way should be paved for them to carry out the mission they are assigned with. But if they stay for a long time with the presence of the U.S.-led forces in Iraq, then they must be fought and dismissed."<sup>54</sup>

Both fatwas supported Iraqis and other Muslims in the world to fight against the invasion. They agreed that it is an individual obligation

to use all possible means to defend the homeland. Furthermore, any external forces that go to Iraq to support the U.S. invasion inside Iraq were considered invaders as well.

Other voices from different parts of the world indicate that fatwas—or fatwas-like—against the invasion were the main Islamic voices for calling on Muslims to take up arms against the U.S. forces in Iraq. For instance, on 21 March 2003, Mohammed Sayed Tantawi, the Grand Sheikh of Al-Azhar University in Cairo called for jihad, or holy war, to support the Iraqis. He issued a fatwa against the invasion.

"Jihad in Islam is meant to defend religion, money, soul, freedom, and to support those who are subject to injustice,"<sup>55</sup>

In addition, Sheikh Ahmed Bukhari, an influential Islamic voice in India stated: "The war between right and wrong has begun—this is jihad." Moreover, Sheikh Hamza Mansour, the leader of the Islamic Action Front, the largest mainstream Muslim party in Jordan, called on Muslims to defend Iraq against the U.S. invaders. He said:

"Under the U.S. occupation, no one will restrict their actions to peaceful means, and everyone will call for resistance by all the means they can muster."<sup>56</sup>

A number of Shiite muftis issued fatwas as well as those of Sunni. The Grand Ayatollah Al-sayyid Muhammed Hussein Fadlullah, a prominent Shiite imam from Lebanon, gave the same opinion concerning the issue, even though he is a Shiite imam, for there is a general belief that Shiites always be the opponents of Sunnis in Iraq, in which Saddam Hussein involved in fighting Shiite.<sup>57</sup> He thought that it was necessary to give an absolute rejection to the invasion because he knew that the U.S. did not take up the invasion for the interest of the Iraqis but for the sake of its own strategic interests in the region. That is despite the fact that they rejected the Iraqi regime as well which was an American regime.<sup>58</sup>

Furthermore, he had issued a fatwa declaring the prohibition of helping the U.S. to hold sway over the Iraqi people and he asked the believers to face this in all possible means they have.<sup>59</sup> However, he did not explicitly ask Muslims in Iraq and other countries to fight against the invasion. Furthermore, when asked about his opinion concerning Saddam Hussein, he stated:

"I surely believe this man was a CIA agent and that he implemented all their plans in creating disturbance in the region, attacking Iran, occupying Kuwait, confiscating the liberties of the Iraqi people, committing the brutal actions against the learned intellectuals presided by the martyr Ayatollah al-Sayyid Muhammad Baqir al-Sadr and assassinating many of the Iraqi nobles including his party-comrades. On

finishing his task in serving its interests, America kicked him away. That is why we believe that Iraq has never seen such a tyrant."<sup>60</sup>

His opinion about Saddam Hussein perhaps can explain why he issued a fatwa against the invasion, because he believed that both the U.S. and Saddam Hussein were the same objects they must fight.

However, there were also different voices within Shiite community. In their desperate efforts to get the support of the Shiites, the U.S. focused on two Shiite leaders. The first one was Grand Ayatollah Sayyid Ali al-Sistani<sup>61</sup>, based in Najaf, Iraq. As the only Grand Ayatollah of Iraq, he was considered the most senior leader of the Shiite community of Iraq. In September 2002, months before the invasion, Sistani issued a fatwa urging Muslims to stand united "and do their best to defend Iraq and protect it from the schemes of covetous aggressors."<sup>62</sup>

Nonetheless, after the U.S. troops had surrounded Najaf and when they found the local population fiercely resisting American capture of the town, the commanding officer of one of the two brigades of the 101<sup>st</sup> Airborne Division met Sistani and managed to persuade him to issue another fatwa cancelling his earlier directive to oppose the invaders. On 3 April 2003, Sistani succumbed to the US pressure and issued another fatwa appealing to his followers not to obstruct the advance of the US forces or in other words he asked the Iraqis to keep silent and not resist the forces.<sup>63</sup> It may be seen that Iraqi nationalism became increasingly linked to fight for the regime as the invasion continued. The appeal for neutrality by Sistani would also have undermined the Shiite will to fight among those who felt they were fighting for their clan as much as they were fighting for Iraq.

At the same time, the U.S. persuaded Abdul Majid al-Khoei (or Abd al-Majid al-Khaw'i), the son of the late Grand Ayatollah Abul-Qasim al-Khoei, who was Ayatollah Sistani's teacher, in order to rally the local Shiite population in support of the U.S. He issued a fatwa praising the U.S. troops for taking care, not to damage the Shiite holy shrines in Najaf. However, his fatwa had another impact. On 10 April 2003, the day after the fall of Baghdad, he and an aide were brutally stabbed to death in an incident at the Grand Imam Ali Mosque of Najaf. While the U.S. projected the murder as due to internal rivalries amongst the leading Shiite clergy of Najaf, the local inhabitants believed that the murder of al-Khoei was mainly due to the tendency that he was seen as an American stooge. In a statement, Mohammad Baqer Musawi al-Muhri, a pro-U.S. Shiite cleric based in Kuwait, blamed an organisation called the Jimaat-e-Sadr-Thani for the murder. Moqtada Sadr heads this organisation; the son of Mohammed Sadeq Sadr, a Shiite leader killed

along with his two other sons in 1999, allegedly by the Iraqi intelligence agency. The tragic death of al-Khoei is a reminder of the pernicious legacy Saddam Hussein left: violence and politicised religiosity. His death marked the beginning of a schism in Najaf.<sup>64</sup>

The fatwas mentioned above—both issued by Sunni and Shiite muftis—have been widely acknowledged by some Muslims. However, they also received different responses. The first two fatwas from IslamonLine.net affirmed the necessity of independent legal reasoning (ijtihād) based on the Quran and Hadith and other sources as well. The site aims to present a unified and lively Islam that keeps Muslims with modern times in all areas. Their motto is “credibility” and “distinction”. They consist of several scholars, headed by a prominent alim, Dr. Yusuf Qardawi. Their role is to ensure that nothing on the site violates the fixed principles of Islamic law (Shar'ia). Their general policies include “addressing humanity; avoiding ties with or speaking for any country, party, group, council, or organization; adopting the middle ground of Islam; avoiding extremism or negligence; rejecting deviant or strange opinions”. IslamonLine is one of the largest Muslim websites, to ensure that none of its content “violates the fixed principles of Islamic law”. Under Qaradawi's supervision, IslamonLine frequently attacks “western” values, especially the hedonism view, but also urges Muslims, especially those living in the west, to work with non-Muslims “in all laudable and beneficial projects”, for example, “to make our streets free of drugs, alcoholism, prostitution and homosexuality”.<sup>65</sup> The fatwas of IslamonLine can be regarded as modern fatwas, based on two reasons: first, their legal reasoning uses the method of ijtihād and second, they are mainly about contemporary humanity issues faced by humanity and they have been global issues as well.

To a large extent I argue that two different fatwas from two prominent Shiite leaders can be described as unpopular fatwas among Iraqis. As has been described above the Grand Ayatollah Sayyid Ali al-Sistani, who issued a fatwa not to resist the invasion, came in for criticism from large factions of the Shiite community. The U.S. tried to meet the criticism by circulating reports that the Ayatollah's fatwa of September 2002 was not issued by him at all and that it had been issued by the Saddam Hussein regime by forging his signature. The fact that this did not carry conviction since Sistani had not denied until 3 April 2003 his authorship of the September 2002 fatwa. Furthermore, the sudden treatment was addressed to Abdul Majid al-Khoei. After issuing a fatwa praising the U.S. troops for not having damaged the Shiite holy shrines in Najaf, on 10 April 2003, the day after the fall of Baghdad, al-Khoei was killed just few yards from the tomb of his ancestor.<sup>66</sup>

Therefore, I argue that the widely accepted fatwas by most Iraqis and Muslims all over the world were those that condemned the invasion and appealed for fighting against the Americans in Iraq.

## Conclusion

The MUI as a national government organization which holds the highest religious authority in Indonesia established *Fatwa tentang Penyerangan Amerika Serikat dan Sekutunya terhadap Irak* (a *Fatwa* about the Aggression of the U.S. and its allies to Iraq) on 16 April 2003. Prior to the issuance of the fatwa, a number of Indonesian scholars and ulama reacted against the invasion and it was also true that in other Muslim countries, some muftis, both those of Sunni and Shiite, issued fatwas, both similar and different compared to that of the MUI.

The MUI fatwa was issued no longer than a month after the invasion. However, it was a little bit too late compared to the issuance of similar fatwas from other countries. It seems that the MUI as a national government organization reacted carefully regarding its position. I believe it was mainly because the MUI did "wait and see" towards other fatwas issued in other countries, especially those of the Middle East. Moreover, the Indonesians did not need a certain fatwa to condemn the invasion. The demonstrations against the invasion prior to the issuance of the fatwa show us that the Indonesians seemed to react fast after the invasion. It was the political parties, the Muslim organizations, the Muslim Youths and public figures who stood against the invasion. To some extent, I believe they paid attention to the Muslims solidarity and therefore they needed to react to the invasion. For many people, the MUI was not considered as the holder of the highest religious authority in Indonesia.

Numerous demonstrations in Indonesia seem to be a justification for the MUI to issue a fatwa condemning the invasion. However, several scholars and ulama were among the first people to react against the invasion. They stood as public figures that were expected to react right after the invasion. Nonetheless, several political analysts thought that some politicians in order to keep their positions secure in the following general election in 2004.

The invasion-condemning fatwas were the majority of the fatwas issued in some countries, especially in Iraq, Islamonline, and other Middle East countries. The two opposite fatwas shown above were unpopular and one the muftis issuing them received an unpleasant treatment after his fatwa was issued. It seems for certain reasons, the resistant fatwas against the invasion were well accepted and had many

people committed fighting against the U.S. or at least condemned the invasion because of the fatwas.

## Endnotes:

<sup>1</sup> For the study of fatwas and taustiyahs as mechanisms by which the MUI attempts to bring Indonesians closer to its understanding of "orthodoxy", see Moch. Nur Ichwan, "Ulama, State and Politics: Majelis Ulama Indonesia after Suharto", in *Islamic Law and Society*, Vol. 12, No. 1, 2005, pp. 45-72.

<sup>2</sup> Majelis Ulama Indonesia, *Himpunan Fatwa Majelis Ulama Indonesia*, (Jakarta: Departemen Agama RI, 2003), pp. 324-326. The fatwa can also be found at [www.mui.or.id](http://www.mui.or.id). It was accessed on 23 October 2007.

<sup>3</sup> Mohammad Atho Mudzhar, *Fatwas of the Council of Indonesia Ulama: A Study of Islamic Legal Thought in Indonesia 1975-1988*, Bilingual Edition, (Jakarta: INIS, 1993), p. 54 and 58. See also M.B. Hooker, *Indonesian Islam: Social Change through Contemporary Fatawa*, (Crows Nest: Allen and Unwin, 2003), p. 60-61.

<sup>4</sup> *Ibid*, p. 54.

<sup>5</sup> On the one hand, the government demonstrated its high regard for the MUI and extended its financial support, on the other hand the MUI was under pressure to justify the government's policies from the religious point of view. See *ibid*, p. 60.

<sup>6</sup> For instance, on 7 March 1981 the MUI issued a fatwa of Muslims' attendance a Christmas celebration. The fatwa was issued as a response to a development in Indonesia where formal celebrations of Christmas were attended by Muslims on invitation. Many Muslims receiving such invitations were reluctant to decline due to the fear of being accused of intolerance. While for Christians the attendance of Muslims at the celebrations was a good excuse for exposing them to Christianity, the ulama thought that it constituted a threat of Christianization. It was in this context that the MUI felt it necessary to issue the fatwa without being requested. See *ibid*, p. 101 and Moch. Nur Ichwan, *op. cit*, p. 51. For the issuance procedures of the MUI's fatwas, see Majelis Ulama Indonesia, *op. cit*, pp. 1-8 and Mohammad Atho Mudzhar, *op. cit*, pp. 68-76.

<sup>7</sup> Majelis Ulama Indonesia, *Wawasan dan PD/PRT Majelis Ulama Indonesia*, (Jakarta: Majelis Ulama Indonesia, 2000), quoted from Moch. Nur Ichwan, *op. cit*, p. 50. Ichwan argues that this vision indicates two things. First, the MUI is distancing itself from the government and seeking to cope with Muslim aspirations. Second, it is using an Islamic reformist strategy to bring the MUI and Muslims closer to its definition of orthodoxy.

<sup>8</sup> The New Order Era is referred to the period from the issuance of Surat Perintah 11 Maret (Supersemar / the 11 March Letter of Order) on 11 March 1966 and ended on 21 May 1998, by the time the fall of Suharto regime. The fall is also known as the beginning of the Reformation Era. The Reformation or *Reformasi* in Indonesian is the name commonly used for the post 1998 era. This is due to a more open and liberal political and social environment in Indonesia after the people power forced the resignation of Suharto, ending the three decades of the New Order period.

<sup>9</sup> Moch. Nur Ichwan, *op. cit*, p. 72.

<sup>10</sup> For further explanation on this issue, see Nico J.G. Kaptein, "The Voice of the Ulama: Fatwa and Religious Authority in Indonesia", in *ISEAS Working Paper*.

*Visiting Researchers Series No. 2 (2004)*, Singapore: Institute of Southeast Asian Studies, pp. 10-11.

<sup>11</sup> Tom Lansford and Robert J. Pauly, *Strategic Preemption: U.S. Foreign Policy and the Second Iraq War*, (Hampshire: Ashgate Publishing, 2004), pp. 153-155. See also Nick Ritchie and Paul Rogers, *The Political Road to War with Iraq: Bush, 9/11 and the Drive to Overthrow Saddam*, (London and New York: Routledge, 2007), pp. 97-98 and Nehal Bhuta, "A Global State of Exception?: The United States and World Order", in *Constellations*, Vol. 10, No. 3, September 2003, pp. 372-373.

<sup>12</sup> Robert J. Pauly, "French Security Agenda in the Post 9/11 World" in Lansford, Tom and Blagovest Tashev, *Old Europe, New Europe and the U.S.: Renegotiating Transatlantic Security in the Post 9/11 Era*, (Hampshire: Ashgate Publishing, 2005), p 3.

<sup>13</sup> Tariq Ali, *Bush in Babylon: The Recolonisation of Iraq*, (London and New York: Verso, 2003), p.151.

<sup>14</sup> Robert Scheer, Lakshmi Chaudry, Christopher Scheer, *The Five Biggest Lies Bush Told Us about Iraq*, (New York: Seven Stories Press, 2003), p. 105.

<sup>15</sup> *Ibid*, p. 157-159.

<sup>16</sup> Josh Pollack, "Anti-Americanism in Contemporary Saudi Arabia", in *Middle East Review of International Affairs*, Vol. 7, No. 4, December 2003 (This paper was presented in September 2003 at the GLORIA Center conference on anti-Americanism, sponsored in part by the Lynde and Harry Bradley Foundation).

<sup>17</sup> Nehal Bhuta, *op. cit*, p. 374.

<sup>18</sup> Chandra Muzaffar, "The Relationship between Southeast Asia and the United States: a Contemporary Analysis", in *Social Research*, Vol. 72, No. 4, winter 2005, p. 910-911.

<sup>19</sup> Tariq Ali, *op. cit*, p. 160.

<sup>20</sup> Chandra Muzaffar, *op. cit*, p. 911.

<sup>21</sup> *Ibid*, pp. 911-912.

<sup>22</sup> *Kompas Cyber Media*, 6 February 2003. It was accessed on 2 November 2007.

<sup>23</sup> *Ibid*, 9 March 2003.

<sup>24</sup> *Ibid*, 17 March 2003.

<sup>25</sup> *Ibid*, 20 March 2003.

<sup>26</sup> *Ibid*, 21 February 2003.

<sup>27</sup> *Ibid*, 22 March 2003.

<sup>28</sup> Saiful Mujani is the Principle Investigator and a founder of the Lembaga Survei Indonesia (LSI). He is also the director of Political Studies of the Freedom Institute as well as associate professor of Political Studies at the Universitas Islam Negeri, Jakarta. He has participated as a principle investigator in mass opinion surveys on voting behavior, religion, democracy, and public policy since 1999. His works mostly based on mass opinion survey and appear in *Journal of Democracy*, *Demokrasi dan HAM*, and *Studia Islamika*. See: <http://www.asianbarometer.org/newenglish/network/SaifulMujani.htm>. It was accessed on 4 November 2007.

<sup>29</sup> <http://islamlib.com/id/index.php?page=article&id=18>. It was accessed on 4 November 2007.

<sup>30</sup> He is one of the main activists of Jaringan Islam Liberal (the Network of Liberal Islam) in Indonesia.

<sup>31</sup> <http://islamlib.com/id/index.php?page=article&id=13>.

<sup>32</sup> *Kompas Cyber Media*, *op. cit*, 27 March 2003.

<sup>33</sup> *Ibid*, 30 March 2003.

<sup>34</sup> *Ibid*, 30 March 2003.

<sup>35</sup> *Ibid*, 31 March 2003.

<sup>36</sup> *Warta Kota*, 1 April 2003.

<sup>37</sup> *Beritas*, 3 April 2003.

<sup>38</sup> <http://islamlib.com/id/index.php?page=article&id=14>.

<sup>39</sup> For instance, the majority of Indonesians supported the MUI's fatwa on the status of widely-consumed monosodium glutamate (MSG) products produced by the Japanese company Ajinomoto. On 16 December 2000 the MUI issued a fatwa stating that Ajinomoto's products are forbidden (*haram*). The fatwa was challenged by President Abdurrahman Wahid who said that Ajinomoto's products were safe for consumption by Muslims and free of pork. However, the majority of Indonesians, including Islamic Parties, supported the MUI in this instance. See, Moch. Nur Ichwan, *op, cit*, pp. 69-70.

<sup>40</sup> Majelis Ulama Indonesia, *op, cit*, p. 321.

<sup>41</sup> I use the translation work of Quranic verses into English in *The Glorious Koran* by Marmaduke Pickthall. See Marmaduke Pickthall, *The Glorious Koran: a Bi-lingual Edition with English Translation, Introduction and Notes*, (London: George Allen and Unwin, 1976).

<sup>42</sup> Majelis Ulama Indonesia, *op, cit*, pp. 327-328.

<sup>43</sup> See Moch. Nur Ichwan, *op, cit*, especially page 46, 50, and 53.

<sup>44</sup> Angel M. Rabassa, *The Muslim World after 9/11*, (Santa Monica: Rand Corporation, 2004), p. 125.

<sup>45</sup> <http://www.islamonline.net/livefatwa/english/Browse.asp?hGuestID=Xu2OT4>. It was accessed on 6 November 2007.

<sup>46</sup> *Ibid*.

<sup>47</sup> *Ibid*.

<sup>48</sup> *Ibid*.

<sup>49</sup> *Ibid*.

<sup>50</sup> About a quarter of people interviewed in the U.S. and up to a half of those interviewed in the Middle East said they had seriously considered a boycott and of those had considered it anywhere from half to two-thirds said they had actually done it. In the U.S. the proportion of those who said they had actually joined in a boycott in 2003 over Iraq was as large as the proportion in 1974 or 1981 that reported having joined in a boycott at anytime in the past. In Britain the figure was 4 percent in 2003 compared with 5 percent in 1974 and 7 percent in 1981. See Murray Goot, "Introduction: World Opinion Surveys and the War in Iraq", in *International Journal of Public Opinion Research*, Vol. 16, No. 3, 2004, pp. 259-260. By asking only Muslims outside the U.S. and Britain to boycott the products of those who launched attacks against Islam and Muslims, Kutty seemed to be realistic considering the fact that before the fatwa was issued (and this also means that the invasion was not begun yet), nearly two-thirds of Americans interviewed in November 2002 favored the U.S. and its allies taking the action to end Saddam Hussein's dictatorship, while in Britain the opinion was evenly divided. See Murray Goot, *ibid*, p. 242.

<sup>51</sup> IslamonLine, *op, cit*.

<sup>52</sup> IslamonLine does not explain whether he/she is the same as "the German Jasper" who asked the first fatwa.

<sup>53</sup> *Ibid*.

<sup>54</sup> *Ibid*.

<sup>55</sup> <http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2003/03/27/MN283501.DTL>. It was accessed on 4 November 2007.

<sup>56</sup> *Ibid.*

<sup>57</sup> The rise of modern Shiite Islamic militancy in Iraq can be traced to the late 1950's, although its roots go back further. By the mid 1970's, mass Islamic protests and the executions in 1974 of many Shiite Islamic leaders by the Ba'th regime revealed the extent to which Shiite Islamism was in action and capable of defying a formidable regime long before the rise of Khomeini. In 1977 mass anti-Ba'th protests and demonstrations in Najaf, Karbala, and Khan al-Nus, during the Marad al-Ras pilgrimage to the shrine cities, shook political life, causing splits in the ruling elite. Since then, the upsurge of Shiite Islamism has been a major feature of Iraq's political and social development. See Faleh A. Jabar, *The Shiite Movement in Iraq*, (London: Saqi, 2003), p. 31.

<sup>58</sup> An e-mail from the mufti to the writer on 2 October 2007.

<sup>59</sup> *Ibid.* In his e-mail, he did not mention when he had issued the *fatwa*.

<sup>60</sup> *Ibid.* It was his opinion sent to me and it was not the *fatwa* he issued.

<sup>61</sup> Sistani is a man with a black turban, a snowy beard and unquestioned influence among Iraq's Shiite majority. Born in Iran but schooled in Iraq. Although he works out of a modest office on a decrepit alley, he has enormous authority to interpret Islamic law in everyday life. He is a man to be reckoned with, someone who must play a crucial role for there to be a peaceful transition to anything resembling democracy in Iraq. Sistani's influence and his traditional authority as a *Maraji at-taqlid* (a source of imitation for those following the religious rulings of a prominent *mujtahid* or scholar) continues to demonstrate that he is the most respected and influential man in the country, appearing to foster a more "moderate" form of Shiite Islam and promoting the cause of democracy. See Babak Rahimi, "Ayatollah Ali al-Sistani and the Democratization of Post-Saddam Iraq", in *Middle East Review of International Affairs*, Vol. 8, No. 4, Article 2, December 2004 (Online version).

<sup>62</sup> B. Raman, 2006, *Iraq: After Saddam, the Mullas and Imams*, in <http://www.saag.org/%5Cpapers21%5Cpaper2078.html>. It was accessed on 7 November 2007.

<sup>63</sup> *Ibid.* See also Charles Kurzman, "Pro-U.S. Fatwas", in *Middle East Policy*, Vol. 10, Issue 3, September 2003, p. 156.

<sup>64</sup> *Ibid* and Faleh A. Jabar, *op. cit.*, p. 23.

<sup>65</sup> <http://www.islamonline.net/English/AboutUs.shtml> and <http://www.guardian.co.uk/world/2005/jan/25/worlddispatch.brianwhitaker>

<sup>66</sup> B. Raman, *op. cit.*, Charles Kurzman, *op. cit.*, p. 156 and Faleh A. Jabar, *op. cit.*, p. 23.

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