Examining the Influence of the Islamic jurisprudence on the Decision of Acquiring and Using the Chemical Weapon by ISIS and Jabhat al-Nusra

The acquisition and use of chemical weapons by the Islamist terrorist group in the Middle East, specifically in Iraq and Syria, added an utterly new burden to the Chemical Weapons Convention. ISIS and Jabhat al-Nusra, for example, have shown their willingness to contravene international humanitarian law and killing people indiscriminately. These groups are religiously motivated with jihadist, globalized agendas. The Islamist terrorist groups mostly draw upon the Islamic jurisprudence (Fiq’h) to shape their understanding of jihadist strategies (offensive and deterrence). But some of them use Fiqh to rationalize and justify using such destructive and deadly weapons even against Muslim communities. Both ISIS and Al-Nusra chose to implement several rules (Hukum Allah, Al-Tamkeen, Hukum Al-Tankeel, and Hukum Tawah’sh) to shape their decision of acquiring and using of chemical weapon by ISIS and Al-Nusra. The choice of ISIS and Al-Nusra to acquire and use of CW were based on the way they understand, interpret, and implement the Islamic Jurisprudence. Which in turn made ISIS decide to acquire and use CW while Al-Nusra deliberately avoided using them.

Thus, to understand how ISIS and al-Nusra shaped their mind (values, rationales, beliefs) to acquire and use or not use of CW, this paper will examine the influence
of the Islamic jurisprudence rules on making the decision to use or avoid and using the chemical weapon by these groups.

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