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## Culture of Command & Control of nuclear weapons in the Middle East – Jihadi-Salafi Regime

Dr. Shmuel Bar, August 2010

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### Executive Summary

The question how a regime motivated by radical Jihadi-Salafi ideology may structure its command and control of nuclear weapons is doubly speculative: first - except for the Taliban regime in Afghanistan and – with reservations – Hamas in Gaza, no Jihadi-Salafi organization has ever achieved control over a state; second – we do not know what state may be under such control and what stage of development of nuclear weapons it may be in. It would be reasonable though to assume that in any such regime, the attitude towards nuclear weapons may not stem from the international “taboo” on the use of such weapons which has emerged over the last half century, but rather from traditional Islamic jurisprudence. This assumption raises important issues: What is the Islamist perspective today on the legality of possession and/or use of nuclear weapons? What are the Islamist concepts of command and control in the context of an Islamist state that they aspire to create? What might be the constraints that will impact on the development of the command and control structures of such a regime?

There has been some discussion in Sunni jurisprudence circles regarding the legality of possession or use of nuclear weapons. Common elements of the writings in these circles include: (1) the fact that the distinction in Islamic law of war is not between combatants and non-combatants, per se, but rather between those whom must be killed and those regarding whom may be spared if tactical considerations warrant that and high tolerance for “Collateral damage” to such non-combatants; (2) permission – or even obligation - to use any possible means to destroy the enemy whose blood is permitted; preference for “counter-value” attacks aspiring to total destruction of symbolic targets, as opposed to a “counter-force” doctrine; (3) a perception (at least in jurisprudential terms) of nuclear weapons as a modern incarnation of “strategic” weapons from the days of Muhammad and hence the permissibility of their use is analogous to their predecessor's use by the Prophet Muhammad; (4) the duty of the Muslims to achieve military superiority over the enemy, or at least parity in types of weapons, leads to the permissibility of acquiring any weapon which is found in the hands of the enemy; (5) The duty of the Muslims to “make the enemies of the *Umma* or the enemies of Allah tremble”, clearly accomplished by nuclear weapons; (5) the principle of reciprocity of damages and punishment (*qisas*) and the right of “Retaliation in kind” (*al-mu'amala bil-mithl*).

A Jihadi-Salafi regime can be expected to consider the possession of a nuclear deterrent as an ultimate guarantor of its survival in power, and as a key strategic asset in its relations with its neighbors and with the West. However, assuming that a Jihadi-Salafi regime will – at least initially - follow the ideological guidelines that appear in the writings before it takes power, its attitude towards nuclear weapons would probably not be restricted to the role of a deterrent to be kept under wraps or as a last resort doomsday weapon, but rather as a weapon to be wielded and brandished to further the movement's strategic goals and ideological agenda.

An important factor that may affect the command and control paradigm of a Jihadi-Salafi regime is the way that the leader is perceived by the public (or projects his self). Thus, an autocratic Jihadi-Salafi regime leader who enjoys some direct inspiration from Allah, or even is endowed with some supernatural perspicacity, may not be obliged to provide

an explanation for his decisions. It is worth noting that although consultation in leadership is encouraged, it is not a must insofar as non-consultation does not invalidate the legitimacy of the decision by the leader. Such single-leader decision-making may be more prone than collective decision-making to the primary pitfall of nuclear standoff – catastrophic miscalculation. Another possible consequence of this aspect of leadership may be a certain incompatibility of such leadership structures with procedures for command and control, which call for redundancy and authentication as a safeguard against a leader who loses self-control or suffers a breakdown. Thus, well-established Western principles of nuclear asset security may be in serious jeopardy.

The influence of Islamic principles on the subject of military command should also be taken into account. These principles typically will also accord greater status in the military structure to those who demonstrate greater religious commitment or knowledge over professional merit. Hence, in the first stages of such a revolutionary military structure, the army – including with respect to the strategic assets – will typically resemble a “revolutionary guard” more than a professional military and officers may subordinate their duty of military obedience to their religious values. Such a regime may also create a vanguard, or Praetorian Guard, force, along the lines of other such ideologically fiercely loyal forces typical of authoritarian and highly charged regimes – from the early Soviet Union, to Nazi Germany, to Iran (the Iranian Revolutionary Guard Corps (IRGC)).

A Jihadi-Salafi regime will most likely establish a new ideologically vetted military force, parallel with the regular army, similar perhaps in some or many respects to the IRGC. This parallel army may be responsible for the most sensitive and important projects, like the nuclear infrastructure and the surface to surface missiles (SSM's). The command and control characteristics of that hypothetical parallel force are hard to predict, however the Iranian model, as well as Al-Qa'ida and Taliban practices, may provide some guidance. However, while the nuclear weapons themselves may not be placed in the hands of the regular military, non-integration of the dual use delivery systems in the regular army will be problematic. Such a set-up may facilitate direct command and control by the leadership of the weapons. At the early stages of the regime – especially if it inherits an existing nuclear arsenal – this paradigm may necessitate concentrating the nuclear assets in a limited number of locations. The solution for the problem of loyalty of the forces in contact with the weapons may, therefore, create a greater risk insofar as there will be less separation between the various components of the weapon. A more centralized command and control (C2) structure, as manifested by the imposition of a regime-favored force, such as a Praetorian Guard fiercely loyal to the Leader, would then inevitably have both its advantages and its disadvantages in terms of the security of the nuclear assets, prevention of theft, unauthorized launch and other outstanding issues.

The presumption of Jihadi-Salafi leaders to emulate the behavior of the Prophet Muhammad brings them to eschew delegation of authority when such delegation is not dictated by the conditions in the field (i.e. absence of communication, multiple theaters of Jihad etc.). This is not a necessary conclusion from the biography of the Prophet or his companions; however it does seem to be the lesson that most of the Jihadi-Salafi strategists learn from it. It seems that once a Jihadi-Salafi regime will be founded, even the existing tolerance of pluralist authority and delegation of authority can be expected to be reduced. Such behavior may serve as a serious impediment for building a robust structure of command and control. It seems likely that Jihadi-Salafi regimes will follow the tradition of hyper-centralism of some of the secular Middle Eastern regimes – the Ba'th regime in Iraq, and the incumbent one in Damascus, and Egypt – and the tendency for deep involvement in military affairs by the political leadership would probably extend to its involvement in appointing individuals who are personally

known to the leadership in each link in the chain of command over nuclear weapons. Thus, in contrast to Western nuclear C2, command and control with communication (C3) and with intelligence (C3I) systems, we can expect to encounter in a Jihadi-Salafi regime a more individualized line of command consisting of fewer (but highly trusted and religiously motivated) individuals, with less compartmentalization between them.

Jihadi-Salafi organizations are generally open to technology, and are less apprehensive of Western technology than established regimes with developed security apparatuses. Consequently, a newly founded regime based on a Jihadi-Salafi movement may conceivably be more open to adopting borrowed communications and command and control technology, and be less apprehensive that integration of such borrowed means may compromise regime survival. Nevertheless, a Jihadi-Salafi regime would probably encounter a problem similar to that of the revolutionary regime in Iran after Khomeini took power – a deep suspicion and even animosity towards the Western oriented and educated technological elite and military professionals. This attitude will probably hinder development of local technological solutions to the idiosyncratic needs of the regime. However, while the perception of nuclear weapons as weapons which must be demonstrated and brandished in order to deter nuclear strategic enemies should dictate a robust and sophisticated and flexible C3 system, the dearth of cadres who are both loyal and professional would make the forming of such a system difficult. The dearth of totally loyal professional officers to staff the strategic weapons units can also be expected to impact upon deployment considerations and logistics of safeguarding the weapons.

A Jihadi-Salafi regime inheriting an existing state would, in its first stages, have to cope with residual opposition by the previous, perhaps secular, regime (as in Iraq) and external intervention. Regions of the country – usually in the periphery – may therefore be insecure for deployment of strategic assets. It would appear therefore, that in the early stages of such a nuclear entity, the regime would probably not prefer a complicated model of total separation between weapons and delivery systems. The limited amount and dual use nature of delivery systems in the Middle Eastern theater will render their allocation only for nuclear use impossible; the delivery systems themselves will have to be integrated in conventional forces (and in the regular army) and the personnel for those units will have to be vetted at a higher level than regular forces. These constraints may preclude a system based on separation of components to different installations. However, it is altogether possible that they would allocate mission-committed units for nuclear weapons, as is customary in the Western states – the US, UK, France, and may be in Iran soon.

## Introduction

The distinction between permitted and forbidden weapons and legitimate targets of any weapons during armed hostilities evolved in the international community mainly in the wake of the use of chemical weapons in World War I. These understandings were duly codified in international law since, and were prohibited in the 1925 Geneva Convention, and of course later in the Chemical Weapons Convention that came into force in 1996 after long years of negotiation. Nuclear weapons, on the other hand, have never been “prohibited” for use in the same sense as chemical weapons. Their use though has been viewed since Hiroshima and Nagasaki as even more horrific and, hence, they have been viewed by all the nuclear states as weapons of deterrence, to be employed only as a last resort weapon when – and only when – their possessor is attacked or imminently threatened by such weapons. The “taboo” on even brandishing of nuclear weapons in order to gain advantage in conventional conflicts has become more and more deeply rooted over the decades of the Cold War. Since the role of nuclear weapons is primarily mass destruction of civilian population

– the existence of tactical nuclear weapons, notwithstanding – the nuclear taboo has been reinforced by the acceptance after World War II of the prohibition on the indiscriminate targeting of civilian population in conflicts.

However, it ought not to be taken for granted that all new nuclear states emerging in the “Fourth Nuclear Age”<sup>1</sup> will automatically adhere to these understandings. Many of the elites of the emerging (or potential) nuclear states have no collective traumas of the experiences that brought the Western World to subscribe to these taboos. In addition, for many of these states, the perceived legality of use of certain weapons will not transpire from “international law” (which may even be seen as discriminatory infidel conventions imposed on the Muslims in order to weaken them) but on traditional Islamic jurisprudence. To understand how these states may apply these principles, we must delve into modern Islamic jurisprudence regarding the permissibility or unacceptability of weapons of mass destruction – particularly nuclear weapons, the attitude towards “non-combatants” in conflict and the underlying reasoning processes regarding these issues.

The question how a regime motivated by radical Jihadi-Salafi ideology may structure its command and control of nuclear weapons is doubly speculative: first – except for the Taliban regime in Afghanistan and – with reservations – Hamas in Gaza<sup>2</sup>, no Jihadi-Salafi organization has ever achieved control over a state; second – we do not know what state may be under such control and what stage of development of nuclear weapons it may be in. Saudi Arabia may well be the most relevant country for the Jihadi-Salafi model for two reasons: First, the potential of a Jihadi-Salafi (or neo-Wahhabi) takeover of the Kingdom is higher than in any other Sunni country; and second, the motivation of Saudi Arabia under the present regime – and certainly under a Jihadi-Salafi regime – to develop nuclear weapons against a nuclear (Shiite) Iran would be high. Therefore, of all the countries in the region, the risk of a Jihadi-Salafi regime inheriting a nuclear state is the highest in Saudi Arabia.

Nevertheless the question raises important issues: What is the Islamist perspective today on the legality of possession and/or use of nuclear weapons? What are the Islamist concepts of command and control in the context of an Islamist state that they aspire to create? What might be the constraints that will impact on the development of the command and control structures of such a regime?

## Sunni Islamist Perspectives on the Legality of Nuclear Weapons

There has been some discussion in Sunni jurisprudence circles regarding the legality of possession or use of nuclear weapons.<sup>3</sup> Much of this discussion has taken place in Jihadi-Salafi circles affiliated with al-Qaida; however the issue has also been raised in mainstream circles, including in the prestigious institution of al-Azhar. The Sunni Islamic discourse

1 The “Fourth Nuclear Age” – after a general breakdown of the international non-proliferation regime.

2 It is not clear whether the Hamas regime should be taken into account as a Jihadi-Salafi type regime which has come to power. The Hamasist Jihad is directed primarily against Israel and its roots are in the Egyptian Moslem Brotherhood, and not in the mélange of the Jihadi branch of that movement and the Wahhabi movement.

3 See: Manbar al-tawhid wal-jihad (website)- *Al-hurub al-nawawiyya wal-kimawiyya wal-biologiyya fi mizan al-fiqh* - <http://66.45.228.55/r?i=bw3rogbe>; Abu A'isha al-Maghrebi, *Hukm al-shari'a fi istikhdam aslihat al-damar al-shamil* - <http://majles.alukah.net/showthread.php?t=41611>; *Fatwa* by Sheikh 'Ala al-Shanawi by The “Al-Azhar Fatwas Committee” headed by Sheikh 'Ali Abu al-Hassan - faxed text in handwriting - <http://www.islamonline.net/Arabic/news/2002-12/23/article06.shtm>; *Fatwa* by Sheikh Faysal Mawlawi, *Using WMD in War: Islamic View*, December 2002 - [www.islamonline.net/fatwa/english/fatwa/Display.asp?hFatwa\\_152398.64](http://www.islamonline.net/fatwa/english/fatwa/Display.asp?hFatwa_152398.64); [www.islamonline.net/iol-arabic/dowalia/alhadath-17-11/alhadath2.asp](http://www.islamonline.net/iol-arabic/dowalia/alhadath-17-11/alhadath2.asp), 17 November 1999; Sheikh Nasser bin Hamid al-Fahd, *Risalah fi hukm istikhdam aslihat al-damar al-shamil did al-kuffar* (A treatise on the legal status of using weapons of mass destruction against infidels), 1 May 2003.

on acquisition and use of nuclear weapons<sup>4</sup> relies on classical Islamic jurisprudence. Naturally, the writings of classical jurists can offer only limited guidelines, as they could only rule on those weapons which existed in the 7th – 11th centuries.

The principles that appear in this literature relate first to the question of permissibility of mass killing and of killing of non-combatants. These include the following arguments:

- Islamic law of war does not recognize the concept, accepted in modern law of war, of the inviolability of “non-combatants”. Islamic law of war recognizes a category of those regarding which the commander in battle has discretion whether to kill or not. These include categories such as women, minors, aged, invalids and monks in their cloisters. However, the prohibition (*hurma*) against the spilling of the blood of protected persons (*ma'sumun*) is not unconditional.<sup>5</sup> The criterion for killing them or not is ultimately the benefit gained or harm inflicted on the Muslim cause as the result of such killing.
- “Collateral damage” to non-combatants in cases such as night attacks (*tabyit*) on cities and use of catapults (*manjanik*) in which the non-combatants may be unintentionally killed, is accepted on a broad scale.
- It is also legitimate to attack civilian targets directly (attacking the enemy in his own home – (*aqr darihi*) in order to “make (the enemy) tremble with fear” and to bring about his collapse.
- Islamic law permits and even obliges the Muslims to use any possible means to destroy the enemy whose blood is permitted (*istihlal al-dam*) and who constitutes “belligerent countries” (*bilad al-harb*). Significantly perhaps, the model for this is the total annihilation by the Prophet Muhammad of the Jewish tribes of Arabia.
- Islamic tradition accords high importance to “counter-value” attacks as opposed to a “counter-force” doctrine, aspiring to total destruction of symbolic targets in order to inflict catastrophic material damage and cause collapse.
- The definition of the United States as a country against which war can be waged (*bilad al-harb*) and not a country with which a convention has been signed (*bilad 'ahd*). Once that status is determined, it is incumbent on the Muslims to inflict **maximum damage** on it since its blood, money and women (*a'rad*) are permitted to Muslims.

Jihadi-Salafi ideologues add to the above justification for both possession and use of nuclear weapons against “infidels”. These arguments refer to:

- The analogy of nuclear weapons with some weapon type which was sanctioned by the Prophet. Indeed, in most of the Islamic writing on this issue, nuclear weapons are viewed as a modern incarnation of “strategic” weapons from the days of Muhammad: instruments used to torch the homes of the enemy, catapults, and so on. Insofar as nuclear weapons have been likened to such a weapon, and clear evidence exists that the Prophet Muhammad approved the use of such a weapon, the permission is automatically extended to nuclear weapons.
- Even if the analogy of nuclear weapons to some legitimate ancient weapon is not proven, the duty of the Muslims to achieve military superiority over the enemy, or at least parity

4 The Shiite principles of legal and theological jurisprudence have wider leeway for extracting practical guidelines for modern situations on the basis of general principles, without the need for recourse to classical legal decisions.

5 Yusuf al-'Airi, *Haqiqat al-Harb al-Salibiyya al-Jadida* (The Truths of the New Crusader War), Manbar al-Tawhid wal-Jihad, no date.

in types of weapons, leads to the permissibility of acquiring any weapon which is found in the hands of the enemy. This injunction supersedes the Islamic objection to “innovation” (*bid’a*) of ideas which were not in existence in the times of the Prophet. Thus, given that Christian – especially the United States – Jewish, and Hindu adversaries are all viewed as being already in possession of nuclear weapons and of harboring evil intentions towards the true faith of the Islamic nation, obviously acquisition and wielding or brandishing of nuclear weapons is legitimized. Furthermore, the duty to possess weapons of deterrence against the enemy proscribes the Muslims from being party to international agreements in which they agree not to acquire such weapons.

- The duty of the Muslims to “make the enemies of the *Umma* or the enemies of Allah tremble (*irhab a’ada al-Umma/ a’ada Allah*).<sup>6</sup> This is clearly accomplished by nuclear weapons, and invokes the image of classical deterrence, and of compellence. One authoritative exegesis of this injunction stipulates that:

Terror struck into the hearts of the enemies is not only a means; it is the end in itself... Terror is not a means of imposing decision on the enemy, it is the decision we wish to impose upon him... an army that practices the Qur’anic philosophy of war in its totality is immune to psychological pressures. An invincible faith is immune to terror. The faith conferred upon us by the Holy Qur’an has the inherent strength to ward off terror and to enable us to strike terror into the hearts of the enemy. This rule is fully applicable to nuclear as well as conventional wars. It is equally true of the strategy of nuclear deterrence in fashion today. To be credible and effective, the strategy of deterrence must be capable of striking terror into the hearts of the enemy.<sup>7</sup>

- The principle of reciprocity of damages and punishment (*qisas*) and the right of “Retaliation in kind” (*al-mu’amala bil-mithl*). According to this principle, the compensation for the death of a Muslim is ten times that for the death of a non-Muslim. Hence the number of “infidels” who should be killed as revenge for the deaths of Muslims is ten times. Given the number of Muslims, who have been killed according to the radical Islamic narrative, there is no other way to balance the account without use of Weapons of Mass Destruction (WMD).<sup>8</sup>

<sup>6</sup> The relevant verses in the Qur’an which the supporters of use of nuclear weapons use are: “And prepare against them what force you can and horses tied at the frontier, to frighten thereby the enemy of Allah and your enemy and others besides them, whom you do not know (but) Allah knows them and whatever thing you will spend in Allah’s way, it will be paid back to you fully and you shall not be dealt with unjustly” - Qur’an 8:60; “And fight in the way of Allah with those who fight with you, and do not exceed the limits, surely Allah does not love those who exceed the limits” - Qur’an 936/ - ; “And fight the polytheists all together as they fight you all together” - Qur’an 489/ - ; “And kill them wherever you find them, and take not from among them a friend or a helper - Qur’an 4:89.

<sup>7</sup> S.K. Malik, “The Qur’anic Concept of War”, in Jim Lacey, *The Canons of Jihad, Terrorists’ Strategy for Defeating America*, Annapolis (2008), pp. 112-116.

<sup>8</sup> An unusually long (25 pages) *fatwa* by the Saudi Sheikh Nasser bin Hamid al-Fahd in May 2003: al-Fahd struggles in his *fatwas* with the legal ramifications of use of WMD even if children and other Muslims are killed and he reaches the conclusion that use of such weapons against the United States is obligatory. The basic justification for al-Fahd is also reciprocity; the behavior of the United States against the Muslims is such that it warrants use of weapons of mass destruction. ‘Abd al-‘Aziz bin Rashid al-Anzi (a.k.a. ‘Abdallah bin Nasser al-Rashid), who also belongs to the Saudi *Shuyukh al-Sahwa*, rules that the use of weapons of mass destruction is permissible against a combatant enemy, but not against one that has surrendered.

- If the use of nuclear weapons is the only realistic means for achieving victory, it is obligatory by Islamic law. This principle places the proactive goal of “achieving victory” (not necessarily in defense) as the criterion for use of nuclear weapons – not retaliation against, or pre-emption of, use of those weapons by the enemy. Some Islamist thinkers go further and determine that given the balance of power, nuclear weapons are, a priori, the only means to achieve victory. The prominent al-Qa’ida ideologue, Abu Mus’ab al-Suri point out that “the ultimate choice is the destruction of the United States by operations of strategic symmetry through weapons of mass destruction, namely nuclear, chemical or biological means, if the mujahidin can achieve it with the help of those who possess them or through buying them... (or) by the production of basic nuclear bombs, known as ‘dirty bombs.’<sup>9</sup>
- The danger that acquisition of nuclear weapon may entail being targeted by a nuclear state does not seem to play a role in Islamist strategic thought. Martyrdom and noble death in jihad are central elements in the Jihadi-Salafi ethos. The founder of the Muslim Brotherhood, Hasan al-Banna developed a dogma in which the “art of death” and the belief that a Muslim is obliged to “love death and despise life” play a pivotal role, an essential and sublime part of the jihad and a sine qua non for victory, and not a necessary evil of war. God grants a “noble life” to that nation alone which “knows how to die a noble death”. This dogma was further elaborated by the founder of the Jihadi-Salafi tendency within the Egyptian Muslim Brotherhood – Sayid Qotb – who is widely perceived as the ideological father of modern Jihadi-Salafi movements. This ethos may be reminiscent of Japanese military traditions (and Bushido) as they came to be practiced during World War 2, resulting in gross miscalculation, senseless or futile personal sacrifice, and catastrophe.

The Jihadi-Salafi position on the legitimacy of use of nuclear weapons is grounded in a broader mainstream consensus. Prominent scholars in the Egyptian Islamic establishment have supported the acquisition of nuclear weapons. In the late 1990’s the Sheikh of al-Azhar Muhammad Tantawi, drew an analogy from the ruling of the Caliph Abu Bakr “to fight the enemy with a sword if he fights with a sword and ... with a spear if he fights with a spear” to conclude that **if the enemy uses a nuclear bomb, it is the duty of the Muslims to use it.**<sup>10</sup> Similarly, Sheikh Yusuf al-Qardawi – a prominent Sheikh associated with the Muslim Brotherhood – takes the point of departure of the law of *qisas* (*Lex Talionis*)<sup>11</sup> - an eye for an eye, equal retribution: “**in case these nuclear weapons are used against Muslims, it becomes permissible for Muslims to defend themselves using the same weapon**, based on Qur’an (16:126): “If you punish, then punish with the like of that by which you were afflicted.”<sup>12</sup> A separate *fatwa* of the al-Azhar Fatwas Committee ruled that since nuclear weapons are held by the “enemies” of the Muslims or any other nation at all, it is the **Islamic duty of all Muslim countries to acquire such weapons**. A Muslim regime which does not fulfill this duty is a sinner and may be guilty of “corruption (*fasad*) on earth”.<sup>13</sup> In May 2009, Egypt’s Mufti, Dr. ‘Ali Gum’a, issued

<sup>9</sup> Reuven Paz, “Global Jihad and WMD: Between Martyrdom and Mass Destruction, Vol. 2.,” *Current Trends in Islamist Ideology*, Hudson Institute, September 12, 2005.

<sup>10</sup> <http://www.islamonline.net/iol-arabic/dowalia/alhadath-17-11/alhadath2.asp>, November 17, 1999.

<sup>11</sup> Qardawi to Qatari TV, 18 October 2002.

<sup>12</sup> *Fatwa* by Sheikh Faysal Mawlawi, Deputy Chairman of the “European Council for Fatwas and Research” (headed by Sheikh Qardawi), 16 October 2002 - <http://www.islamonline.net/fatwas/english/FatwasDisplay.asp?hFatwasID=52398>.

<sup>13</sup> *Fatwa* by Sheikh ‘ala al-Shanawi, the “Al-Azhar Fatwas Committee” headed by Sheikh ‘Ali Abu al-Hassan - <http://www.islamonline.net/Arabic/news/2002-2/23/article06.shtml>. A similar *fatwa* was issued (21 July 2002) by

a *fatwa* according to which although it is not permitted to use non-conventional weapons against non-Muslims **by non-state actors, groups or individuals**, however, **weapons of mass destruction can and should be used by Muslim states for deterrence and self-defense, based on the verse in the Qur'an: "You shall prepare for them all the power you can muster" (Qur'an, 8:60).**

**It is notable and significant that the Sunni Islamic argument against use of nuclear weapons is less forceful than the argument in its favor.** It is based on their inherent indiscriminate nature, killing "souls that Allah has forbidden to kill" along with the guilty. According to a *fatwas* by Sheikh Taher Jaber Alwani, the **use** of weapons of mass destruction is "not permissible" (*ghayr ja'iz* - not *haram* – forbidden, but just "not permissible") since they do not differentiate between the innocent and the criminal. Sheikh Alwani also offers a practical objection to the use of WMD; Islamic law obliges *lex talionis* (*qisas*) by the kin of a person who is wrongly killed. Since in the case of WMD, there is no doubt that the innocent will be taken with the guilty, it opens the door for an endless cycle of legally justified revenge. It is of interest that the discussion of WMD *per se* is mainly focused on nuclear weapons, while chemical and radiological weapons are generally perceived as legitimate means that do not require special dispensation to use against infidels.

## The Role of Nuclear Weapons in a Jihadi-Salafi Regime

The justification of Islamic jurisprudence for acquisition of nuclear weapons leaves much room for interpretation: is the purpose of the weapon intended for deterrence of nuclear enemies, or for possible use? If it is for deterrence, is being a threshold state a sufficient deterrent, or should one assemble a weapon and declare it? Or actually test a device? Or is it necessary to deploy an arsenal? Is it permitted to co-opt fellow Muslims (such as proxy or surrogate organizations) into the nuclear program as part of the deterrence doctrine?

A Jihadi-Salafi regime can be expected to consider the possession of a nuclear deterrent as an ultimate guarantor of its survival in power, and as a key strategic asset in its relations with its neighbors and with the West. However, assuming that a Jihadi-Salafi regime will initially follow the ideological guidelines that appear in the writings before it takes power, its attitude towards nuclear weapons would probably not be restricted to the role of a deterrent to be kept under wraps or as a last resort doomsday weapon, but rather as a weapon to be wielded and brandished to further the movement's strategic goals and ideological agenda. It is clear from most of the strategic writings of the Jihadi-Salafi movement that it will see such weapons as the means to fulfill the Qur'anic injunction "and make the enemies of Allah tremble with fear". **This view implies that such a regime would not only strive to acquire nuclear weapons, but also threaten the use of nuclear weapons.** Such a *modus operandi* would fit in with the concept of "deterrence" which emerges from many Jihadi-Salafi writings; **viewed as the fear that the enemy feels of possible punishment due to the fact that he has already experienced such a punishment and not – as in classic Western deterrence theory – due to an assessment regarding the capability of the enemy to meet out that punishment.**

## Strategic Command

The leadership structure of any future Jihadi-Salafi state entity will influence the paradigm for command and control of nuclear weapons if that entity acquires them. "Revolutionary" movements which take power are typically very slow to lose their naive views of how an army should operate "ideologically". The early days of Lenin's Soviet Union, Nazi Germany, the People's Republic of China (PRC) and Iran are all cases in point. Therefore, the influence of Islamic principles on the subject of military command has to be taken into account.

Dr. 'Abd al-Mo'az Hariz from Jordan, also on the basis of the duty to "awaken fear in the land of *kufr* (the infidel)".

These principles typically will also accord greater status in the military structure to those who demonstrate greater religious commitment or knowledge over professional merit. Hence, in the first stages of such a revolutionary military structure, the army – including with respect to the strategic assets – will typically resemble a "revolutionary guard" more than a professional military. Furthermore, the implications of such a characteristic may impact on issues of discipline, as officers may subordinate their duty of military obedience to their religious values. Another possibility is that such a regime will create a vanguard, or Praetorian Guard, force, along the lines of other such ideologically fiercely loyal forces typical of authoritarian and highly charged regimes – from the early Soviet Union, to Nazi Germany, to Iran (IRGC).

Leadership legitimacy and cultural and religious traditions of the infallibility of leaders – will most certainly have an effect on command and control of nuclear assets. To date, most Jihadi-Salafi movements tend towards autocratic rule by charismatic centralist leaders. If a state entity were to emerge based on such a movement, one may assume that it will be structured roughly along those lines, while taking into account and adapting the traditional local power structure of the country it has taken over, "Islamizing" it with appropriate titles and institutions.<sup>14</sup> Relevant characteristics of such a regime are likely to be:

- A ruler who embodies the Islamic principle of *amir al-mu'minin* (Commander of the Faithful) and *wali al-amr* (he who must be obeyed) or a *khalifa* (Caliph) who receives an oath of allegiance (*bay'a*) from his followers and senior members of the regime.
- A consultative council consisting of senior clerics whose rulings bind the ruler in matters of religious importance.
- A chain of command in the military based on an oath of allegiance to the ruler and possibly even oaths of each unit to its respective commander.

An important factor that may affect the command and control paradigm of a Jihadi-Salafi regime is the way that the leader is perceived by the public (or projects himself). Thus, one set of assumptions regarding possible command and control (C2) patterns must derive from the model above, of an autocratic Jihadi-Salafi regime leader as one who enjoys some direct inspiration from Allah, or even is endowed with some supernatural perspicacity, hence is not obliged to provide an explanation for his decisions (a "Supreme Leader" of a kind). This is justified in Islam both at the level of the leader (*wali al-amr, amir*) and in scholarly authority. It is worth noting that although consultation in leadership is encouraged, it is not a must insofar as non-consultation does not invalidate the legitimacy of the decision by the leader. **Therefore, the formal models of collective decision-making may be no more than window-dressing for what would, in fact, be an authoritarian, perhaps totalitarian, pattern of decision-making regarding crucial strategic issues and assets, such as nuclear weapons and nuclear brinkmanship crisis situations.** Perhaps past examples are important foghorns that should raise the alarm in this regard, especially since single-leader decision-making may be more prone than collective decision-making to the primary pitfall of nuclear standoff – catastrophic miscalculation.

This principle of Sunni Islamic government would hamper the development of a system by which strategic decisions are taken in a collective framework. A possible consequence of this aspect of leadership may be a certain incompatibility of such leadership structures with procedures for command and control, which call for redundancy and authentication as a safeguard against a leader who loses self-control or suffers a breakdown. Thus, well-established Western principles of nuclear asset security may be in serious jeopardy.

<sup>14</sup> A case in point is the Taliban regime in Afghanistan which reflected traditional Pashtoon tribal structures with an Islamic veneer.

On the optimistic side, albeit apparently of relatively marginal weight, is the possibility that the reliance on Islamic jurisprudence for setting the guidelines for the use of nuclear weapons may restrict the absolute discretion of the ruler in ordering their actual use. While the ruler may have the right to give the orders, he may feel the need to “consult” with the higher *‘ulama* regarding critical issues that derive from the use of weapons of mass destruction. These issues would include: the religious implications of killing “immune individuals” (*nafs harrama Allah qatlaha* – those whose blood Allah has forbidden); “public interest” (*maslaha*) as expressed in the duty to refrain from actions that may be counter-productive to the Muslims (i.e. nuclear retaliation); *tatarus* - the question of killing Muslims living in the attacked country; and so on. Most of the deliberations on these subjects may take place before any crisis situation, and serve as the underlying justification for the ruler’s decisions. However, some will be linked to the actual assessment of the situation (the probability and scope of the enemy’s nuclear retaliation) and would call for ad hoc rulings. Therefore, one could expect to see in the vicinity of the ruler a group of *‘ulama* who will be part of the decision making process with respect to ordering the use of such weapons. Unfortunately, their participation may only be limited to providing the *fatwa* which legitimizes the act despite the above possible reservations, but they will be a factor in the process to some degree at least.

## Custody of the Weapons

A Jihadi-Salafi regime which takes over an existing state will probably be mistrustful of the existing army, insofar as it would be inevitably representative of the ousted secular elites, and as the officer corps might be perceived to be too deeply influenced by, and maintaining close connections with the West, Western states or Western ideas. This attitude would then resemble the suspicion that the revolutionary regime in Iran harbored towards the regular army. Therefore, like the Iranian regime, a Jihadi-Salafi regime will most likely establish a new ideologically vetted military force, parallel with the regular army, similar perhaps in some or many respects to the IRGC. This parallel army may be responsible for the most sensitive and important projects, like the nuclear infrastructure and the SSM’s. The command and control characteristics of that hypothetical parallel force are hard to predict, however the Iranian model, as well as Al-Qa’ida and Taliban practices, may provide some guidance. However, while the nuclear weapons themselves may not be placed in the hands of the regular military, non-integration of the dual use delivery systems in the regular army will be problematic. The precedents of the Soviet Union, Nazi Germany, Iran, or even Saddam’s Iraq, may all be pertinent to the issue at hand, since in all of them a Praetorian Guard was entrusted with the most sensitive assets and tasks, while the established organizations were blatantly superseded or marginalized, or subordinated (for example, regular units were appended to elite guard units to execute regime priority tasks as deemed necessary, without consultation or in disregard of the regular command structure tasking).

Such a set-up may facilitate direct command and control by the leadership of the weapons. At the early stages of the regime – especially if it inherits an existing nuclear arsenal – this paradigm may necessitate concentrating the nuclear assets in a limited number of locations. The solution for the problem of loyalty of the forces in contact with the weapons may, therefore, create a greater risk insofar as there will be less separation between the various components of the weapon. A more centralized C2 structure, as manifested by the imposition of a regime-favored force, such as a Praetorian Guard fiercely loyal to the Supreme Leader, or to the ideological core of a radical regime, would then inevitably have both its advantages and its disadvantages in terms of the security of the nuclear assets, prevention of theft, unauthorized launch and other outstanding issues. Inevitably too, non-substantive

considerations, such as those derived of subjective mystical or specific cultural values, bureaucratic interests and assorted regime priorities unrelated to the matter at hand – may all gain in weight, and make predicting the “rational” strategic behavior of such a regime very much more difficult.

Related to the above assertions would be the problem that would probably arise regarding the existence of “Jacobin” or “Trotskyist” factions within the regime, which may not accept the *Realpolitik* considerations of the regime leadership. This too is a natural development in revolutionary regimes after the leadership establishes itself and begins to forge a strategy that seems to some of its elements to be incompatible with the original goals of the revolution. Identification of commanders with access to nuclear sites with such unruly factions may seriously compromise the control of the leadership over the nuclear weapons.

## Sole or Multiple Authorization

It is possible that there may be a difference in the command and control structure tailored for a founding leader of a Jihadi-Salafi state, and that which will eventually evolve under his successors. The founding leader may be seen by his followers as being privy to the will of Allah, much like voices that Jean d’Arc heard or, *mutatis mutandis*, Hitler’s “inner voice” or “providence” guiding his military strategy, or Ahmadinejad’s *halavat* (sessions of solitude) with the “Hidden Imam”. The common denominator of all of these is that they integrate a personal experience of revelation with earthly authority to act on those revelations. Since their authority in the eyes of their followers derives from acceptance of the authentic nature of these revelations, it would be hard to accept external human constraints on their discretion. This characteristic of such a regime may rule out the implementation of systems for dual or multiple authorization, authentication and other restraints on the authority of the ruler to launch nuclear weapons based on his sole decision. It should be noted, though, that while there have been Sunni Islamists who have claimed such direct divine inspiration (the Sudanese *Mahdi* for example), most modern Sunni Islamist movements do not, since such a claim would be tantamount to rejection of one of the most crucial Sunni tenets – that prophecy ended with Muhammad.

This paradigm may change in the second generation of the regime. The appointment of a successor is, by definition, by a process of agreement within the leadership group and implies some level of collective consultation and decisions within that group regarding strategic issues. This is the way that the Iranian regime developed after the demise of the founding father, Ayatollah Khomeini, and the advent of his successor, whose dearth of personal charisma and authority does not allow him the luxury of non-consultation. However, based on what we know about the Iranian precedent and its incorporation of a consultative process or model, it does nevertheless allow for manipulation of the Supreme Leader by the various factions, depending on the degree of access that they might enjoy, and for the screening, i.e. the manipulation, of the information that is brought to his attention. Thus, collective decision-making patterns have serious deficiencies in revolutionary regimes, and can not necessarily guarantee more balanced policy outcomes than authoritarian ones. The more so because it is still the Supreme Leader who makes the ultimate decisions and is obeyed by the Praetorian Guard charged with the most sensitive strategic assets and tasks, and in this environment his decisions are vulnerable to manipulation by the interested parties, to put it mildly. In fact, the competition for the Supreme Leader’s preference is likely to be brutal, and thus the more savage and the less scrupulous may well be the more likely to win out over the restrained and the cautious, a potential cause for some alarm, perhaps.

The presumption of Jihadi-Salafi leaders to emulate the behavior of the Prophet Muhammad brings them to eschew delegation of authority when such delegation is not dictated by the conditions in the field (i.e. absence of communication, multiple theaters of *Jihad* etc.). This is not a necessary conclusion from the biography of the Prophet or his companions; however it does seem to be the lesson that most of the Jihadi-Salafi strategists learn from it. It seems that once a Jihadi-Salafi regime will be founded, even the existing tolerance of pluralist authority and delegation of authority can be expected to be reduced. Such behavior may serve as a serious impediment for building a robust structure of command and control. It seems likely that Jihadi-Salafi regimes will follow the tradition of hyper-centralism of some of the secular Middle Eastern regimes – the Ba’th regime in Iraq, and the incumbent one in Damascus, and Egypt – and the tendency for deep involvement in military affairs by the political leadership would probably extend to its involvement in appointing individuals who are personally known to the leadership in each link in the chain of command over nuclear weapons. Thus, in contrast to Western nuclear Command and Control (C2) and Command and Control together with Communication (C3), and Intelligence (C3I) systems, we can expect to encounter in a Jihadi-Salafi regime a more individualized line of command consisting of fewer (but highly trusted and religiously motivated) individuals, with less compartmentalization between them.

## Technical Means of Command and Control

Regardless of their political milieu, and with some degree of irony, it can be said that Jihadi-Salafi organizations are generally open to technology, and are less apprehensive of Western technology than established regimes with developed security apparatuses. Consequently, a newly founded regime based on a Jihadi-Salafi movement may conceivably be more open to adopting borrowed communications and command and control technology, and less apprehensive that integration of such borrowed means may compromise regime survival. Notably, ironically, and paradoxically, some of the most radical Sunni Islamic elements have traditionally benefited from a Western technological education, and have proven quite adept at applying their knowledge gained by Western training to advance their radical agenda, including to kill as many Westerners as they can.

Nevertheless, a Jihadi-Salafi regime would probably encounter a problem similar to that of the revolutionary regime in Iran after Khomeini took power – a deep suspicion and even animosity towards the Western oriented and educated technological elite and military professionals. This attitude will probably hinder development of local technological solutions to the idiosyncratic needs of the regime. The regime then would be caught between a rock and a hard place. On one hand, its very perception of nuclear weapons as weapons which must be demonstrated and brandished in order to deter what will be perceived as a coalition of nuclear strategic enemies (Iran, Israel, the United States, secular countries in the region) should dictate adopting a robust and sophisticated command and control system that could guarantee flexibility in time of crisis, prevention of unauthorized use by ideological elements of the regime which may be more radical than the leadership, and a “dead man’s hand” capability (in the context of a second strike capability). On the other hand the lack of cadres who are both loyal and professional would make the forming of such a system difficult.

## Potential Multilateral Party (involving two or more radical nuclear- aspirant regimes) Command and Control

The Jihadi-Salafi ideology aspires to create an Islamic Caliphate under which all present Muslim political entities will be merged. This ideology could, at least theoretically, bring Islamist regimes with deep ideological

affinity between them to contemplate joint command and control of nuclear weapons. This, of course, is a paradigm which has not existed even in NATO. All the issues that arise within a state (tribal balances, interference of the *‘ulama* in operational considerations et alia) will be multiplied in such a situation.

The lure to develop multi-lateral nuclear programs will be both ideological (Islamic unity) and strategic. The leaders of two Jihadi-Salafi states may believe that collaboration on a nuclear program and maintenance of a nuclear weapons infrastructure of both countries in both territories will broaden their strategic room of maneuver, and upgrade a second strike capability that each one may not have alone. Such a model, however, will create even greater command and control issues, amplifying the problems of loyalty, ease of access to nuclear weapons and ultimately possible unauthorized use.

## Deployment Considerations

A Jihadi-Salafi regime inheriting an existing state would, in its first stages, have to cope with residual opposition by the previous, perhaps secular, regime (as in Iraq) and external intervention. Regions of the country – usually in the periphery – may therefore be insecure for deployment of strategic assets. The dearth of totally loyal professional officers to staff the strategic weapons units can also be expected to impact upon deployment considerations and logistics of safeguarding the weapons.

It would appear therefore, that in the early stages of such a nuclear entity, the regime would probably not prefer a complicated model of total separation between weapons and delivery systems. The limited amount and dual use nature of delivery systems in the Middle Eastern theater will render their allocation only for nuclear use impossible; the delivery systems themselves will have to be integrated in conventional forces (and in the regular army) and the personnel for those units will have to be vetted at a higher level than regular forces. These constraints may preclude a system based on separation of components to different installations. However, it is altogether possible that they would allocate mission-committed units for nuclear weapons, as is customary in the Western states – the US, UK, France, and may be in Iran soon.

## The Jihadi-Salafi Model and Saudi Arabia

Saudi Arabia is the most relevant country for the Jihadi-Salafi model for two reasons: First, the potential of a Jihadi-Salafi (or neo-Wahhabi) takeover of the Kingdom is higher than in any other Sunni country; and second, the motivation of Saudi Arabia under the present regime – and certainly under a Jihadi-Salafi regime – to develop nuclear weapons against a nuclear (Shiite) Iran would be high. Therefore, of all the countries in the region, the risk of a Jihadi-Salafi regime inheriting a nuclear state is the highest in Saudi Arabia. Whether it is the current regime or a future Jihadi-Salafi regime, whoever rules what is now the Kingdom of Saudi Arabia will see himself as “Custodian of the Holy Places”. This implies guardianship against Shiite attempts to take over those sites no less than guardianship against the “Crusaders”.

The Jihadi-Salafi regime that may emerge in the Arabian Peninsula may get rid of the Ibn Sa’ud family, but some elements of the tribal decision-making and command and control paradigm which have characterized the Saudi regime are likely to persist. The hallmark of this paradigm is consultation between the regime and tribal power bases on one hand, and the *‘ulama* on the other hand. Some of the issues that are raised by the tension between authoritarian, single Supreme Leader decision-making, on the one hand, and on the other consultative patterns of decision-making and collective decision-making – have been described in preceding passages. In the context of an Arabian peninsula (i.e. what we nowadays call Saudi Arabia) takeover by a Jihadi-Salafi movement, and its acquisition of a strategic nuclear assets capability, nuclear weapons and an operational delivery capability, the following may be stated. The tendency towards multi-focal consultation may have a

number of consequences:

- Drawn out decision-making processes in time of crisis with considerable weight accorded to the positions of the *'ulama*. This latter feature will most probably weigh in on the side of a more pessimistic threat assessment and a greater proclivity to activate the nuclear option in time of conflict.
- A tendency to demonstrate nuclear prowess through military exercises and tests in order to "make the enemies of Allah tremble". In this context, we may expect a strong tendency for belligerency towards the US, its allies in the Arab and Islamic world, Shiite Iran, as well as Israel, as the prime targets of the nuclear weapons.

The security of the weapons would be a weighty issue too as one may assume that any new regime would encounter certain opposition from former royalists, rival tribes and areas of the country which may be expected to chafe under the new yoke. This is particularly relevant in a tribal society like Saudi Arabia.

## Summary

Strategic thinking in Jihadi-Salafi circles has been exploring the issue of use of nuclear weapons for the last decade. However, there is no discussion in this literature of how the Islamic State should control those weapons. This is not unusual since the discussion of the inner workings of the Islamic State is limited to small groups which are not at the center of the Jihadi movement (such as *Hizb al-Tahrir* and the *Muhajirun*).

Nonetheless, certain possible constraints and influencing factors over C3 of nuclear weapons by a regime formed by a Jihadi-Salafi movement can be identified. In general, this regime is liable to see nuclear weapons not only as a deterrent against use of such weapons by the enemy, but as a means to threaten an enemy, to impose its political will on it by intimidation, and even as a weapon to be used in order to achieve victory if a perception of such an overall utility evolves. This attitude towards potential use of nuclear weapons will influence the C3 paradigms that such a regime may develop: weapons will have to be more operational on a regular basis, accessible to the leaders, under their direct control, and with minimum safeguards which may be tampered with by the enemy. These constraints may not contribute to the stability of the C3 system in time of crisis.





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