



# The Muslim Scholars Association: A Key Actor in Iraq

By Daniel Fink and Steven Leibowitz

On November 16, 2006, Iraq's interior minister Jawad al-Bolani issued an arrest warrant for Harith al-Dhari, secretary general of the Muslim Scholars Association (MSA), Iraq's most influential Sunni religious organization. Dhari, who is presumed to have close ties to elements in the Sunni Islamo-nationalist insurgency, is charged with inciting terrorism and violence. The announcement comes at a time of heightened U.S. pressure on Iraqi prime minister Nouri al-Maliki to bolster Iraq's security and reduce the sectarian violence.

The next day, after a barrage of criticism emanating from Iraq's Sunni leaders, the Iraqi government took steps to distance itself from the announcement; Iraq's deputy prime minister, Barham Salih, said that the warrant came from the judiciary and was thus issued only to investigate alleged criminal activities committed by Dhari. Because of the popular support the MSA enjoys from Iraq's Sunni community, the announcement may further alienate Sunni politicians, galvanize the Sunni Islamo-nationalist insurgency, and inflame sectarian tensions.

This paper explores the nature of the Muslim Scholars Association and its origins, evolution, political dispositions, and place within the Sunni political, religious, and insurgent landscape. The MSA plays a key role in the Sunni Arab politics of Iraq, defining political positions for the Sunni community on important issues, acting as an informal interlocutor and tacit spokesperson for the Sunni Arab insurgents, and mobilizing support for resistance to occupation.

## Background

The Muslim Scholars Association (Hayat al-Ulema al-Muslimin) is a Sunni religious organization that claims to represent 3,000 mosques and speak on behalf of Iraqi Sunnis.<sup>1</sup> The membership includes those of Arabic and Kurdish backgrounds, as well as the extremist Salafi current.<sup>2</sup> Although not a formal political party, the MSA takes distinct political positions. It is the largest and most powerful Sunni religious, and perhaps political, organization in Iraq and has ties with the Iraqi Islamic Party, the main constituent of the Iraqi Accordance Front, and the Waqf, the government's Sunni religious endowment, which funds Sunni mosques and religious activities throughout Iraq. Additionally, the MSA is believed to have ties to elements in the Sunni Islamo-nationalist insurgency<sup>3</sup> and to provide it political support, logistical assistance, and financial resources.

## Inception of MSA

The MSA arose shortly after the fall of Saddam Hussein in response to a need to fill the power vacuum created with the fall of the regime. Its rise was seen publicly with the return to Iraq of Dr. Ahmed al-Kubeisi, "Iraq's most important Sunni scholar,"<sup>4</sup> from

1. Edward Wong, "The Views of Sunnis Stay Grounded in Past," *International Herald Tribune*, July 18, 2005.
2. Quoted in "Leader profiles Iraq's new Sunni Ulema organization," al-Jazeera, BBC Monitoring, February 16, 2004.
3. Ian Fisher, "Leading Muslim Clerics in Iraq Condemn Bombing of Churches," *New York Times*, August 3, 2004.
4. Nir Rosen, *In the Belly of the Green Bird: The Triumph of the Martyrs in Iraq* (New York: Free Press), 2006, 27.

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the United Arab Emirates (UAE) where he had been an adviser to the emir of Dubai.<sup>5</sup> Kubeisi, who before leaving Iraq in 1997 was a professor in the Faculties of Arab Literature and Religious Law at Baghdad University, espoused favorable views toward the regime while abroad, calling the U.S. threat to Iraq “a Jewish Torah goal” and calling Iraqis supportive of the United States “traitors.”<sup>6</sup> Upon his return to Iraq, however, he began to criticize the former regime, perhaps as a way of galvanizing support as a leader capable of filling the Sunni political vacuum. Kubeisi currently resides in Dubai, where he claims “refugee” status. Although he gives sporadic interviews, he is not regarded as a prominent figure in the MSA.

In February 2004, MSA spokesman Dr. Muhammad Bashar al-Faydi summarized the impetus for its creation: “[W]e had to join the political life because of the political vacuum and the absence of politicians. And once there are Sunni parties coming into the political arena, then we will withdraw back to our field.”<sup>7</sup> So far that has not happened, and the MSA remains a key actor in Iraqi politics.

Some analysts maintain that MSA’s emergence was in part fed by a desire to bring together former regime elements and new Iraqi opposition forces in the fight against occupation.<sup>8</sup> Additionally, the MSA was almost certainly conceived as a counterbalance to the Shiite religious authority that rested in Najaf under the leadership of Ayatollah Ali al-Sistani.

In late 2003, Harith al-Dhari, a Sufi from Abu Ghraib, emerged as a leading public figure of the MSA.<sup>9</sup> Dhari’s family was previously well known among Sunnis because his grandfather is credited with killing British political officer Gerald Leachman in Falluja during the 1920 revolt.

Dhari, like Kubeisi, returned to Iraq after the fall of the regime. Their absence from Iraq probably

had more to do with the relative comfort that could be found outside the country’s borders than a falling out with the regime. During the 1960s, Dhari pursued a doctorate at Egypt’s al-Azhar Islamic University. He then taught in Iraq, Jordan, and the United Arab Emirates. Following Saddam’s ouster, Dhari returned from the UAE to attract and energize a Sunni following.

The actual membership numbers for the MSA are unknown. The association has various spokespersons, including Dr. Bashar al-Faydi and Dr. Abd al-Salam al-Kubeisi. Dr. Isam al-Rawi, another formerly important spokesperson, was killed by gunmen on October 30, 2006.

The MSA’s international spokesperson, Muhammad Ayyash al-Kubeisi, is credited as also being the organization’s chief ideologue. In a series of letters on the jurisprudence of resistance, Kubeisi outlined the MSA’s commitment to resistance (*muqawama*) and the responsibility of all Iraqis, regardless of ethnicity, to rise up against the occupation.

Publicly, however, Harith al-Dhari appears to remain the central figure of the association, and he has become more prominent over time.<sup>10</sup> After installing himself in spring 2004 at de facto organizational headquarters in the Mother of all Battles (Umm al-Qura) mosque, a monumental structure with minarets in the shape of missiles that Saddam commissioned to commemorate the launching of Scuds during the 1991 Gulf War, Dhari took on a more public face within the MSA. His rhetorical invective probably contributed to his detention in August 2004 and the subsequent raid on his home. The United States believed the Dhari’s son Muthana was connected to an attack on coalition forces on August 1, 2004.<sup>11</sup> The sheikh’s home was raided again in November of the same year, along with that of Abd al-Salam al-Kubeisi.

Previously, both Ahmed al-Kubeisi and Harith al-Dhari had ties to the Faculties of Arab Literature and

5. Quoted in “London Based Arab Paper Examines Reasons for al-Kubeisi’s Return to Iraq,” BBC Monitoring, April 20, 2003.

6. Ibid.

7. Quoted by Deborah Amos, “Iraq’s Sunni Muslims and Their Reasons for Postponing National Elections” (report on National Public Radio, February 18, 2004).

8. Quoted in “London Based Arab Paper Examines Reasons for al-Kubeisi’s Return to Iraq,” BBC Monitoring, April 20, 2003.

9. Robert Worth, “Sunni Leader Vows Support for Insurgents,” *New York Times*, March 29, 2005.

10. On April 2, 2005, a prominent member of MSA, Ahmed Abdul-Ghafur al-Samarai, issued an edict urging Sunnis to join the army and police as a way to undercut attacks being perpetrated by Sunnis. Dhari’s signature, however, was absent from the edict, perhaps indicating a diversity of opinion in the MSA.

11. Alissa Rubin, “Muslims and Their Leaders Denounce Church Attacks,” *Los Angeles Times*, August 3, 2004.

Religious Law at Baghdad University. Both were held in high esteem during the reign of Saddam, especially during the period of *al-Hamlah al-Imaniyyah* (the faith campaign), a campaign sponsored by then vice president and deputy chairman of the Revolutionary Command Council, Izzat Ibrahim al-Duri, “which loosened earlier restrictions on religion and substantially reduced earlier Islamist opposition to Saddam’s rule.”<sup>12</sup> Indeed, some criticize the MSA as being too close to former regime elements. Fakhri al-Qaisi, a Salafi who in April 2004 established his own council to represent Iraq’s Sunnis and a member of the constitutional drafting committee, characterized MSA leaders as mere pundits, capable “solely of giving speeches” and as “professors who doled out Ph.D.’s to whomever Izzet al-Douri (Mr. Hussein’s deputy) told them to.”<sup>13</sup> Qaisi, who is also spokesman for Sunni political party the National Dialogue Council, went on to criticize the MSA as a group that “speaks for no one but themselves.”<sup>14</sup>

### Connection to the Insurgency

The MSA gained prominence amid the battle for Falluja during fighting between coalition forces and Sunni Arab militants. In July 2004, Dhari urged his faithful to “take revenge for the slaughter” and join in the battle of Falluja, saying, “[S]end your army against the occupiers...kill all of them.”<sup>15</sup> The Zowba tribe, to which he belongs, was influential in providing support to the uprising against coalition forces in this campaign, as was the Dulaim tribal confederation.<sup>16</sup> A few prominent members of the Zowba tribe were arrested by coalition forces for being implicated in insurgent activity. In October 2004, in Ramadi, coalition forces

arrested Sheikh Abdul Karim al-Uda, a chief of the Zowba tribe and member of the MSA.<sup>17</sup> Harith al-Dhari’s uncle, Sheik Daher Khamis al-Dhari, who is the sheikh of the Zowba tribe, was arrested in July 2005. He was later released on a case of mistaken identity, although coalition forces maintained that he had met with insurgents.<sup>18</sup>

The MSA was an active intermediary between militants and coalition forces in Falluja during 2004.<sup>19</sup> An audio tape from Abu Musab al-Zarqawi criticized Dhari for denouncing hostage beheadings.<sup>20</sup> In July 2004, Ahmed Abdul-Ghafur al-Samarai, an associate of Dhari’s, met with interim prime minister Ayad Allawi to lobby against coalition strikes against Falluja.<sup>21</sup> Indeed, as the battle for Falluja progressed, the MSA was increasingly seen as an influential representative of Iraq’s Sunni voice.

Dhari has consistently demonstrated sympathy toward the Sunni Islamo-nationalist insurgency, although he distances himself from its leadership and command structure. In a 2005 interview with al-Arabiya, he said: “[T]hey are our sons and our relatives and we share the same blood and flesh. Yes, we are close to them in terms of spirit and goal. But we are not their leaders or instructors, although I entered Iraq after the rise of the Iraqi anti-occupation resistance. We support them with heart and soul and we share with them the same goal of liberating Iraq; and you can say whatever you like.”<sup>22</sup>

Various sources report that Harith al-Dhari’s son Muthana is the most active link between the MSA and the Sunni Islamo-nationalist insurgency. “We are the political arm of the resistance fighting to evict American forces from Iraq,”<sup>23</sup> Muthana said in 2004. Interviews conducted by Nir Rosen of the New

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12. Dan Darling, “The Al-Douri Factor,” *The Weekly Standard*, July 20, 2005.

13. Nicholas Pelham, “Political Arm’ of Fallujah Militants Claims Key Role,” *Financial Times*, April 26, 2004.

14. Ibid.

15. Thanassis Cambanis, “Sunni Leaders Press Insurgents to Fight US Forces, Not Iraqis,” *Boston Globe*, July 24, 2004.

16. Nevertheless, Harith al-Dhari and the MSA do not receive unconditional support from Anbar’s tribal landscape. In June 2004, some Arab tribesman expressed their concern regarding Dhari’s close contacts with Egypt and Gulf states along with his hardline stance. One tribesman said, “They [MSA] don’t want to see extremism in their own countries, but they’ll support the most rigid man [Dhari] in Iraq.” Quoted in Hannah Allam, “Cleric Is Now Public Face of Revolt,” *Knight Ridder Newspapers*, July 11, 2004.

17. “Six Iraqis Killed, 33 Wounded in Ramadi Clashes: Iraqi Medical Sources,” Agence France-Presse, October 13, 2004.

18. Aamer Madhani and Nadeem Majeed, “Gunmen Kill Aid to Shiite Leader,” *Chicago Tribune*, July 2, 2005.

19. Nicholas Pelham, “Political Arm’ of Fallujah Militants Claims Key Role,” *Financial Times*, April 26, 2004.

20. Dan Murphy, “Radical Islam Grows among Iraq’s Sunnis,” *Christian Science Monitor*, July 29, 2004.

21. Ibid.

22. Harith al-Dhari, interview on Al-Arabiya, “Sunni Scholars Will Not Obstruct Iraq Vote,” BBC Monitoring, December 13, 2005.

23. Quoted in Nicholas Pelham, “Political Arm’ of Fallujah Militants Claims Key Role,” *Financial Times*, April 26, 2004.

America Foundation suggest that of all “Iraqi national resistance units,” Muthana is most closely associated with the 1920 Revolution Brigades.<sup>24</sup> In August 2004, Muthana was arrested for being implicated in insurgent activity, but he was later released, presumably so coalition forces could maintain contacts with his father. “It would be difficult to lure Harith al-Dhari into the tent if Muthana were in jail,” one American official said.<sup>25</sup>

The MSA exhibits similar political views to other Sunni nationalist insurgent groups, such as the Islamic Army of Iraq (IAI). This similarity was demonstrated by the sympathetic remarks of an IAI spokesman following the Cairo Conference in 2005 in which he applauded the efforts made by Harith al-Dhari for representing the demands that “we [IAI] support,” such as “the withdrawal of coalition forces and the release of detainees and the termination of raids.”<sup>26</sup> In May 2006, the MSA denied reports maintaining that Sunni insurgent elements entered into negotiations with the United States, suggesting that the MSA is privy to their diplomatic activity. On the same day, an IAI spokesman denied that the resistance “entered into negotiations to stop its operations against the multinational forces.”<sup>27</sup>

The spokesperson for the Islamic National Resistance, an insurgent umbrella group closely associated with IAI and 1920 Revolution Brigades, also has made comments alluding to its support of the MSA, saying: “[the MSA] has offered martyrs, and many of its cadres have been jailed but it remained patient and firm.”<sup>28</sup>

Another source alleging a connection between the MSA and the Sunni Islamo-nationalist insurgency is Hudheifa Azzam, the son of Abdallah Azzam, founder of Afghanistan’s jihad movement and men-

tor to Osama bin-Laden. Hudheifa explained in an interview that following the events in Falluja in April 2003 in which fifteen demonstrators were killed by coalition forces, he began to help “rich Arabs funnel money to the MSA—in his view, the only legitimate resistance movement in Iraq.”<sup>29</sup> Dhari’s loose ties with the UAE could have also generated financial and logistical support for the Sunni Islamo-nationalist insurgency, especially given that the IAI is reportedly controlled by former Baath military intelligence officers, some of whom are located in the UAE.<sup>30</sup>

The most recent report of cooperation between the MSA and Sunni nationalist insurgents came with the creation of a “unified political bureau for the Iraqi resistance.” On October 27, 2006, London-based newspaper *al-Quds al-Arabi* ran a report maintaining that a group composed of twenty-five political figures was formed to represent the Iraqi national resistance. Among these representatives are the Islamic Army, 1920 Revolution Brigades, and the MSA. The report also pointed to “reliable Iraqi sources,” who said that Izzat Ibrahim al-Duri was a focal point for these contacts.

Three days later, “a leader of an armed Iraqi group” made a statement lauding Harith al-Dhari for the MSA’s participation in signing the Mecca Document, a ten-point plan calling for an end to sectarian killing.<sup>31</sup> In an interview given to *al-Sharq al-Awsat*, Abu-Amar (*nom de guerre*) said, “We respect Sheikh Harith al-Dhari al-Dari, are proud of his ideas, and trust his policies and his signing of this important document.”<sup>32</sup>

Insurgent leaders also continue to require MSA mediation as a precondition to any direct talks held with the Iraqi government regarding a cessation of hostilities.<sup>33</sup>

24. Nir Rosen, “Iraq’s Jordanian Jihadi’s,” *New York Times*, February 19, 2006.

25. Joe Klein, “Iraq Are We Heading for Civil War,” *The Business*, October 2, 2005.

26. Quoted in “Iraqi Islamic Army Spokesman on “Resistance” Coordination, Talks with USA,” *al-Jazeera*, BBC Monitoring, April 7, 2006.

27. Quoted in “Contradictory Statements by Iraqi Sunni Figures on Resistance Talks,” BBC Monitoring, May 2, 2006.

28. Quoted in “The Road to Jerusalem Begins in Baghdad, and the Land of Iraq Will Not Disappoint the Land of Palestine,” *al-Sabil* (Amman), BBC Monitoring, January 23, 2005.

29. Nir Rosen, “In the Belly of the Green Bird,” *New York, Free Press*, 2006. Page 68.

30. Mahan Abedin, “Anbar Province and Emerging Trends in the Iraqi Insurgency,” *Jamestown Foundation Terrorism Monitor*, no. 14 (July 15, 2005). p. 3.

31. Harith al-Dhari was invited to take part in a conference of Iraqi religious figures at the invitation of the Saudi Crown in October 2006.

32. Quoted in Maad Fayad, “Iraqi Insurgent Leader: Premier’s Initiative Rejected, Dialogue with US Halted,” *al-Sharq al-Awsat* (London), October 23, 2006.

33. “Insurgent Groups Offer to End Attacks on Americans for Two-

Despite posturing against being formally connected to the MSA, the 1920 Revolution Brigades supports MSA doctrine and has adhered to MSA's calls for ceasefires in the past. Reporting on the 1920 Brigades began during the first siege of Falluja, although one of its spokesmen, Sheik Abdallah Sulayman al-Umari, claims the group was organized during the first weeks of the occupation during which "it [1920 Brigades] tried to collect all the weapons and ammunition it could collect in one or two months and stockpiled them for the future battle in Iraq." In April 2004, a spokesman from the 1920 Revolution Brigades issued a statement saying, "We warn the Iraq police not to carry out any patrols and demand that they evacuate all police stations in Baghdad as quickly as possible."<sup>34</sup> Indeed, it played a significant role in supporting the uprising in Falluja. Claiming to represent the military wing of the Islamic Resistance Movement, a group which one spokesman claims was formed in July 2003, the 1920 Revolution Brigades characterizes itself by its Islamic creed.<sup>35</sup> The 1920 Revolution Brigades is believed to include in its ranks former members of Saddam's Republican Guard and Mukhabarat, Saddam's primary state intelligence apparatus.<sup>36</sup>

In April 2004, a 1920 Revolution Brigades source confirmed the group's adherence to a cessation in violence called by the MSA, saying: "the Iraqi resistance continued to adhere to the ceasefire despite violations by US forces yesterday and today. We adhered to a response to a call by the Muslim Scholars authority, which asked us not to respond to deprive the American of any excuse and refute their allegations."<sup>37</sup> "We respect the [MSA] very much for its principled position on the issue of jihadist resistance in Iraq and the issue of defending jihad and mujahidin in Iraq," a 1920 Revolution Brigades spokesman said in October 2006.<sup>38</sup>

In January 2006, the 1920 Brigades voiced its dissatisfaction with Zarqawi's tactics of targeting Iraqi civilians and said the Iraqi national resistance would concentrate its resistance efforts on targeting "occupation soldiers, instead of wasting time and effort in confrontations with the army, national police, and giving the occupation troops a chance to catch their breath." This change in tactics may have resulted in an increase in direct fire and sniper attacks, especially in the Anbar governate.<sup>39</sup>

The 1920 Revolution Brigades is also considered an umbrella organization for a number of insurgent groups. In June 2006, eleven insurgent groups operating under the 1920 Revolution Brigades were reported to be ready to enter into negotiations with the Iraqi government. Besides the usual demands (withdrawal timetable, recognitions as legitimate representatives, compensation), they called for a termination of the ban on former Baathists and participation by the MSA as an observer of any direct talks with the government.<sup>40</sup>

## MSA's Current Positions

### Religious Philosophy

The MSA relies on its own brand of nationalism fused with Islamic philosophy as its philosophical basis for resisting occupation. Ayyash Kubeisi, who is credited with underpinning the MSA's ideological approach, has expressed its philosophy in a collection of writings known as the *Fiqh al-muqawama* (jurisprudence of resistance). Initially, the MSA couched its struggle in nationalist terms, focusing on the natural right of an individual to resist occupation. In this regard, Kubeisi preferred the term *muqawama* (resistance), rather than relying on jihad, which would have alienated non-Muslims who were upset with the occupation.<sup>41</sup> Over time, however, the MSA has increasingly relied on the Islamic nature of the resistance, referring

Year Withdrawal Timetable," Associated Press Worldstream, International News, June 28, 2006.

34. Quoted in "Iraqi Resistance Demands US Snipers Withdraw from al-Fallujah," BBC Monitoring, April 13, 2004.

35. "Iraqi Militant Plays up Military Prowess of His 'Resistance' Group," BBC Monitoring, October 30, 2006.

36. Hamza Hendawi, "Spokesman: Iraq Insurgents Rejected U.S.," Associated Press, October 29, 2006.

37. Quoted in BBC Monitoring, Quds Press, April 13, 2004.

38. Quoted in "Iraqi Militant Plays up Military Prowess of his 'Resis-

stance' Group," al-Jazeera, BBC Monitoring, October 30, 2006.

39. Quoted in "Iraq's Sunni Tribes Fight to Expel al-Zarqawi Supporter," *al-Hayat* (London), BBC Monitoring, January 26, 2006.

40. "Insurgent Groups Offer to End Attacks on Americans for Two Year Withdrawal Timetable," Associated Press Worldstream, June 28, 2006.

41. Meijer Roel, "The Association of Muslim Scholars in Iraq," *Middle East Report* 237 (Winter 2005). Available online ([www.merip.org/mer/mer237/meijer.html](http://www.merip.org/mer/mer237/meijer.html)).

to it as jihad because, according to Kubeisi, “the call to Islam is the call to jihad, because jihad is Islam.” This change in emphasis is most likely caused by the emergence of more moderate *ulama* (clerics) taking a more conciliatory approach to the occupation along with the lure of hardline Salafis who also draw support for the insurgency.

Kubeisi maintains that the duty of resistance is one for all Iraqis and can take precedence over religious practices such as fasting or prayer.<sup>42</sup> Kubeisi is also against the killing of Iraqis on the basis of ethnicity or collaboration because, “an Iraqi is not an occupier but a citizen of the nation; a citizen is guaranteed legal proceedings.”<sup>43</sup> In this regard, the MSA makes a distinction in nationalist rather than Islamic terms. By relying on both nationalist and religious justifications to support its resistance, the MSA is able to attract a broader base of support.

#### *Interaction with the United States*

The MSA reportedly has been brought into contact with the United States on several occasions in the hope of bringing Sunnis into Iraq’s political sphere. In this regard, the United States sees the MSA as being representative of and influential enough to sway Sunni public opinion. In 2004, U.S. diplomats met with Harith al-Dhari, hoping he could bring members of the Sunni community into the political fray and sway national insurgent groups away from violence. Later, in January 2005, officials close to Ambassador John Negroponte who wanted the Sunni community to take part in elections reportedly met with Dhari.<sup>44</sup> Despite Sunni refusal to participate, this interaction indicates that the United States views the MSA as a portal to the Sunni Arab community and the Sunni insurgents.

#### *U.S. Occupation*

Underpinning every political stance taken by the MSA is an outright rejection of the U.S. occupation

of Iraq and a demand for a timetable of its withdrawal. In May 2006, Harith al-Dhari rejected the notion of easing the MSA’s position toward the United States, saying:

We reject occupation politically, by word, by stands, and by diplomatic means. The United States claims to be democratic and to care for human rights and we are not deviating from these two principles in our demands because our demands for the withdrawal of the occupation and our pursuing legitimate means, especially political means, is a right stipulated by the United Nations. Moreover, we do not ask permission from the United States to do what we believe to be right regardless of the circumstances. We do not entertain any hopes that the United Nations would agree to our demands and we do not hope it would offer us anything. Therefore, we do what we believe to be right, and which is indeed our duty at this difficult phase in the history of our country.<sup>45</sup>

Similar rhetoric pervades the vast majority of comments put forth by the association and shapes much of its stance on all other issues.

#### *The Insurgency*

Despite its support for “national resistance,” the MSA has in the past criticized al-Qaeda and other resistance groups that target Iraqi civilians. In January 2006, the MSA threw its support to tribes in Anbar, which coincided with efforts being made by tribes in Ramadi to oust (or at least confront) al-Qaeda and foreign jihadists from its borders. (The MSA labeled Zarqawi’s network as “terrorists.”) A member of the 1920 Revolution Brigades echoed an MSA statement saying, “[the] gap between the national resistance and the hard-liners has started to widen gradually,” and committed his organization to targeting members of the occupation.<sup>46</sup>

In October 2006, the MSA rejected the announcement made by the Mujahedin Shura Council establishing an “Islamic State of Iraq.” The MSA criticized the Mujahedin Shura Council as representing only

42. Ibid.

43. Ibid.

44. “Powerful Sunni Group Willing to Encourage Sunnis to Vote in Iraq Election if U.S. Gives Timetable for Troop Withdrawal,” Associated Press Worldstream, January 9, 2005.

45. Quoted in “Iraq Sunni Scholar Says Foreign Tour ‘Successful,’” BBC Monitoring, May 1, 2006.

46. “Iraq’s Sunni Tribes Fight to Expel al-Zarqawi supporters—London Paper,” BBC Monitoring, January 26, 2006.

“a small part of the armed resistance to the occupation” and being unable to speak on behalf of Sunni interests. The organization went on to highlight the existence of other resistance groups, saying “[T]here are the 1920 Revolution Brigades, the Islamic Army, and other resistance factions.”<sup>47</sup>

### Federalism

Since its inception, the MSA has been stalwart in its support for a unified Iraq. Preaching at the Ibn Taimiya mosque, Kubeisi said: “We should forget that we are two religious groups. We are one group, Shiites and Muslims. We are one group.”<sup>48</sup> Although it has lashed out against the rise of militias and the Shiite-dominated interior ministry, the MSA maintains its commitment to a single Iraq.

The MSA has been explicit in its rejection of a plan for a federated Iraq. Referring to some of Iraq’s constitutional provisions as “dangerous,” the MSA said federalizing Iraq would “allow the occupation to achieve its goal in invading Iraq: the ethnic and sectarian partition of the country, so that the country remains captive to weakness, fragmentation and domestic strife like the state of our fellow country Lebanon.”<sup>49</sup> Moreover, the MSA called on “Arab and Islamic countries, especially those neighboring Iraq that often express concern for Iraq’s unity, to take a clear and explicit position towards this dangerous proposal the repercussions of which will affect the entire region, if it is passed.”<sup>50</sup>

### Elections and the Constitution

The constitutional referendum held on October 15, 2005, was the first election in which the MSA officially condoned participation, albeit by urging Sunnis to cast a vote against the proposed document. Previously, the MSA had urged a boycott, despite efforts made by officials close to U.S. ambassador John Negroponte in Jan-

uary 2005 in an attempt at influencing the Association to support the election. “The conditions do not exist to hold free, calm and fair elections and it will produce a parliament almost certain to choose a cabinet that will want to continue the occupation,” Harith al-Dhari said.<sup>51</sup> The MSA’s decision to boycott the election produced rifts within the Sunni political community, namely with the Iraqi Islamic Party, which advocated for Sunni participation.

The MSA’s decision to participate in the October 2005 vote was obviously politically motivated; by participating in the election and voting “no,” the MSA could more soundly defend its antioccupation position on the ground that Sunnis actively participate in Iraqi political life. The Sunni province of Anbar, where Dhari’s tribe is located, voted 98.6 percent against the constitution.

### The New Government

The MSA has consistently rejected the legitimacy of Iraq’s current government as one of occupation and has blamed the government for much of the sectarian violence that has ensnared Iraq. “We in fact do not trust anyone who deals in politics today because they either have vested interests or they are not qualified to lead the country at this stage. The proof is what has been going on in Iraq since it was occupied,” Dhari said.<sup>52</sup> He also pledged to remain out of government as long as the occupation remained, saying “we won’t get involved in any political process under the umbrella of the occupation.”<sup>53</sup> Harith al-Dhari’s refusal to sign his name on a *fatwa* (religious edict) issued by Ahmed Abdul-Ghafur al-Samarai (and signed by other members of the association) urging Iraq’s Sunnis to join the national guard is indicative of his largely uncompromising stance—one that is popular among disaffected Iraqi Sunnis. The announcement though, was made at MSA headquarters, suggesting that despite

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47. Quoted in “Iraqi Muslim Scholars Rejects Islamic State Announcement,” BBC Monitoring, October 15, 2006.

48. Quoted on al-Jazeera, Federal Document Clearing House, April 18, 2006.

49. “Iraqi Sunni Scholar to Boycott Reconciliation in Federalism Push Not Resisted,” BBC Monitoring, September 26, 2006.

50. Quoted in “Top Sunni Reports ‘Efforts’ to Resolve Samarra Tribal Conflict,” BBC Monitoring, September 29, 2006.

51. Quoted in Hasni Mohamed, “From Fallujah to Baquba, Iraq’s Sunnis at Political Crossroads,” Agence France-Presse, October 17, 2004.

52. Quoted in “Iraq Sunni Scholar Says Foreign Tour ‘Successful,’” BBC Monitoring, May 1, 2006.

53. Quoted in Edward Wong, “The Views of Sunnis Stay Grounded in Past; National Vote May Prove Reality Check,” *New York Times*, July 18, 2005.

his public posturing, Dhari offered his tacit support. The 1920 Revolution Brigades uses almost identical language in criticizing the government when it says, “this government is really an occupation government. It is a government stemming from occupation. It is a government which came with occupation and works in the service of the occupier’s project.”<sup>54</sup>

The MSA issued its most recent criticism of a government official, albeit a Sunni one, in early October 2006. After a visit by Iraqi Islamic Party leader Tariq al-Hashimi to the U.S.-controlled Green Zone, it was reported that the MSA published an internal memorandum declaring his action treasonous.<sup>55</sup> The MSA later denounced the report’s use of the word “treason” but neither denied the memorandum’s existence nor its criticism of the Iraqi Islamic Party.<sup>56</sup>

The MSA’s stance does not mean that it is without connections to actors within Iraq’s government. Harith al-Dhari used to teach alongside Mohsen Abdul Hameed, former leader of the Iraqi Islamic Party and original member of the U.S.-appointed Governing Council. Ahmed Abdul-Ghafur al-Samarai, formerly a prominent member of the MSA, currently heads Iraq’s Sunni Endowment (Waqf), a government entrusted organization that oversees the funding of Sunni religious institutions. Meanwhile, he is also the imam at the Mother of all Battles mosque, the headquarters of the MSA.

The MSA also has connections to the Iraqi Accordance Front, Iraq’s Sunni coalition in parliament. The respective leaders of these organizations, Harith al-Dhari and Adnan al-Dulaimi, were Islamic studies professors at Baghdad University. And in July 2005, after Dulaimi was forced to resign from his post as head of the Sunni Endowment on the grounds of

being too sectarian, he was replaced by al-Samarai, perhaps on the advice of MSA members. Since taking the post, al-Samarai has taken a more conciliatory approach to Maliki’s government and his plans for reconciliation.

#### *Maliki’s Plan for National Reconciliation*

Speaking on behalf of the MSA, Muthana al-Dhari rejected the plan for national reconciliation on the grounds that it failed to set a timetable for the withdrawal of coalition forces. Presumed to be speaking on behalf of the Sunni national insurgent groups he is associated with, Muthana noted that the “main resistance factions” also rejected the plan.<sup>57</sup> He criticized the plan for failing to address groups engaged in resistance against the occupation. Spokespersons for the 1920 Revolution Brigades and IAI used similar vocabulary to reject the reconciliation plan: “The Iraqi resistance factions have a firm and principled stand towards the issue of occupation—an issue not mentioned in the reconciliation plan or initiative. The initiative does not talk about this or about the issue of resistance and jihad against occupation. The Iraqi factions are unanimous about the need to resist occupation.”<sup>58</sup>

#### **Divisions within the MSA: Opening Channels with Shiite Religious Authority**

Two weeks following the announcement of Dhari’s warrant, a leading MSA cleric voiced his dissatisfaction regarding the lack of “effective negotiations” by the MSA and stated his desire to form a new religious council that could open channels of communication with Grand Ayotallah Ali Hussein al-Sistani. Sheikh Mahmoud Sumaidaie, who also preaches at Baghdad’s Mother of all Battles mosque, went on to criticize the MSA for being too closely associated with the insurgency and urged that it take a more moderate approach.<sup>59</sup> Meanwhile, clerics representing

54. Quoted in “Iraqi ‘Resistance’ Spokesmen, Tribal Chief Reject Reconciliation Plan,” BBC Monitoring, July 6, 2006.

55. Maad Fayad, “*Hayat al-Ulema al-Muslimin tatabam fi mudhakkira dakhiliyya al-Hizb al-Islami bil-khiyana*” (Association of Muslim Scholars accuses Islamic Party of treason in internal memorandum), *al-Sharq al-Awsat* (London), October 8, 2006. Available online ([www.asharqalawsat.com/details.asp?section=4&issue=10176&article=386362](http://www.asharqalawsat.com/details.asp?section=4&issue=10176&article=386362)).

56. Association of Muslim Scholars, “*An Za’am Sahifah Al-Sharq al-Awsat itibam al-Hayat lil-Hizb al-Islami bil-khiyana*” (Regarding the claim of the newspaper *al-Sharq al-Awsat* of the Association’s accusation of the Islamic Party of treason), Baghdad, Iraq, October 10, 2006. Available online (<http://www.iraq-amsi.org/news.php?action=view&cid=10234&5ff7df10859d4477a8e82da3b2608292>).

57. Jonathan Finer, “Troops Facing Murder Probe,” *Washington Post*, July 1, 2006.

58. Quoted in “Iraqi ‘Resistance’ Spokesmen, Tribal Chief Reject Reconciliation Plan,” BBC Monitoring, July 6, 2006.

59. Alexandra Zavis, “Some Sunnis in Iraq Want to Form a Council That Would Reach out to Shiites,” *Los Angeles Times*, November 30, 2006.



the MSA in southern Iraq expressed a similar desire to reach out to Shiite clerical leadership. In this regard, on November 29, clerics representing the MSA in Basra, Nasiriya, Amarah, and Samawah issued *fatwas* banning the killing of all Iraqis, supporting the reconstruction of the Samarra shrine, and condemning “any terrorist organization targeting the innocent blood of our people.”<sup>60</sup> The *fatwa* was praised by a spokesperson from Muqtada al-Sadr’s office who went on to support a Sunni initiative aimed at engaging the Shiite clerical establishment. “We think Sunnis in the South are different in nature from Sunnis in other regions,” he said. Al-Sadr himself also called on Dhari to issue a similar *fatwa*, including a ban on participation with al-Qaeda. Dhari, who said that “Al Qaeda is part of the resistance, but the resistance is of two kinds,” has not responded with a formal edict.<sup>61</sup> Dhari’s refusal to issue such a *fatwa*, along with labeling al-Qaeda as “resistance” (despite his condemnation of al-Qaeda in Iraq’s targeting of civilians) has produced tensions between him and Talabani in the past.

With sectarian violence reaching new heights, Sunni clerics living in areas with a Shiite majority, and on the precipice of sectarian violence,<sup>62</sup> might reasonably want to reach out to the Shiite religious authority. Although one MSA official said that four previous attempts had been made to create a separate religious body capable of uniting all Sunnis in Iraq, Dhari’s warrant (and subsequent departure from Iraq) may create the space for this to occur. MSA is likely to maintain the bulk of its authority, however, given the scant evidence that other MSA clerics are moving in the same direction as Sumaidaie.

### Relations with Iraq’s Sunni Neighbors

Over time, the MSA has increased its political capital in the international arena as a group representative of Iraq’s Sunni community, despite remaining outside the country’s formal political structure. On October 13, 2006, members of the MSA, led by

Harith al-Dhari, were received at a conference by official invitation of King Abdullah of Saudi Arabia.<sup>63</sup> This highest official visit paid by any member of Iraq’s Sunni political community indicates the MSA’s political clout: instead of inviting a group inside Iraq’s formal political structure, Saudi Arabia perceived the MSA as being the group most capable of representing Iraq’s Sunni interests.<sup>64</sup> Issues related to how Iraq’s neighbors can ease the rising levels of sectarian violence topped the agenda.

Following the MSA visit, Iraqi president Jalal Talabani criticized Harith al-Dhari for remarks he made during an interview with a Saudi newspaper in which he intimated that Talabani already had plans to split Iraq into three regions before the US invasion. “At a time the powers of the good, in and outside Iraq, are attempting to repair the crack inside the Iraqi society...some are deliberately working on fueling discord and hampering national conciliation efforts,” Talabani said.<sup>65</sup>

The most recent meeting between Dhari and a Sunni Arab leader came on November 27, 2006, in Amman, where he met with Jordan’s King Abdullah II. The two reportedly discussed issues related to security and national reconciliation.<sup>66</sup> Two days earlier, Dhari urged Arab states to end their support of Iraq’s government saying, “I call on Arab governments which have supported the political process in Iraq to withdraw their recognition and support for this government.”<sup>67</sup> The timing of Dhari’s meeting with King Abdullah II holds additional significance because it occurred two days before the monarch hosted talks between Iraqi prime minister Nouri al-Maliki and U.S. president George W. Bush. Despite an outstanding warrant, Dhari’s influence among Iraq’s Sunni neighbors apparently has not diminished.

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60. Ibid.

61. Ibid.

62. In June 2006, the mufti of Basra, Yousuf Hassan, was assassinated. Borzou Daragahi and Saas Khalaf, “Bombing at Mosque Leaves 12 Shiites Dead,” *Los Angeles Times*, June 17, 2006.

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63. “Saudi King Meets Iraq’s Association of Muslim Scholars Delegation,” BBC Monitoring, October 14, 2006.

64. “Iraqi Deputy PM Urges Meeting between Shi’a and Sunni Leaders,” BBC Monitoring, August 9, 2006.

65. Quoted in “Iraqi Presidency Lashes Out at Cleric’s Controversial Remarks,” Kuwait News Agency, October 20, 2006.

66. “World’s Sunni, Shiite Clerics Must Help End Iraq Strife,” Agence France-Presse, November 28, 2006.

67. Hala Boncompagni, “Jordan Monarch Meets Wanted Iraqi Sunni Cleric,” Agence France-Presse, November 27, 2006.

### Harith al-Dhari's Arrest Warrant

Shortly after the Iraqi interior ministry issued an arrest warrant for Harith al-Dhari, the MSA made several public statements decrying the announcement. MSA spokesman Muhammad Bashar al-Faydi issued a stern rebuke, saying that "this government should resign before the Iraqi people force it to resign."<sup>68</sup> Another spokesman, Abd al-Salam al-Kubeisi, called the arrest warrant political cover for "the acts of the government's security agencies that kill dozens of Iraqis every day."<sup>69</sup> He also called for "political groups to withdraw from parliament and the government, which has proved it is not a national government."<sup>70</sup> Also critical of the warrant were the 1920 Brigades and the Islamic Army of Iraq.

Not all of Iraq's Sunnis, however, came to Harith al-Dhari's defense. A group of Anbar sheiks who are credited for their role in shaping the Anbar Salvation Council, whose mandate is to counter foreign fighters in Iraq, denounced Dhari, calling him "a thug." Speaking on behalf of "the Anbar tribes council," they told Dhari, "if there is a thug, it is you; if there is a killer or kidnapper, it is you."<sup>71</sup> Their comments came a week after Dhari gave an interview in which he was construed as giving support to al-Qaeda by referring to its actions as "resistance."<sup>72</sup> Four days earlier, Iraqi president Jalal Talabani also criticized Dhari, presumably for his close contacts with other Sunni states and his sectarianism. He has "nothing to do other than incite sectarian and ethnic sedition," Talabani said.<sup>73</sup>

Perhaps the most significant responses were those

issued by Iraq's Sunni political community, which come out strongly against the warrant for Harith al-Dhari. Their response is in part owing to the popularity that the MSA enjoys on Iraq's Sunni "street" and the need for Sunni politicians to be seen as a unified Sunni block. Salim Abdullah al Jubouri, a legislator from the Iraqi Accordance Front said, "This [announcement of the arrest warrant] decision will have a very bad effect on Iraq's security situation."<sup>74</sup> Adnan al-Dulaimi said the government has used "wrong judgment" and went so far as to call Harith al-Dhari "one of the best symbols of the Sunni leaders."<sup>75</sup> Leader of the Iraqi Front for National Dialogue Salih al-Mutlaq publicly voiced opposition over what he called a "shameful decline" in the decisionmaking process of the government and presidency. Mahmoud Mashadani, the Sunni's speaker of parliament, also denounced the warrant, referring to it as "a dangerous precedent."<sup>76</sup> The fact that Iraq's Sunni political leaders have been so vocal in their criticism of the warrant pays tribute to the influence the MSA enjoys on a popular level and the ability it has to galvanize Sunni nationalist sentiment.

### Conclusion

Before the announcement of Harith al-Dhari's arrest warrant, the possibility that Iraq's government could engage the MSA in helping stem the sectarian violence seemed plausible. Indeed, in August 2006, Iraq's deputy minister Salam al-Zawbai urged that a meeting take place between Harith al-Dhari and Aziz al-Hakim, chairman for the Supreme Council for the Revolution in Iraq, indicating that the Iraqi government viewed the MSA as being influential enough to bridge the sectarian divide. The suggestion also indicated that some people believe that to seriously confront the current political and security situation vis-à-vis the Sunnis in Iraq, actors outside the formal political structure will have to be consulted. With the

68. Bassem Mroue, "Arrest of Sunni Leader Sought in Iraq," Associated Press Online, November 17, 2006.

69. "Top Sunni Muslim Group Calls on Sunnis to Quit Iraqi Government and Parliament," Associated Press Worldstream, November 17, 2006.

70. Ibid.

71. Quoted in Edward Wong, and Khalid al-Ansary, "Iraqi Sheiks Assail Cleric for Backing Qaeda," *New York Times*, November 19, 2006.

72. When asked, "Do you consider the acts of al-Qa'idah in al-Anbar a kind of resistance?" Dhari answered, "Certainly, al-Qa'idah and other groups are currently resisting the occupation in al-Anbar, Mosul, Salah-al-Din, Kirkuk, Diyala, Baghdad, and other areas. However, there is a media blackout imposed on these governorates in order to highlight that al-Anbar alone is acting as if resistance has been confined to that area in Iraq." "Iraqi Sunni Clerical Leader on al-Qa'idah/Tribes in His Own Words," BBC Monitoring Press, November 10, 2006.

73. Quoted in Bassem Mroue, "Arabs Accused of Sowing Discord in Iraq," Associated Press, November 14, 2006.


74. Hannah Allam and Mohamed al Dulaimy, "Iraq Issues an Arrest Warrant for a Top Sunni Cleric," *Knight Ridder*, November 16, 2006.

75. Sudarsan Raghavan, "Shiite-Led Iraqi Ministry Seeks Arrest of Top Sunni Cleric," *Washington Post*, November 17, 2006.

76. Louise Roug, "Sunnis Decry Warrant for Cleric's Arrest as Divisive," *Los Angeles Times*, November 18, 2006.

announcement of Dhari's warrant, however, the possibility of bringing the MSA into a process of national reconciliation seems tenuous.

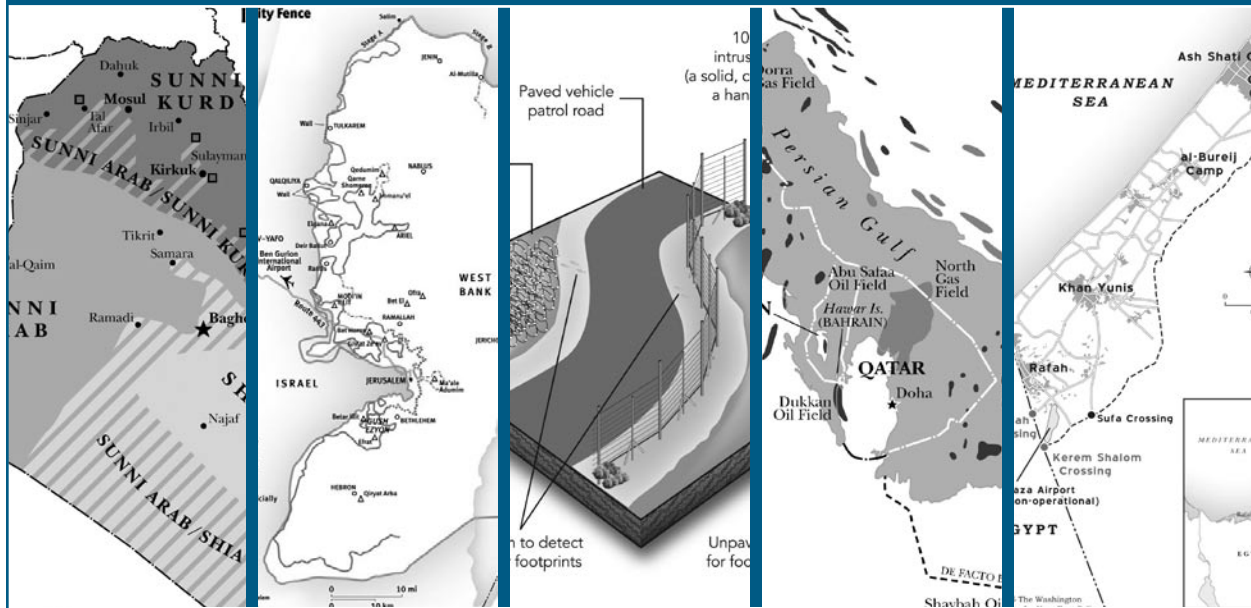
The MSA will remain a powerful political actor in the Sunni Arab community. It operates outside the formal political structure but has access to it through the Iraqi Islamic Party and the Waqf, as a religious establishment, and probably through individual Sunni politicians. The MSA is a recognized portal to the Sunni insurgents and is influential with the Islamo-

nationalist element of the insurgency. It is probably connected to, if not under the influence of, former regime elements within the insurgency. The combination of these factors makes the MSA an important element of the Sunni political landscape and a key piece to be won over. Movement by the MSA toward either greater cooperation or greater opposition with respect to the Iraqi government would be an important indicator of the direction of the political situation in Iraq. 

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## RESEARCH NOTES #12

The Muslim Scholars Association: A Key Actor in Iraq