YESTERDAY'S IDEOLOGY MEETS TODAY'S TECHNOLOGY: A STRATEGIC PREVENTION FRAMEWORK FOR CURBING THE USE OF SOCIAL MEDIA BY RADICAL JIHADISTS[1]

Jamil Ammar[2] & Songhua Xu[3]

DISCLAIMER

The authors do not assert any standing to define the core truth of the principles and orientations whose passionate strivings by the so-called Islamic State or Jabhat Fateh al-Sham (an al-Qaeda affiliated organization) are shaping the conflict in the Middle East in general and in Syria in particular. It is demonstrably clear that the overwhelming majority of Muslims in the Middle East and beyond have adapted more accommodating interpretations of their faith than the ones studied in this Article. Yet the extreme groups noted in this piece have decisively influenced the outcome of the political movements sparked by the recent Arab uprisings and successfully challenge the existing institutions of power, most noticeably in Syria and Iraq.

While actors from both Sunni and Shai groups are contributing to the sectarian tension in the Middle East, most extremist organizations cited in this book, such as ISIS and Jabhat Fateh al-Sham belong to the so-called al-Salafiyya al-Jihadiyya School, which relies heavily on the Hanbali School of Law. The Arabic term "Salafism" derives from the word "Salafi," which refers to the companions of the Prophet Mohammed. The al-Salafiyya al-Jihadiyya School however is *not* one of the four major Sunni

schools in Islam, namely the Hanafi, the Maliki; the Shafi'i; and the Hanbali.

ABSTRACT

The United States is in the middle of a spirited national debate over whether Internet intermediaries could do more to rein in the spread of Salafi-Jihadist ideology.[4] Until recently, extreme groups had trouble disseminating their ideas.[5] Internet intermediaries and social media platforms in particular, however, have extended the Jihadists' reach by quantum leaps, and thus have changed the rules of the game once and for all.[6] This article offers novel and comprehensive contributions to the literature on the use of technology to counter violent extremism.

---

[4] Growing sectarian clashes in Syria have sparked a revival of transnational Sunni and Shia Jihadist networks. In this article, however, we solely focus our discussion on Sunni groups such as ISIS, al-Nusrah Front (currently referred to as "Jabhat fateh al sham"), and other like-minded groups. *See generally*, JEROME P. BJELOPERA, CONG. RESEARCH SERV., R42553, COUNTERING VIOLENT EXTREMISM IN THE UNITED STATES, 18–19 (2014), https://www.fas.org/sgp/crs/homesec/R42553.pdf; Ellie Zolfagharifard, *Google to Show Special Ads to Would-be Terrorists: Search Engine Will Post Anti-Radicalisation* [sic] *Links in Place of Extremist Material*, DAILY MAIL (Feb. 2, 2016), http://www.dailymail.co.uk/sciencetech/article-3428807/Google-WRONG-search-results-terrorists-Search-engine-post-anti-radicalisation-links-place-extremist-material.html. *See generally* Dan Williams, *Relatives of Palestinian Attack Victims Sue Facebook for $1 Billion in U.S.*, REUTERS (June 11, 2016), http://www.reuters.com/article/us-israel-palestinians-facebook-idUSKCN0ZR1G 0 (showing that on July 11, 2016, a group of Israelis and Americans filed a lawsuit in the U.S. District Court for the Southern District of New York seeking $1 billion in damages from Facebook Inc. for allegedly providing material support and resources to Hamas knowingly, and, thus, facilitating this "terrorist group's ability to communicate, recruit members, plan and carry out attacks, and strike fear in its enemies.").

[5] *See* Reno v. American Civil Liberties Union et al., 117 S.Ct. 2329, 2335 (1997) (in discussing the internet's role in the dissemination of hate speech, the Court noted that the Internet "constitutes a vast platform from which to address and hear from a worldwide audience of millions of readers, viewers, researchers, and buyers. Any person or organization with a computer connected to the Internet can 'publish' information. Publishers include government agencies, educational institutions, commercial entities, advocacy groups, and individuals.").

[6] *See* ABDEL-BARI ATWAN, ISLAMIC STATE: THE DIGITAL CALIPHATE 11 (Saqi Books 2015) (showing that Anwar al-Awlaki, a United States-born jihadist sometimes referred to as "bin Laden of the Internet," was the first to suggest the use of social media to spread jihadi ideology); *see also* Scott Shane, *The Lessons of Anwar al-Awlaki*, THE NEW YORK TIMES MAGAZINE (Aug. 27, 2015), http://www.nytimes.com/2015/08/30/magazine/the-lessons-of-anwar-al-awlaki.ht ml (showing that many atrocities committed in the U.S. were attributable to Anwar al-Awlaki's followers).

This article will: (1) examine the surge of Salafi-Jihadist ideology and the use of "religious branding" as a recruitment technique; (2) investigate the use of social media by radical groups; (3) identify Internet intermediaries' deficiencies in general, and Google's latest two pilot program initiatives in particular, to tackle the spread of Jihadi ideology; and (4) outline a strategic preventative framework including two promising technical approaches for curbing the use of social media by Jihadists.

I.   INTRODUCTION

Al-Ma'mūn, the seventh caliph of the Abbasid dynasty in Baghdad (786–833 AD), was an energetic patron of knowledge and science.[7] During his reign, the House of Wisdom, which contained the world's first astronomical observatory, was Mecca for all researchers and students of science in the Middle East.[8] Al-Ma'mūn ordered the translation of books from all languages.[9] Examples include a number of Greek texts from authors such as Aristotle and Plato as well as works on medicine, mathematics, and astronomy. [10]

Twelve centuries later, in June 2014, Salafi-Jihadist groups announced the establishment of a new Caliphate, the Islamic State in Iraq and the Levant,[11] with Abu Bakr Al-Baghdadi as its Caliph.[12] Like Al-Ma'mūn, the Caliph Al-Baghdadi also has a

---

[7] *See* Dominique Sourdel, *Al-Ma ʾ mūn*, ENCYCLOPÆDIA BRITANNICA, https://www.britannica.com/biography/al-Mamun (last visited Jan. 6, 2017) (discussing Al-Maʾmūn's attempts to end sectarian rivalry in Islam, as well as his openness to new and outside influences).

[8] *See* ARTHUR GOLDSCHMIDT JR. & AOMAR BOUM, A CONCISE HISTORY OF THE MIDDLE EAST 71 (Westview Press, 11th ed. 2016) (discussing Al-Maʾmūn's contributions to philosophy and science).

[9] Sourdel, *supra* note 7.

[10] GOLDSCHMIDT & BOUM, *supra* note 8, at 104.

[11] Michael Pizzi, *In Declaring a Caliphate, Islamic State Draws a Line in the Sand*, AL JAZEERA AMERICA (June 30, 2014), http://america.aljazeera.com/articles/2014/6/30/islamic-state-caliphate.html. *See also This is the Promise of Allah*, AL HAYAT MEDIA CTR., https://ia902505.us.archive.org/28/items/poa_25984/EN.pdf (last visited Jan. 6, 2017) (showing the full text of the announcement utilized in June 2014).

[12] Pizzi, *supra* note 11.

number of achievements under his belt. Examples include the killing of thousands of Muslims, the enslavement of a number of Yazidi women,[13] and the banning of instruction in social sciences, history, philosophy, and sports.[14] Al-Baghdadi's "bestselling" works are a number of social media propaganda videos depicting the burning,[15] drowning, and blowing up of live hostages with rocket-propelled grenades[16] and the slaughtering and crucifying[17] of prisoners on camera.[18] This begs the question, why does ISIS act in such a manner? Is it simply to spread terror, or is there more to these savage acts than meets the eye? There is no one quick answer to the posed question. It would appear, however, that, among other factors, al-Salafiyya al-Jihadiyya School is to be blamed.[19]

The term "Salafism" stems from the Arabic word "Salafi," which refers to the companions of the Prophet Mohammed.[20] Salafism is *not* one of the four major Sunni schools in Islam.[21]

---

[13] Kayleigh Lewis, *Yazidi Woman Held as Isis Sex Slave "Abused Every Day" for Seven Months*, THE INDEPENDENT (Mar. 14, 2016), http://www.independent.co.uk/news/world/middle-east/yazidi-woman-isis-sex-slave-islamic-state-jihadist-a6930251.html.

[14] *ISIS Eradicates Art, History and Music from Curriculum in Iraq*, CBS NEWS (Sept. 15, 2014), http://www.cbsnews.com/news/isis-eradicates-art-history-and-music-from-curriculum-in-iraq/.

[15] Rod Nordland & Ranya Kadri, *Jordanian Pilot's Death, Shown in ISIS Video, Spurs Jordan to Execute Prisoners*, THE NEW YORK TIMES (Feb. 3, 2015), http://www.nytimes.com/2015/02/04/world/middleeast/isis-said-to-burn-captive-jordanian-pilot-to-death-in-new-video.html [hereinafter Nordland & Kadri].

[16] Lizzie Dearden, *New ISIS Video Shows Hostages Divided Into Groups to be Decapitated, Blown Up or Drowned as Execution Methods get Increasingly Macabre*, THE INDEPENDENT (June 23, 2015), http://www.independent.co.uk/news/world/middle-east/isis-decapitates-blows-up-and-drowns-16-men-accused-of-spying-in-iraq-10339255.html.

[17] Sylvia Westall, *ISIL Crucifies Eight Rival Fighters, Says Monitoring Group*, REUTERS (June 29, 2014), http://www.reuters.com/article/us-syria-crisis-rivals-idUSKBN0F40HX20140629.

[18] *See id.* (showing that the corpses of eight crucified rebel fighters were left out for the public to view for three days).

[19] *See What is Salafism and Should We be Worried by It?*, THE WEEK (Jan. 19, 2015), http://www.theweek.co.uk/world-news/6073/what-is-salafism-and-should-we-be-worried-by-it ("Salafis are fundamentalists who believe in a return to the original ways of Islam.").

[20] *Fatwas of the Permanent Committee: Fatwa No. 1361*, THE PERMANENT COMMITTEE FOR SCHOLARLY RESEARCH AND IFTA, http://www.alifta.net/Fatawa/FatawaChapters.aspx?languagename=en&View=Page&PageID=602&PageNo=1&BookID=7 (last visited Jan. 6, 2017).

[21] *See generally* M. Cherif Bassiouni, *Schools of Thought in Islam*, MIDDLE EAST INSTITUTE (Jan. 24, 2012), http://www.mei.edu/content/schools-thought-islam (showing that the four major schools of Sunni Islam are Hanafi, Maliki,

The Salafi movement is based on the idea that Muslims have strayed from their "true" faith, and thus, they should refer to the Quran and the Sunnah of the Prophet Mohammed and, equally important, to the early Muslim community for guidance.[22] The Salafi movement is divided into a number of groups.[23] In this article, we are solely interested in the al-Salafiyya al-Jihadiyya School. In this paper, the terms "Salafism," "Wahhabism," "Salafi Jihadist" and al-Salafiyya al-Jihadiyya School are used interchangeably because they all represent almost the same ideology. The last two terms are used in cases of Salafi armed groups.

Salafism has demonstrably captured the hearts and minds of millions of people in the Middle East.[24] In the battle to control parts of Syria and Iraq, the killing and burning of civilians on camera is simply the tip of the iceberg.[25] Another, much more significant, war is being fought on social media, where Salafi-Jihadist groups have already established a "Social Media State" with a significant number of online, ideologically driven, followers.[26] As with the war against terrorism in the Middle East, the world seems to be losing ground in the cyber world where Salafi-Jihadist groups have established a very strong foothold, setting the stage for what has become an epic battle over the future of social media.[27] Unlike the Islamic State in Iraq and the

---

Shafei, and Hanbali).

[22] Bruce Livesey, *The Salafist Movement*, PBS, http://www.pbs.org/wgbh/pages/frontline/shows/front/special/sala.html (last visited Jan. 6, 2017).

[23] *See No Single Definition for Salafism, AJCS' Conference Finds*, AL JAZEERA CTR. FOR STUDIES, http://studies.aljazeera.net/en/events/2014/01/201412194 433987696.html (last visited Jan. 6, 2017) (discussing the different ideologies of Salafi groups).

[24] *See* Jacob Olidort, *What Is Salafism? How a Nonpolitical Ideology Became a Political Force*, FOREIGN AFFAIRS (Nov. 24, 2015), https://www.foreign affairs.com/articles/syria/2015-11-24/what-salafism (demonstrating a connection between Salafism and ISIS). *See generally* Ryan Mauro, *ISIS Has Up To 42 Million Supporters in the Arab World*, THE CLARION PROJECT (June 28, 2015), http://www.clarionproject.org/analysis/isis-has-least-42-million-supporters-arab-world (illustrating general public opinions of ISIS in the Middle East).

[25] *See generally* Westall, *supra* note 17 (discussing ISIL's use of violence to gain control of new territory).

[26] *See generally* Omar Shahid, *ISIL Sympathisers* [sic] *Say Support is Growing*, AL JAZEERA ENGLISH (Dec. 4, 2014), http://www.aljazeera.com/indepth/features/2014/12/isil-sympathisers-say-support-growing-2014122105944176424.html (referencing the extent of articles and such on social media in support of ISIL).

[27] *See generally* Danny Yadron, *Twitter Deletes 125,000 Isis* [sic] *Accounts and Expands Anti-Terror Teams*, THE GUARDIAN (Feb. 5, 2016), https://

Levant, where ISIS has control over few cities, if left unchecked, the "Social Media State" would have a greater chance of survival.[28] Defeating it requires a different strategy that does not necessarily involve the use of military operation.

A single prominent and controversial theologian and political figure who has been relied on to justify Salafi-Jihadist ideology as we know it, is, namely, Ibn Taymiyyah (1263-1328), sometimes referred to as Sheikh Al-Islam.[29] Taymiyyah's teachings have provided the ideological core to most Salafi-Jihadist groups.[30] As a literalist, he believed in the supremacy of the Quran and Sunnah (teachings of the Prophet Mohammad).[31] Both the Quran and Sunnah must be taken as literally and factually true, and thus must be abided by all Muslims.[32] Any figurative or metaphoric attempt to re-interpret or re-evaluate well-established Islamic principles, as interpreted by Taymiyyah, may be considered a blasphemy[33] and/or apostasy,[34] two

---

www.theguardian.com/technology/2016/feb/05/twitter-deletes-isis-accounts-terrorism-online (showing that Twitter has deleted more than 125,000 accounts linked to terrorists since mid-2015).

[28] *See generally* Brendan I. Koerner, *Why ISIS is Winning the Social Media War*, WIRED (April 2016), https://www.wired.com/2016/03/isis-winning-social-media-war-heres-beat/ (showing the social media growth of ISIS and the ineffectiveness of Western efforts to combat it).

[29] *Ibn Taymiyyah, Taqi al-Din Ahmad*, OXFORD ISLAMIC STUDIES ONLINE, http://www.oxfordislamicstudies.com/article/opr/t125/e959 (last visited Jan. 6, 2017) [hereinafter *Ibn Taymiyyah*].

[30] Among many others, Taymiyyah's name was invoked by Osama Bin Landen when he issued his infamous fatwa against the U.S. *See World Islamic Front Statement Urging Jihad Against Jews and Crusaders*, FEDERATION OF AMERICAN SCIENTISTS (Feb. 23, 1998), http://fas.org/irp/world/para/docs/980223-fatwa.htm [hereinafter *World Islamic Front*] (showing the full text of a statement by Osama Bin Landen that invokes Taymiyyah); Andrew Griffin, *ISIS Militants "Using Twitter to Ask for Suggestions on How to Kill Jordanian Pilot,"* THE INDEPENDENT (Dec. 30, 2014), http://www.independent.co.uk/life-style/gadgets-and-tech/news/isis-polls-twitter-for-gruesome-suggestions-of-how-to-kill-jordanian-pilot-9949550.html; MOUHAMAD ALMAKDESI, JIHAD IN THE HANBALI DOCTRINE 25 (Books World Publication 1985), http://library.islamweb.net/newlibrary/display_book.php?bk_no=28&ID=961&idfrom=4986&idto=5061&bookid=28&startno=24 (ISIS followers relied on a fatwa issued by Taymiyyah to suggest an execution method for a condemned Jordanian pilot).

[31] BURJOR AVARI, ISLAMIC CIVILIZATION IN SOUTH ASIA: A HISTORY OF MUSLIM POWER AND PRESENCE IN THE INDIAN SUBCONTINENT 140 (Routledge 2013).

[32] *See generally* Abdur-Rahman ibn Muhammad ibn Qasim, *Majmu Fatawa Sheikh Al-Islam, Ibn Taymiyyah*, THE MINISTRY OF ISLAMIC AFF.'S PUBLICATION (2004) [hereinafter Abdur-Rahman] (discussing Taymiyyah's ideology).

[33] Generally speaking, "blasphemy" includes the insulting of or showing a lack of respect for Allah or his messenger. *See* Ron E. Hassner, *Blasphemy and Violence*, 55 INT'L STUD. Q. 23, 26–27 n.9 (2011) (defining blasphemy in the

unforgiveable crimes in Islam punishable, in many cases, by death.[35] By this claim, Taymiyyah's followers have overstretched the scope of these two crimes. This "My Way or the Highway" ideology has sometimes led to devastating consequences when a wide range of otherwise tolerable activities are considered blasphemous or apostate by ISIS, Al-Nusra Front (an Al-Qaida affiliate organization), and the like.[36] As such, the distasteful acts of drawing of offensive cartoons depicting the Prophet Mohammed,[37] or the directing of a short film criticizing women's treatment in Islam,[38] are considered religious crimes (blasphemous acts) punishable by death. [39]

Taymiyyah is the Godfather of most Salafi-Jihadi fighters.[40] His work elevated Jihad to the rank of the five official pillars of Islam.[41] According to him, Jihad is more significant than performing the grand pilgrimage.[42] The rhetoric of many extreme groups stems from a significant number of fatwas in which, as the examples in the footnote below show, Taymiyyah actively called for the expulsion and/or punishment of a significant number of uncommitted Muslims and other ethnic groups.[43]

---

context of Islamic teachings); *see also* Abd A. Ebraheam, *Moghnee Al-Moreed*, ALBAZ PUBLICATION 2771 (2000) (showing that, according to Taymiyyah, cursing the Prophet Mouhamad, in particular, is a crime punishable by death).

[34] A hadith by the Prophet reads "whoever changes his religion is to be killed." *See* Al-Bukhari, Book 9, Vol 84, Hadith 57.

[35] Abdur-Rahman, *supra* note 32, at 89–106, 136–41, 149–60, and 161–63.

[36] *See Foreign Terrorist Organizations*, U.S. DEP'T OF ST., http://www.state.gov/j/ct/rls/other/des/123085.htm (last visited Jan. 6, 2017) (showing that Al-Nusra Front was designated, by the Secretary of State, as a terrorist organization on May 15, 2014).

[37] *Charlie Hebdo Attack: Three Days of Terror*, BBC NEWS (Jan. 14, 2015), http://www.bbc.com/news/world-europe-30708237; *Prophet Mohammed Cartoons Controversy: Timeline*, THE TELEGRAPH (May 4, 2015), http://www.telegraph.co.uk/news/worldnews/europe/france/11341599/Prophet-Muhammad-cartoons-controversy-timeline.html.

[38] Marlise Simons, *Dutch Filmmaker, an Islam Critic, is Killed*, THE NEW YORK TIMES (Nov. 3, 2004), http://www.nytimes.com/2004/11/03/world/europe/dutch-filmmaker-an-islam-critic-is-killed.html?_r=0.

[39] *See generally* Abdur-Rahman, *supra* note 32.

[40] *Ibn Taymiyyah*, *supra* notes 29 and 30.

[41] Abdur-Rahman, *supra* note 32, at 36–39.

[42] *Id.* at 37.

[43] *See id.* at 89–106, 163–65, 136–41, 149–60, and 161–63 (according to Taymiyyah, "unless they repent, Muslims who do not pray are to be put to death." In another fatwa, he pointed out that Muslims who shave their beards are likely to be "unbelievers [sic]." " . . . Muslims who shave their beards are in fact more infidel than Jews and Christian." On Shia, he said "[i]n both their believes [sic] and behaviors, Shia is the most ignorant of all Islamic sects and the farthest from Islam. In fact, in their hatred of Islam, they are worse than

Salafi-Jihadists today very often recast these fatwas to justify their actions (Jihad) against others. Examples include Abdullah Azzam, one of the Al-Qaeda leaders in Afghanistan who was killed in 1989,[44] Osama Bin Laden,[45] ISIS,[46] and Al-Nusra Front.[47] In one of the latest examples, the representative of Al-Nusra Front in East Ghouta (a suburb of Damascus), has cited Taymiyyah to justify the fighting of another Sunni group, namely Jaysh Al-Islam.[48] He made it abundantly clear that unless they completely subdued to what Al-Nusra's representative called Sharia law, all Jaysh Al-Islam's fighters would be killed, including those who had not fought Al-Nusra Front in the first place.[49]

Jews and Christians. . . ." On Alnyseria, Taymiyyah issued the following fatwa, "Alnyseria are more infidels [sic] than Jews and Christian[s] . . . Their bloods [sic] and positions are to be taken. Muslims are to expose them, reveal their secrets, and to [sic] apply God's orders against them. Jihad against them is one of the most important religious duties. . . ." Finally, on Druze, Taymiyyah issued this fatwa, "Druze are unbelievers [sic] by the consensus of all Muslims . . . anyone who doubts that they are unbelievers [sic] is an unbeliever [sic] like them. Their women are to be enslaved, and their fortunes are to be taken; they are to be killed wherever they are found; cursed as they are described. . . . And their scholars and clerics must be killed so that they do not lead other[s] astray. . . .").

[44] *See* Dr. Abdullah Azzam, *Defense of Muslim Lands: the First Obligation After Iman*, https://ia600504.us.archive.org/27/items/Defense_of_the_Muslim_Lands/Defense_of_the_Muslim_Lands.pdf (last visited Jan. 6, 2017) (discussing Taymiyyah's teaching to wage jihad by asserting that "if a piece of Muslim land the size of a hand span is infringed upon, then jihad becomes . . . [a personal obligation] on every Muslim male and female, where the child shall march forward without the permission of its parents and the wife without the permission of the husband.").

[45] *World Islamic Front*, *supra* note 30 ("The ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it. . . .").

[46] *See* Griffin, *supra* note 30 (demonstrating the extent to which ISIS followers rely on the teachings of Taymiyyah).

[47] *See ISW Resources of Jabhat Al-Nusra: Al-Qaeda's Syrian Affiliate*, INST. FOR THE STUDY OF WAR (last updated July 25, 2016), http://www.understandingwar.org/backgrounder/isw-resources-jabhat-al-nusra-al-qaedas-syrian-affiliate (discussing the threat posed by Jabhat al-Nusra, a Salafi-Jihadi group).

[48] *See generally* Asaad Hanna, *Opposition Infighting Gives Assad Regime Opening in Eastern Ghouta,* AL-MONITOR (June 1, 2016), http://www.al-monitor.com/pulse/originals/2016/05/syria-war-eastern-ghouta-faylaq-al-rahman-jaysh-al-islam.html 2/2 (discussing the tension between Faylaq al-Rahman and Jaish al-Islam).

[49] *See* Pen Fustat, *The Word Sheikhs Abu Abdullah and Abu Mohammed of Jordan With the People of Eastern Ghouta About Recent Events,* YOUTUBE (May 13, 2016)*,* https://www.youtube.com/watch?v=zedYguS9evM (arguing that "if Jaysh Al-Islam does not surrender, we should [Al-Nusrah Front] fight it even if that leads to the extermination of all its member.").

This article sheds some light on the Internet's darkest corner: the use of social media to spread extreme ideologies. In evaluating the role of Internet intermediaries in curbing the surge of this phenomenon, , two threshold questions must first be answered: (1) why extreme groups such as ISIS or Al-Nusra Front are thriving, and (2) if social media play a role in this rise, and, if so, how it does.

This essay begins by investigating why al-Salafiyya al-Jihadiyya is thriving. It then goes on to highlight the use of social media by radical Jihadist groups. This is done in part one and two. The third part investigates the extent to which Internet intermediaries are the right tools for the task of minimizing the presence of radical groups online. After investigating the deficiencies of intermediaries in tackling the spread of extreme groups, and thus the need for limited governmental intervention, this part briefly investigates the possibility of banning the most extreme aspects of al-Salafiyya al-Jihadiyya under the First Amendment of the U.S. Constitution. Finally, this article outlines a new technological framework, the application of which would not only restrict but also prevent extreme groups from establishing a strong hold in cyber space. Before going into details, we first briefly investigate why extreme groups are thriving in the Middle East.

II.   WHY AL-SALAFIYYA AL-JIHADIYYA IS THRIVING

The issues related to the surge of Salafi-Jihad are complex. This part will only provide a brief backdrop of one of the significant ideo-political factors behind the current rising of al-Salafiyya al-Jihadiyya, theocracy and the contextualization of faith.

For centuries, Salafi-Jihadism has not been popular in the Islamic world.[50] As a small fringe group who quarrels fiercely among themselves,[51] Salafi-Jihad followers represent only a fraction of the Muslim population in the world.[52] Still, if the Salafi-Jihadist Movement truly represents an unpopular

---

[50] *See What is Salafism and Should We be Worried by It?*, *supra* note 19 (citing low numbers of Salafi believers).

[51] *See generally Guide to the Syrian Rebels*, BBC NEWS (Dec. 13, 2003), http://www.bbc.com/news/world-middle-east-24403003 (identifying around 1,000 militant groups in Syria).

[52] *See generally id.* (noting that many of the groups are small and operate on a local level).

interpretation of Islam, why then is it thriving? The answer lies within the ideology itself. The very same concept that makes al-Salafiyya al-Jihadiyya, in our view, controversial, namely the literal interpretation of the Scripture purported to justify political means, serves the interests of a small number of influential autocracies in the Middle East. The stricter the interpretation of faith is, the harder it is for Muslims to revolt, even against their most corrupted leaders.

To understand the link between al-Salafiyya al-Jihadiyya and autocracy, one has to pay regard to one of the very important concepts in Islam, obedience.[53] According to the Quran,[54] Muslims must follow and submit to their leader, so long as he rules according to Islamic law (Sharia law).[55] The Muslim ruler is also entitled to the advice and support of his people if and when needed.[56] A strict interpretation of this religious mandate makes it very difficult for the Muslim population to rise against a dictator (ruler), so long as he is a dedicated Muslim.

According to Taymiyyah, the Muslims must obey their ruler, who might have been a prince or a Muslim cleric,[57] so long as their disputes are settled according to Sharia law..[58] In other words, , providing the Muslims are not prevented from practicing their rituals such as praying or fasting, they must not rebel against their ruler.[59] When pressed on whether Muslims must submit to their Muslim leader even when he serves only his own interests, Taymiyyah answered affirmatively.[60] The fact that a Muslim leader may not serve justice or treat his people unfairly does not justify rebellion against him.[61] Further, the duty of absolute obedience is not limited to Muslims who pledge

---

[53] *See Surah An-Nisa* 4:59, https://quran.com/4:59 (last visited Jan. 6, 2017) (explaining that Muslims should obey Allah and the messenger).

[54] *Id.*

[55] *Id.*

[56] *See id.* ("[O]bey Allah and obey the Messenger and those in authority among you.").

[57] *See* Abdul Aziz bin Abdullah bin Baz, *Princes and Scholars in Itaon Known Because this Upright Status*, THE OFFICIAL SITE OF IMAM IBN BAAZ (Oct. 25, 2016), http://www.binbaz.org.sa/article/208 [hereinafter Abdul Aziz] (discussing a ruler's role as a prince).

[58] Abdur-Rahman, *supra* note 32, at 13–14.

[59] *Id.*

[60] *Id.* at 9 (this is very interesting given the fact that Salafi-jihadi clerics often cite the so-called "fatwa Al-tatar" issued by Taymiyyah to justify revolt against Muslim rulers).

[61] *Id.* at 13–14.

allegiance to the Muslim leader.[62] Even those who do not are expected to follow his orders.[63]

Rising against a corrupted but dedicated Muslim leader is therefore a crime.[64] Those who do stir protest die as infidels.[65] In other words, so long as a Muslim leader enables his followers to practice the five pillars of Islam,[66] he is entitled to rule as he sees fit.[67] In the best case scenario, and always under Taymiyyah's interpretation of faith, a Muslim may advise or criticize his leader, but he may not go as far as rising against him.[68]

It could be argued that the Salafi characterization of the relationship between a Muslim leader and his citizens has cemented dictatorships in the Middle East. It has created a state of "religious cronyism" where a Muslim dictator appoints corrupted clerics who bolster the dictator's otherwise illegitimate reign by depicting him as "faithful," and thus forcing Muslims to obey him. As such, both Muslim autocracies and Salafi clerics work hand in hand to secure the submission of an otherwise rebellious population. This is where applying a strict interpretation of the "obedience" factor becomes handy. A Muslim cannot rise against his or her corrupted Muslim ruler without running the risk of being called an infidel or apostate. This explains why Salafism is encouraged in the Middle East in general, and in the Arabic Peninsula in particular. In light of this analysis and under a Salafi interpretation of faith, the "obedience" factor actually cements the position of otherwise corrupted rulers.

Following in Taymiyyah's footsteps, and citing a number of hadiths of the Prophet Mohammad,[69] the former Grand Mufti of Saudi Arabia made it very clear that Muslims might revolt

---

[62] *Id.* at 8–13.

[63] *Id.*

[64] Abdur-Rahman, *supra* note 32, at 13–14.

[65] *Id.* at 11–12.

[66] *See The Five Pillars (11.1–11.3)*, A STUDY OF THE QURAN, http://www.astudy ofquran.org/web/index.php?id=60,0,0,1,0,0. (last visited Jan. 6, 2017) (explaining the Five Pillars of Islam: belief, prayer, fasting, compulsory charity, and the pilgrimage).

[67] Abdur-Rahman, *supra* note 32, at 13–14.

[68] *Id.* at 10–14.

[69] Abdul Aziz, *supra* note 57; Kitab Al-Imara, *Translation of Sahih Muslim, Book 20, Number 4524*, http://www.iium.edu.my/deed/hadith/muslim/020_smt. html (last visited Jan. 6, 2017) ("It is obligatory [upon the Muslim] to listen to the ruler and obey [the ruler] in adversity and prosperity, in pleasure and displeasure. . . .").

against their ruler *only* upon two high-threshold conditions. First, where the ruler clearly and "publicly" renounces Islam, and secondly, where rebellions can demonstrably prove that they have enough power and public support to oust the ruler, and, thus, are capable of establishing peace and stability.[70] Otherwise, it is not in the interest of the Islamic nation to revolt against the ruler.[71] Then, the former Grand Mufti issued a stark warning: those who disobey and encourage Muslims to revolt against their ruler must be killed, whomever they are.[72] Most recently, this very concept was used to execute a Shiite cleric who condemned Shia and Sunni autocracies, including the Syrian regime and the Saudi family.[73] Among other charges, the Shiite cleric was accused of disobeying the ruler and inciting sectarian strife.[74] He paid with his life.[75] To cement their otherwise likely illegitimate reigns, all Arab Muslim autocracies and theocracies take the privilege of "absolute obedience" seriously.

As the above discussion shows, the "obedience" factor under the Salafi interpretation of Islam acts as an insurance policy. It shields Islamic dictators from the fury of their deprived and disenfranchised population. The Salafi interpretation of the "obedience" factor explains why Muslims are willing to put up with their leaders' lack of justice and corruption. Counting on autocracy in the Middle East to "genuinely" curb the influence of Salafism in general, and of Salafi-Jihadists in particular, is wishful thinking.

---

[70] Abdul Aziz, *supra* note 57.

[71] *Id.*

[72] *Id.*

[73] Minutes for the Truth, *What did Sheikh Nimr* [sic] *al-Nimr* [sic] *say about Syria and Bashar al-Assad*, YOUTUBE (July 8, 2012), https://www.youtube.com/watch?v=iJyEETz2Mlo ("Al-Khalifa are [sic] unjust and Sunni have nothing to do with them [Sunni are not to be blamed for Al-Khalifas' mistakes]. They [Al-Khalifa] are tyrants. [The] Al-Assad regime in Syria is unjust and Shia has nothing to do with it."). Many believe that Nemer al-Nemer was in fact executed because of the above and very popular YouTube video during which he named a number of Sunni and Shia autocracies and condemned them. *See also* Ahmed Al Omran, *Who was Nemer al-Nemer?*, THE WALL STREET J. (Jan. 3, 2016), http://blogs.wsj.com/briefly/2016/01/03/who-was-nemer-al-nemer-at-a-glance/ (discussing Nemer al-Nemer's arrest in July 2012 for sedition and incitement and his later execution).

[74] Al Omran, *supra* note 73.

[75] *Id.*; Ben Hubbard, *Saudi Arabia Cuts Ties with Iran Amid Fallout from Cleric's Execution*, THE NEW YORK TIMES (Jan. 3, 2016), http://www.nytimes.com/2016/01/04/world/middleeast/iran-saudi-arabia-execution-sheikh-nimr.html?_r=0.

1. Salafism & Tax Evasion

The metaphoric term "Jihad" has a number of meanings.[76] It can be an internal struggle, an effort to live out the Muslim faith, or to build a better society.[77] For present discussion, we are solely interested in Jihad as a holy war. The Quran sets very strict rules for the conduct of Jihad.[78] For instance, under no circumstances are unarmed civilians, women, children, or elderly people to be attacked or killed.[79] The Quran states "fight in the way of Allah [against those] who fight [against] you, but do not transgress; surely Allah loves not the transgressors."[80]

The Quran encourages Muslims to spend their money for the sake of Allah.[81] Surah Al-Tawbah explains in detail how tax money should be spent.[82] It lists eight categories, including the "poor", "needy", and spending for the sake of Allah.[83] While there is no straight rule as to when financing Jihad becomes a religious mandate, the conventional wisdom is that once a prominent Muslim cleric calls for Jihad, supporting it with all possible means, including financial means, becomes a religious mandate.[84]

---

[76] *See generally Surah Al-Furqan* 25:52, https://quran.com/25:52 (last visited Jan. 6, 2017) (discussing disbelievers); *Surah An-Nisa* 4:92, https://quran.com/4:92 (last visited Jan. 6, 2017) (discussing the death of disbelievers); *Surah Al-Ankabut* 29:6, https://quran.com/29:6 (last visited Jan. 6, 2017) (discussing personal strife).

[77] *See Surah Al-Furqan* 25:52, *supra* note 76; *Surah An-Nisa* 4:92, *supra* note 76; *Surah Al-Ankabut* 29:6, *supra* note 76 ("And whoever strives only strives for [the benefit of] himself. Indeed, Allah is free from need of the worlds.").

[78] *See Surah Al-Isra* 17:33, https://quran.com/17:33 (last visited Jan. 6, 2017) ("And do not kill the soul which Allah had forbidden, except by right.").

[79] *Surah Al-An'am* 6:151, https://quran.com/6:151 (last visited Jan. 6, 2017); *Surah Al-Isra* 17:33, *supra* note 78.

[80] *Surah Al-Baqarah* 2:190, https://quran.com/2:190 (last visited Jan. 6, 2017).

[81] *See Surah Al-Tawbah* 9:41, https://quran.com/9:41 (last visited Jan. 6, 2017) ("Go forth, whether light or heavy, and strive with your wealth and your lives in the cause of Allah. That is better for you, if you only knew.").

[82] *See Surah Al-Tawbah* 9:60, https://quran.com/9:60 (last visited Jan. 6, 2017) (discussing "zakah" expenditures gifted to the poor, needy, and for the cause of Allah).

[83] *Id.* **(**"Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler – an obligation [imposed] by Allah."); *Zakat FAQs*, ISLAMIC RELIEF UK, http://www.islamic-relief.org.uk/about-us/what-we-do/zakat/zakat-faqs/ (last visited Jan. 6, 2017) (noting that Zakat is approximately 2.5% of a year's total cumulative wealth).

[84] *See generally Surah Al-Tawbah* 9:38, https://quran.com/9:38 (last visited Jan. 6, 2017) (discussing adhering to the cause of Allah).

In special cases, funding Jihad trumps other necessities.[85] Examples include where Muslim fighters (Mujahedeen) are besieged or underfunded.[86] In these cases, Muslim fighters are deemed poor, and, thus, helping them financially or otherwise becomes an absolute priority.[87] Under such circumstances, many Muslims may choose not to pay taxes to their government.[88] Instead, they may pay directly to the Mujahedeen, often using private channels.[89]

As reported by the International Crisis Group, during the Syrian crisis, Salafi groups aggressively marketed their violent raids against the Syrian regime's forces, and presented themselves as "the only game in town."[90] According to the same group, one of the driving forces behind the success of Salafists is the popularity of their clerics, particularly those from the Arabic Gulf states.[91] As such,

> [D]onations from . . . other Arabs in Gulf countries helped fuel a growing Islamist trend among militants as of early 2012. By May . . . most of the money received by armed groups in Homs [a Syrian city] was sent "from Islamists to Islamists. . . ." Salafis' direct access to Gulf-based funding was the envy of local FSA

---

[85] *See generally Surah Al-Baqarah* 2:195, https://quran.com/2:195 (last visited Jan. 6, 2017) (discussing spending in the cause of Allah to Jihad).

[86] *See generally Surah An-Nisa* 4:95, https://quran.com/4:95 (last visited Jan. 6, 2017) (discussing rewards given to those who fight for the cause of Allah).

[87] Network News Sure 2, *Hazem Salah Abu Ismail, Syria is a State, Major General Jihad and the Worship of Money and Weapons*, YOUTUBE (May 26, 2013), https://www.youtube.com/watch?v=00nWtCWtz4c (in Syria, a number of Salafi-Jihadi clerics called for support for the Jihad. In this video, Hazem Abo Ismaheal, stated that "while collecting money [for Syrians] for weapons, drugs, and food is, no doubt, part of one's religious duties, this should not be an excuse . . . to do our real duties. As the companions of the Prophet did it before, we ought to pay our money to work and to wage Jihad as well."); HamzaBakour Channel, *Urgent: Qaradawi Declares Jihad in Syria, #Duty* [sic], YOUTUBE (Mar. 4, 2012), https://www.youtube.com/watch?v=g2LxmoMV20M [hereinafter *Qaradawi*] (Yousef Al Qaradawi said that "the case to fight the Syrian regime is beyond question, and Syrian religious clerics should publicly declare their positions regarding that issue.").

[88] *See* M. HASSAN KAKAR, AFGHANISTAN: THE SOVIET INVASION AND THE AFGHAN RESPONSE, 1979–1982, at 127–28 (the Regents of the University of California 1995) (referencing the priority of providing financial assistance to the Mujahedeen).

[89] *Tentative Jihad: Syria's Fundamentalist Opposition*, INTERNATIONAL CRISIS GROUP 9 (Oct. 12, 2012), https://www.ciaonet.org/catalog/26471 [hereinafter INTERNATIONAL CRISIS GROUP] (addressing the competitive advantage afforded to Salafi-Jihadi groups, who receive private funding).

[90] *Id.*

[91] *Id.* at 9–10 (discussing Salafi groups' direct access to funding through donations from Arabs in Gulf countries).

leaders, who bitterly complained that their own . . . leaders were not providing them with sufficient funding and arms. The money flow from conservative donors did more than strengthen Salafi factions relative to their mainstream counterparts. As said, it also pushed non-Salafi combatants toward joining Salafi units. . . . Groups with no ideological affiliation whatsoever began to adopt the symbols, rhetoric and facial hair associated with Salafism for that purpose.[92]

As the above study shows, Salafi-Jihadist groups are rarely short of money.[93] They are cherished by the population of some of the wealthiest states in the Middle East.[94] As the table below shows, what these relatively small Arabic Muslim states lack in number, in comparison with the world's largest Muslim nations, they make up for in money, and, thus, influence.[95]

Country	GDP in U.S. Dollars	Population
Saudi Arabia	$646,002 million	31,540.37 thousand
Qatar	$166,908 million	2,235.36 thousand
Kuwait	$112,812 million	3,892.11 thousand
United Arab Emirates	$370,293 million	9,156.96 thousand
	Total: $1,296,015 million	**Total: 46,824.8 thousand**
Malaysia	$296,218 million	30,331.01 thousand
Indonesia	$861,934 million	257,563.82 thousand
Turkey	$718,221 million	78,665.83 thousand
	Total: $1,876,373 million	**Total: 366,560.66 thousand**

Source: World Bank Data 2016[96]

As with all charitable donations, knowing how money is spent is crucial if supporters are to keep sending checks. During the current Syrian civil war, among other uses, social media has been utilized to generate funds, and at the same time, to demonstrate to donors where and how their donations are spent.[97]

---

[92] *Id.*

[93] *Id.*

[94] *See id.* at 9 (discussing funding by wealthy Arab Gulf donors).

[95] *World Development Indicators Database*, THE WORLD BANK (Oct. 11, 2016), http://databank.worldbank.org/data/download/GDP.pdf.

[96] *Id.*

[97] For instance, in the following YouTube video, a clearly frustrated rebel

2. *Salafism as a Business Model*

The Middle East is a place where religion plays a pivotal role in peoples' lives. Ideologically-driven groups, such as Salafists, have to compete in a consumer market place, not only with Christians and Jews, but also with a myriad of other Islamic groups. To stand out from the crowd, Salafism has to become a "religious brand."[98] As ideologically-driven groups with a clear political agenda,[99] and by carefully linking everything they do to verses in the Quran or hadiths of the Prophet, Salafi-Jihadists have systemically and meticulously enhanced the notion that Jihadi groups are the only "true" representatives of Islam.[100] Salafi-Jihadists clerics have, therefore, succeeded in

leader explains to donors the reason behind the lack of military operations, and asks for weapons, food, and drugs. *See* Free Syria 2011 Syrian Revolution, *Loud Cries of Leader Abu Wael al-Homsi for the Tragic Situation in the Besieged Homs 04/01/2014*, YOUTUBE (Jan. 4, 2014), https://www.youtube.com/watch?v=wFX0ns3qcXU ("There would be achievements on the ground, God well, but just give us some time. Spreading rumors online about leaders is not helping. This is what the Syrian regime wants. [C]alling upon all Muslims all over the world and in the Arabic Gulf, in particular Saudi Arabia and Kuwait to help [the Mujahedeen in Syria].").

[98] *See generally* MARA EINSTEIN, BRANDS OF FAITH: MARKETING RELIGION IN A COMMERCIAL AGE 13, 57 (Routledge 2008), http://culturaldiplomacy.org/acad emy/pdf/research/books/nation_branding/Brands_Of_Faith_-_Mara_Einstein.pdf (discussing the branding of religions to reach new consumers).

[99] The agenda of Jihadi groups is to establish an Islamic state, as clearly seen in their literature. *See What is Jihadism*, BBC NEWS (Dec. 11, 2014), http://www.bbc.com/news/world-middle-east-30411519 (discussing the Jihadist mission).

[100] All Salafi-Jihadi propaganda videos that are posted online start with verses from the Quran and hadiths of the Prophet. For example, Mohamad Al-Oryfee's sermon that was posted online cites a significant number of hadiths of the Prophet. *See* Student Jinan Tube, *Fiery Friday Sermon, Sheikh Mohammed Arifi, Syria and Jihad 06/14/2013*, YOUTUBE (June 14, 2013), https://www.youtube.com/watch?v=bM4Ilf-UrIw&t=1736s [hereinafter *Fiery Friday Sermon*] ("If the people of Al-Sham [Syria] went astray then there would be no goodness amongst you. However, there will [be] a group among you supported from my ummah, and this group will not be bothered by those who disapprove [of] it until the day of Judgement."); *see also* Lovemaher Zain, *Why the Prophet Muhammed, Peace be Upon him From Syria, said the Last Time*, YOUTUBE (Aug. 27, 2013), https://www.youtube.com/watch?v=j5098b48hfo [hereinafter *Why the Prophet Muhammed*] (Nabeel Alaowdee, citing a hadith by the Prophet states "at the end of time, there will be soldiers in Iraq, soldiers in Al Sham and soldiers in Yemen, then the Prophet was asked where Muslims should go, he said, they should go to Al Sham [Syria] where the Angels spread their wings.").

characterizing criticism leveled against their agenda as an attack on Islam and Muslims *per se*.[101]

The slogan of the self-proclaimed Islamic Caliphate (ISIS), "lasting and expanding,"[102] concisely sums up this effective survival strategy. It ideo-commercially blends the political survival of Salafi Jihadi groups with the survival of Islam. By doing so, a criticism of al-Salafiyya al-Jihadiyya, or its proponents, becomes an attack on Islam itself. For decades, radical Jihadists have justified their own politically-driven goals using carefully selected metaphoric verses of the Quran or hadiths of the Prophet.[103] This form of "religious dilution" has already reflected adversely upon Muslims well beyond the shores of the Middle East.[104]

This costly but effective marketing strategy is complicated by the fact that religion counts for roughly 28% of all TV programs in the Middle East.[105] Religious TV shows are a very lucrative source of income. Among many others, the reason for this is that, in most cases, the production of a religious TV show requires no copyright licensing agreements, famous actors, soundtrack, or sizable investment in inventory and equipment.[106] Two bedroom flat, a producer, a director, a free Facebook page or a YouTube channel, and a charismatic cleric and you could have a profitable show. In the four years between 2009 and 2013, the number of religious TV stations jumped from 35 to 100,[107] and a significant number of these stations adapt "Salafism" as a business model to

---

[101] *See* Student Jinan Tube, *supra* note 100 (showing the mixture of religion with the Jihadist message).

[102] Lina Khatib, *The Islamic State's Strategy: Lasting and Expanding*, CARNEGIE ENDOWMENT FOR INT'L PEACE (June 29, 2015), http://carnegie-mec.org/2015/06/29/islamic-state-s-strategy-lasting-and-expanding-pub-60511.

[103] *See* Husain Haqqani, *Prophecy & the Jihad in the Indian Subcontinent*, HUDSON INSTITUTE (Mar. 27, 2015), http://www.hudson.org/research/11167-prophecy-the-jihad-in-the-indian-subcontinent (noting that radical Islamists invoke the hadiths of the Prophet).

[104] *See generally,* ARIF KEMIL ABDULLAH, THE QUR'AN AND NORMATIVE RELIGIOUS PLURALISM: A THEMATIC STUDY OF THE QUR'AN 152 (The International Institute of Islamic Thought 2014) (discussing the use of religion as a form of political gain).

[105] *Religious Channels Fueling the Conflict in the Middle East*, AL-MASDAR (May 2, 2015) (arguing that there are around 100 religious channels that fuel sectarianism in the Middle East).

[106] *See id.* (discussing the influence of religion-based television channels in the Middle East).

[107] *Id.*

attract viewers.[108] Preying on a socially and economically deprived population,[109] Salafism is depicted as the ultimate answer to the question of corruption.[110] To complicate the matter even further, most of these Salafi channels are lightly regulated and are privately funded by individuals and/or organizations from Saudi Arabia, the United Arab Emirates, Iran, and Qatar.[111]

Salafi-Jihadism has proven itself as a successful business strategy. Many commercial TV stations have adapted it including "ALKALIJIA" and "ALNAS," both of which used to provide various kinds of social programs.[112] Not anymore.[113] After wearing its Salafi mask, the "Al ALKALIJIA" station, for instance, went as far as hosting a number of Salafi clerics who cited some of Taymiyyah's fatwas that call for the compulsion and extermination of minorities.[114] To make matters worse, as the table below shows, most of these Salafi-Jihadi-leaning channels maintain a strong presence on social media, where lengthy videos of Jihadi clerics calling for the killing and torture of others are normally broadcasted on platforms such as Facebook and/or YouTube.[115]

---

[108] *See id.* (discussing the popularity of religious programming in the Middle East).

[109] *Corruption Perceptions Index 2014: Results*, TRANSPARENCY INT'L (2014), https://www.transparency.org/cpi2014/results (the Transparency International corruption index of 2014 indicates that, apart from the United Arab Emirates and Qatar (both scored 70 and 69, respectively), all other Arab states score below 50, on a scale from 0 (highly corrupt) to 100 (very clean)).

[110] *See What is Salafism and Should We be Worried by It?*, *supra* note 19 ("Salafism offers what many see as a purer form of Islam, stripped of cultural and national associations. This, coupled with its traditional lack of political involvement, makes it especially popular with new converts.").

[111] *Religious Channels Fueling the Conflict in the Middle East*, *supra* note 105.

[112] *See* Muhammad Shukri, *Radical Religious Al-Nas TV Gains Influence in Egypt*, ARAB MEDIA & SOC'Y (June 28, 2007), http://www.arabmediasociety. com/index.php?article=273&p=0 (discussing a popular, entertainment-based, Arabic language channel, Al-Nas).

[113] *See id.* (showing that Al-Nas moved to Sunni religious programming after gaining a large base of viewers attracted to the channel for entertainment).

[114] *Sheikh Mohamad Alzobee*, AL KHALIDJIA TV (May 19, 2009), https://www.youtube.com/watch?v=gqmIcn3AStU (arguing that "Alnyseria are unbelievers . . . anyone who doubts that they are unbelievers is an unbeliever like them.").

[115] *See* Ahmed Ali, *Dangerous: To Those Who Say Daesh Kharijites and Do Not Represent Islam*, AL KHALIDJIA TV (Nov. 6, 2014), https://www. youtube.com/watch?v=lqF8qCH9Bm8 (in this video, a number of well-known Salafi-Jihadi clerics appear on different religious television stations, cited in the table above, unapologetically falsely alleging that the killing and torture of the so-called unbelievers or infidels is part of Islamic tradition. For example, in an

List of Some Arabic-Salafi Religious Television Stations and the Number of Followers on Social Media[116]

TV Channel	Content	Facebook	YouTube
alrahma.tv	Religious	https://www.facebook.com/AlRahmh.TV/ (524,950 likes)	https://www.youtube.com/user/alrahmahTvChannel (123,967 followers)
tayba.tv	Religious	https://www.facebook.com/TaybaSD/ (27,193 likes)	https://www.youtube.com/user/taybad (14,563 followers)
Roquah.tv	Religious		https://www.youtube.com/user/ROQYAHable (63,687 followers)
Almajd.tv	Religious	https://www.facebook.com/almajdchannels/ (247,344 likes)	https://www.youtube.com/user/almajdchannels (94,304 followers)
elkhalijiah.tv	Mixed	https://www.facebook.com/alkhalijiah/ (10,423 likes)	https://www.youtube.com/user/khalejiv (810,634 followers)
safatv.net	Religious	https://www.facebook.com/safatv9900/ (7,404 likes)	https://www.youtube.com/user/SafaTvNet (12,468 followers)

attempt to justify slaughtering, one cleric argues that the Prophet said to Quraysh, a tribe in Mecca, "I am coming to you with slaughter." A third cleric cited a story where Omer Abn Alas "advised his son not to kill the enemies by swiftly cutting their necks. Instead he should split their heads into two halves." It is fair to assume that a significant number of Muslims categorically disagree with such an interpretation of their faith).

[116] Please keep in mind that, due to their contents, many of these pages or channels do not last for long and that is why TV stations often have several pages. We have cited the most stable and active pages and channels as of January 6, 2017.

Alshallal.tv	Mixed	https://www.facebook.com/QnatAlshlalAlShallalTv/ (32,754 likes)	
wesal.tv	Religious	https://www.facebook.com/wesal.ar/ (84,188 likes)	https://www.youtube.com/user/WesalArabic (2,272 followers)
wesal.tv- in Persian	Religious	https://www.facebook.com/wesalhaq.ar/ (5,127 likes)	
alnada.tv	Religious	https://www.facebook.com/ALNADATV (1,236,830 likes)	https://www.youtube.com/user/ALNADATV (118,495 followers)
Huda.tv-Arabic	Religious	https://www.facebook.com/Huda.Tv (302,698 likes)	https://www.youtube.com/user/hudatv (20,253 followers)
alresalah.net	Religious	https://www.facebook.com/alresalah/ (2,241,429 likes)	https://www.youtube.com/user/alresalahnet (84,964 followers)

During the current Syrian civil war, despite the fact that one can hardly contest the brutality of Al-Assad's autocracy,[117] it was very troubling to note that, from as early as the end of 2011, almost all Salafi TV stations had supported radical Jihadists by depicting the struggle against the Syrian regime as "Jihad" and, thus, a religious mandate.[118] Examples include two notorious TV

---

[117] *See* Anne Barnard, *Death Toll from War in Syria Now 470,000, Group Finds*, NEW YORK TIMES (Feb. 11, 2016), http://www.nytimes.com/2016/02/12/world/middleeast/death-toll-from-war-in-syria-now-470000-group-finds.html?_r=0 (discussing the death toll under al-Assad's presidency).

[118] *Qaradawi, supra* note 87; *Fiery Friday Sermon, supra* note 100; *Why the Prophet Muhammed, supra* note 100.

stations, namely SAFA[119] and WESAL,[120] and a score of Salafi-Jihadist clerics such as the prominent Salafi theologians Nabil al-Audi and Al-Arifi,[121] to mention only a few.

III. RADICAL JIHADISTS & THE USE OF SOCIAL MEDIA

In this part, we investigate the use of social media platforms such as Facebook and YouTube by Salafi-Jihadist groups. The goals are, first, to highlight how sophisticated and media-savvy some Salafi groups are, and, second, to explain how difficult, and ideologically-sensitive, it is to curb the surge of radical Jihad on social media.

Social media platforms are very popular all over the world, including in the Middle East. A comprehensive research project, published recently, clearly pronounces Facebook as the most popular social network in the Arab world.[122] Almost 90% of the surveyed Internet users are on Facebook.[123] A quick look at the number of Facebook users in some key Arabic states seems to support this statement.

---

[119] *Freedom to Broadcast Hate*, BBC NEWS (Sept. 18, 2014), http://www.bbc.com/news/world-middle-east-29257524 (noting that Salafi TV, which is financed by a Kuwaiti businessperson, broadcasts a controversial religious message).

[120] Meqdam Almeqdam, *Sheikh Yusuf al-Ahmad: Scientists Say in a Conference in Cairo and the Rule of Jihad in Syria*, YOUTUBE (July 1, 2013), https://www.youtube.com/watch?v=EmYWzFdWjCo, ("Muslim clerics called for jihad in Syria but none of them went there. Some of the clerics, at least, should go to support jihad in Syria.").

[121] *See id.* ("[T] the Syrian regime did not spare a method for fighting Islam, including demolishing mosques, fighting Islamic scholars, and confiscating Islamic books."); *see also* Sermons and Stories Poignant and Wailing Tears of Remorse, *Awadi Exposes the Biggest Conspiracy Against Islamic Ummah*, (Aug. 21, 2012), https://www.youtube.com/watch?v=a6sWi2BwUnQ, ("[T]here is a global conspiracy against the Muslim Nation headed by Iran, which is the most dangerous in the history of Islam and seeks the destruction of Islam and the demolition of Mecca."); INTERNATIONAL CRISIS GROUP, *supra* note 89, at 30.

[122] *Social Media: Sharing Information and Connecting Online Nearly Universal*, MID EAST MEDIA (2015), http://www.mideastmedia.org/2015/ (the study surveys six countries, namely Qatar, Egypt, Lebanon, Tunisia, United Arab Emirates, and Saudi Arabia).

[123] *Id.*

The Number of Facebook Users in Key Arabic states in 2016

Country	Population - 2016	Facebook Users	Percentage
Bahrain	1,378,904	800,000	58.02%
Kuwait	4,007,145	2,300,000	57.4%
Qatar	2,258,283	2,200,000	97.42%
Saudi Arabia	32,157,974	14,000,000	43.54%
United Arab Emirates	9,266,971	7,700,000	83.1%

Source[124]

Facebook, however, is not the only social media outlet. In Saudi Arabia, for example, more people watch YouTube videos than in any other country in the world per capita.[125]

The table above seems to indicate that Arabic-speaking social media users resort more than ever to technology to incite social and/or political change. It would appear that the so-called "Arab Spring" has played a role in that direction.[126] Judging by their online activities, Salafi-Jihadist groups seem to be fully aware of the above facts. Next, we explore how seriously Salafi groups take publicity and social media, and how difficult it is to identify Jihadi propaganda videos.

1.   When a Moderate Rebel Group Is Not So Moderate

The United States has shown interest in funding some moderate rebel groups upon the condition that they fight ISIS, and they stay away from the al-Qaeda Organization.[127] Because

---

[124] *Internet Users in the Middle East: June - 2016*, MIDDLE EAST INTERNET USAGE & POPULATION STATISTICS (2016), http://www.internetworldstats.com/stats5.htm.

[125] Simeon Kerr, *YouTube Taps Fast-Growing Saudi Arabia Interest*, FIN. TIMES (Mar. 17, 2014), http://www.ft.com/intl/cms/s/0/2407aa1a-adc3-11e3-9ddc-00144feab7de.html#axzz3tkvvRUbX.

[126] *See Media Use in the Middle East 2015*, MID EAST MEDIA (2015), http://www.mideastmedia.org/2015/chapter/overview.html (discussing political expression through the use of social media).

[127] *See* Adam Entous, *U.S. Readies "Plan B" to Arm Syria Rebels*, THE WALL STREET J. (Apr. 12, 2016), http://www.wsj.com/articles/u-s-readies-plan-b-to-arm-syria-rebels-1460509400 (discussing the Central Intelligence Agency's plan to supply weapons to moderate rebels in Syria).

of this, fighting the Syrian regime and ISIS is the mantra that many rebel groups keep repeating to get support.[128] While it would be unrealistic and unfair to deny the survival of many Syrian moderate rebel groups, given the Syrian regime and the Salafi-Jihadi groups' assault against them, identifying these moderate groups is anything but easy.[129]

For any Salafi-Jihadist group that supports the Islamic State or al-Nusrah Front, bad publicity, and thus unwanted attention, is inevitable.[130] To compete for funding, many Salafi-Jihadist groups try to present themselves as "moderate" rebels.[131]

Praised by Al Jazeera TV[132] and other powerful international players[133] as the largest secular organization in Syria controlling some 70,000 men,[134] the Islamic Front has issued its manifesto publicly denouncing fundamentalism.[135] Section 2(7) of the Islamic Front's English manifesto makes it very clear that, as an

---

[128] *See* Julia Zorthian, *Who's Fighting Who in Syria*, TIME (Oct. 7, 2015), http://time.com/4059856/syria-civil-war-explainer/ (discussing international involvement in funding rebels in Syria).

[129] One of the most recent examples of this assault is the beheading of a 12-year old Syrian boy, on camera, by a fighter belonging to Nour el-Din al-Zinki. This group was considered "moderate" and was funded by the U.S. until 2015. *See* Zeina Karam, *Child Beheading in Syria Triggers Backlash Against Rebels*, THE ASSOCIATED PRESS (July 20, 2016), http://www.militarytimes.com/story/military/2016/07/20/child-beheading-syria-triggers-backlash-against-us-supported-rebel-group/87338620/ (discussing a child beheaded by a U.S.-supported Syrian rebel group).

[130] At some point, even Al-Qaeda tried to distance itself from ISIS. *Al-Qaeda Disavows ISIS Militants in Syria*, BBC NEWS (Feb. 3, 2014), http://www.bbc.com/news/world-middle-east-26016318.

[131] *See* Colin P. Clarke & Chad C. Serena, *Commentary: Why Syria's War May Be About to Get Even Worse*, REUTERS (Aug. 26, 2016), http://www.reuters.com/article/commentary-nusra-clarke-idUSKCN1101UX (discussing increased funding to groups who have distanced themselves from Al-Qaeda).

[132] *See Syria's Rebel Group Voices Moderate Stance*, AL JAZEERA (May 24, 2014), http://www.aljazeera.com/video/middleeast/2014/05/syria-rebel-group-voices-moderate-stance-201452471042198673.html (discussing the Islamic Front's "moderate" stance proposed in a manifesto denouncing fundamentalism).

[133] The Islamic Front is supported by Saudi Arabia, Qatar, and Turkey. *See* Aron Lund, *The Politics of the Islamic Front, Part 1: Structure and Support*, CARNEGIE MIDDLE EAST CTR. (Jan. 14, 2013), http://carnegieendowment.org/syriaincrisis/?fa=54183 (listing groups that support the Islamic Front).

[134] *Id.*

[135] *Charter of the Syrian Islamic Front*, CARNEGIE MIDDLE EAST CTR. (Feb. 4, 2013), http://carnegieendowment.org/syriaincrisis/?fa=50831 [hereinafter English Islamic Manifesto]. The Islamic Front's Arabic manifesto can be accessed here: https://docs.google.com/file/d/0ByBt2sGl4U4hU2lrZGFoeUtkV1k/edit [hereinafter Arabic Islamic Manifesto].

organization, the Islamic Front "is far from religious fanaticism and its resulting deviation of creed and action."[136]

As this section will show, reading the supposedly same manifesto in Arabic reveals a very different story. It would appear that the Islamic Front has issued two significantly different manifestos.[137] One is published in English and speaks to the West, focusing on reform, solidarity, and coexistence among different sections of the Syrian society.[138] Another is published in Arabic, and clearly reveals the real intentions of this allegedly "secular" organization.[139] As the examples cited in the table below show, the Arabic manifesto leaves no room for doubts: the Islamic Front is a Salafi-Jihadist organization in disguise.

The table provides a few examples of the major differences between the Arabic and English manifestos published online.[140]

The Islamic Front's Manifesto in Arabic	The Islamic Front's Manifesto in English
Definition: "The Islamic Front is an Islamic, military, political and social body seeking to . . . establish an Islamic State where God's law is the only source of legislation for the individual, the society and the state."[141]	**Definition:** "[The Front is] an Islamic, reformist, comprehensive front that works to build an Islamic, civilized society in Syria ruled by the law of God, with which He graced mankind. To that end, it embraces the organizational work that brings about solidarity and co-existence among the elements of Syrian society."[142]
Goals: "the total obliteration of the Syrian regime including its legislative, executive and judicial powers . . . ' and 'to trial the regime [the Syrian regime]	**Goals:** "Toppling the regime and establishing security throughout beloved Syria."[144]

---

[136] English Islamic Manifesto, *supra* note 135.
[137] English Islamic Manifesto, *supra* note 135; Arabic Islamic Manifesto, *supra* note 135.
[138] English Islamic Manifesto, *supra* note 135.
[139] Arabic Islamic Manifesto, *supra* note 135.
[140] English Islamic Manifesto, *supra* note 135.
[141] Arabic Islamic Manifesto, *supra* note 135.
[142] English Islamic Manifesto, *supra* note 135.

and its supporters before a fair Sharia court. . . ." Article 7[143]	
The following sections of the Arabic text are altogether omitted from the English manifesto published online.	
The Ideology: The "Islamic Front denounces any political settlement that does not recognize that God is the only source of legislation. . . ." (Article 10)[145] **Secularism** "means the separation of religion from life and society. This is contrary to Islam." (Article 15)[146]	
"The term **Civil State** is misleading, unfair and must be bluntly rejected." **(**Article 15(3)).[147]	
Mujahedeen [foreign fighters] "are our brothers in Jihad . . . and we shall cherish them and honor their Jihad. . . ." Article 15(5).[148]	

Still, the Islamic Front has published quite a number of propaganda videos on social media depicting itself as a moderate organization. The following examples reveal how sophisticated and media-savvy some Jihadist groups are. The examples also show that unless you are a local or have a good background about the identities of these groups, it is sometimes very difficult for Internet intermediaries to spot Jihadi propaganda videos.

---

[144] English Islamic Manifesto, *supra* note 135.
[143] Arabic Islamic Manifesto, *supra* note 135.
[145] Arabic Islamic Manifesto, *supra* note 135.
[146] *Id.*
[147] *Id.*
[148] *Id.*

For example, a video published on April 28, 2015 shows the Islamic Front fighting an ISIS-leaning group in Quneitra, a Syrian city near the northern border of Israel.[149] One thing to keep in mind here: this part of Syria, where this alleged fight took place, is under the strict control of al-Nusrah Front, an al-Qaeda affiliate organization, with which the Islamic Front maintains a cozy relationship.[150] In fact, the Islamic Front itself has published many videos celebrating its cooperation with al-Nusrah Front.[151] To make things even more confusing, ISIS had no existence in Quneitra at this point of time.[152] With this in mind, pre-staging a "social media phony war" against ISIS serves two goals: first, it gives the false impression that the Islamic Front is a moderate rebel group, and second, it cements the control of al-Nusrah Front, an ally of the Islamic Front in this area.[153]

In another example that shows how capable some groups are of hiding their Jihadist agenda, after condemning a German rapper for joining ISIS on its official Facebook page, an allegedly "moderate" group[154] celebrated ISIS's triple suicide mission near a Shia mosque in Damascus that killed 45 and injured more than

---

[149] Stahlgewitter Syrien, *2015-04-28 Anti-ISIS Operation of FSA and Islamic Front on the Golan-Heights*, YOUTUBE (Apr. 28, 2015), https://www.youtube.com/watch?v=enEEwdyobos.

[150] *See Islamists Take Control of Strategic Syria City from Assad*, THE TOWER MAG. (Mar. 30, 2015), http://www.thetower.org/1825-islamists-take-control-of-strategic-syria-city-from-assad/ (discussing the Al-Nusrah Front, the arm of Al-Qaeda in Syria).

[151] Examples of videos posted online show the cooperation between Al-Nusrah (an Al-Qaida affiliate) and the Islamic Front. *See* alAdab Wljamal, *The Announcement to Unify the Central Command of the Islamic Front, Al-Nusrah Front and Jeysh Almojahideen in Aleppo*, YOUTUBE (Feb. 28, 2014), https://www.youtube.com/watch?v=jsx-YGEEcnY (announcing the creation of a uniform command center between Al-Nusrah and the Islamic Front); *see also* Tim Lister, *Islamic Front in Syria Deals Another Blow to Rebel Alliance*, CNN (Dec. 12, 2013), http://www.cnn.com/2013/12/12/world/syria-islamic-front/ (arguing that others in the Islamic Front groups do cooperate with another Al-Qaeda affiliate: Jabhat al Nusra).

[152] *See generally Syria: Mapping the Conflict*, BBC NEWS (July 10, 2015), http://www.bbc.com/news/world-middle-east-22798391 (explaining that ISIS had no control in the South West of Syria).

[153] Wljamal, *supra* note 151; Lister, *supra* note 151 (discussing a relationship between Ahrar al Sham and Al-Nusrah Front).

[154] *See* Beit Jan Coordination, FACEBOOK (Jan. 31, 2015), https://www.facebook.com/تنسيقية-بيت-جن-ومزرعتها-1882349515329140/ [hereinafter Beit Jan Coordination] (condemning ISIS supporters in one post, then celebrating their suicide mission in another post).

100 others.[155] What is interesting about this example is the way in which the administrator of this Facebook page has expressed his or her support for ISIS. The administrator simply used Facebook emoticons, smiley face symbols in particular, with the name of the place in which the triple suicide took place, adding one phrase: "nice job" ("sayyidah zaynab" translates into "nice job").[156] Judging by this post alone, and given that ISIS name was not mentioned, nor was any other explicitly violent term, it would be difficult to link this particular group to ISIS, unless the observer follows closely and knows what is going on in this particular part of Syria.

The aim of this part of the paper has been to demonstrate how sophisticated and media-savvy some Salafi groups are. It also highlights the fact that identifying Jihadist groups' activities on Arabic-speaking social media users' accounts requires a great deal of knowledge that many social media employees may not have. To explain this point further, we next provide a couple of examples.

2.   *Too Good to be True: The Modest Side of Radicalism*

In a documentary by Vice News, a leader of a rebel group uses language that would easily wow his targeted audience in the West.[157] The clearly well-coached leader promises to fight both ISIS and the Syrian regime adding that "we [rebel fighters] are not extremists, Christians must not pay the jizya [a protection tax], we do not slaughter people."[158] Then, to show his discontent of ISIS's crimes, the rebel leader points out that "ISIS fighters are not Muslims. They are Shia groups who have nothing to do with Islam."[159] What this rebel leader appears to be saying is very intriguing. First, in one strike, he denies the fact that ISIS

---

[155] Yousuf Basil & Joshua Berlinger, *ISIS Claims Responsibility for Deadly Blasts in Damascus Suburb*, CNN (Jan. 31, 2016), http://www.cnn.com/2016/01/31/middleeast/syria-damascus-explosions/.

[156] Beit Jan Coordination, *supra* note 154.

[157] We neither endorse nor approve the content of this video. Viewer discretion is advised, as the video contains graphic content. *See Syria: Wolves of the Valley*, VICE NEWS (Apr. 26, 2014), https://news.vice.com/video/syria-wolves-of-the-valley (the speaker is assuring the Western world about the fate of a few million Christians in Syria, pointing out that Christians are not supposed to pay the protection tax to Muslims, and discussing the future of Syrian minorities, and how they are to be treated if Al Assad's regime's falls, which is a tense point between the West and the Syrian opposition).

[158] *Id.*

[159] *Id.*

is in fact a Sunni Salafi-Jihadist group. Second, he claims that the Shias are not Muslims, simply rendering 10-15% of Muslims, roughly 200 million people, as outsiders.[160] But this is not our concern. What is interesting about the statement is the fact that it was Taymiyyah, the Godfather of Salafi-Jihadist groups, who first issued a fatwa denouncing Shia as non-Muslims.[161] With this in mind, it is safe to argue that this rebel group adheres to a Salafi-Jihadi interpretation of Islam, according to which, among many other groups, Shias are considered non-Muslim,[162] and Christians are required to pay the jizya.[163] Surely, this rebel leader must be aware of the fact that Salafism is "a Take it or Leave it" ideology under which it is difficult to show tolerance or flexibility towards Christians, Shias, or any other groups for that matter.[164]

Most recently, Al-Shamiah Front, a newly-formed umbrella organization for many Syrian rebel groups, including the Islamic Front, has posted a propaganda video on YouTube showing ISIS fighters lined up for execution, only to be spared.[165] Titled, "Muslims are not Criminals," the video highlights the ongoing propaganda war between different armed rebels and the Islamic State in Iraq and the Levant.[166] What is missing from the picture, however, is the fact that many of the rebel groups that joined the newly formed Al-Shamiah Front are, in fact, Salafi groups with the same Jihadi agenda.[167]

---

[160] *See Mapping the Global Muslim Population*, Pew Research Ctr. (Oct. 7, 2009), http://www.pewforum.org/2009/10/07/mapping-the-global-muslim-popula tion/?beta=true&utm_expid=53098246-2.Lly4CFSVQG2lphsg-KopIg.1&utm_ref error=https%3A%2F%2Fwww.google.com (noting a study revealing that there are 1.57 billion Muslims in the world and 10-13% of them are Shia Muslims).

[161] Abdur-Rahman, *supra* note 32, at 136–41.

[162] *Id.*

[163] *See Surah Al-Tawbah* 9:29, https://quran.com/9:29 (last visited Jan. 6, 2017) ("Fight those who do not believe in Allah or in the Last Day and who do not consider unlawful what Allah and His Messenger have made unlawful and who do not adopt the religion of truth from those who were given the Scripture - [fight] until they give the jizyah willingly while they are humbled.").

[164] Abdur-Rahman, *supra* note 32.

[165] Psyche, *Muslims Are Not Criminal*, YouTube (Dec. 9, 2015), https://www. youtube.com/watch?v=MAmGLlchypk (stressing that the Syrian war is a war against extremism, not Muslims); Marnie O'Neill, *Syrian Rebel Brigade Al Shamiya Front Punk ISIS Prisoners with Mock Execution*, News (Dec. 10, 2015), http://www.news.com.au/technology/syrian-rebel-brigade-al-shamiya-front-punk -isis-prisoners-with-mock-execution/news-story/a70b7280f010cccbd6a7136c0384 8e84.

[166] Psyche, *supra* note 165.

[167] *See* English Islamic Manifesto, *supra* note 135 (referencing the manifesto

3.   *Social Media as a Recruiting Tool: Syria and Beyond*

The aim of this part is to show that dual-use propaganda videos, used for both legitimate and recruiting aims, make the task of minimizing radical Jihadists' existence on social media frustratingly hard. Currently, the common wisdom seems to be that a video or an image that can be used to incite violence, or to generate support for radical groups, is removable *if* and *only* if the video or the image is incapable of substantial non-malicious (recruiting) use.[168] That is why, by using an inseparable mix of verses from the Quran, excerpts of Taymiyyah's controversial fatwas, and atrocities committed against Muslims, Salafi-Jihadists have attracted millions of online users and for all the wrong reasons.[169]

It should be clear by now that Taymiyyah is the cleric of choice for most Salafi-Jihadist groups.[170] His fatwas resonate well with Salafi followers. That is why he is often cited to justify Jihad and to draw support.[171] Taymiyyah believed that the "first obligation after faith is the repulsion of the enemy aggressor who assaults the religion and the worldly affairs."[172] Showing aggression or assault against Muslims, therefore, is important to galvanize the support of fighters.[173] For this reason, Salafi-Jihadist groups have been using atrocities committed by the Syrian regime against Muslims on social media to rally support for their Jihad.[174] The problem we face here is that some of the same propaganda videos are used by other civilians to condemn and expose the crimes committed by the Syrian regime against its own people. A further problem is how to differentiate between the two (we provide

---

of the Islamic Front, one of the most important organizations to join Al-Shamiah Front, which states that "[t]he Islamic Front is a 'comprehensive Islamic, military, political and social body [that] seeks to . . . establish an Islamic State where God's law is the only source of legislation. . . .").

[168] *See Harmful or Dangerous Content, Violent or Graphic Content*, YOUTUBE (2016), https://support.google.com/youtube/answer/2801964?hl=en&ref_topic=28 03176 (explaining Youtube's video removal policy).

[169] *See generally Search Results for Mohammad Alarifi*, YOUTUBE (Oct. 27, 2016), https://www.youtube.com/results?search_query=%D8%A7%D9%84%D8% B4%D9%8A%D8%AE+%D9%85%D8%AD%D9%85%D8%AF+%D8%A7%D9%84 %D8%B9%D8%B1%D9%8A%D9%81%D9%8A [hereinafter *Alarifi*] (showing that searching the name of a well-known Salafi-Jihadi cleric, Mohammad Alarifi, produces 541,000 results).

[170] *World Islamic Front*, *supra* note 30.

[171] *Id.*

[172] Abdur-Rahman, *supra* note 32, at 37.

[173] *Id.*

[174] *Alarifi*, *supra* note 169.

technical solutions to this problem in part VI). To explain this dilemma, we provide three particular examples.

"The Rape of our Sisters and Mothers. . . . The Islamic State is Victorious Against the International coalition" is a recruiting video posted by a Jihadi supporter on YouTube.[175] The video does not contain violence or scenes of a sexual nature.[176] Due to using the term "rape" as bait, this video has been viewed 4,316,758 times and generated 1,502 comments, most of which qualify as religious hate speech.[177] In the American scheme of things, a few million visitors might not be a big number after all.[178] In the context of the Middle East though, this cheap and easy-to-make propaganda video is a hit.

Again, using sexual assault against Muslim women as bait, another video shows a number of female victims brutally murdered, allegedly by Syrian regime forces.[179] Titled, "Al-Assad's loyalist torturing a woman and revealing her vagina," this particular version has attracted approximately 765,613 visitors and generated over 1,100 comments.[180] Some of the images in the video are very graphic and both the comments on

---

[175] *See generally* Ahmad Alfaify, *Rape our Sisters and our Mothers Syria Freedom, Islamic State Against the International Coalition Steadfast*, YOUTUBE (Mar. 5, 2012), https://www.youtube.com/watch?v=MttoOIzEsPs (video purporting to show the arrest of a Syrian woman, playing background music that is a combination of Quranic recitation and Islamic nasheeds, not containing any violence or sexual scenes, and using the term "rape" to attract Muslim viewers, who usually take any accusations of sexual assault against Muslim women very seriously).

[176] *Id.*

[177] *Id.*

[178] *See* AdeleVEVO, *Adele-Hello*, YOUTUBE (Oct. 22, 2015), https://www.youtube.com/watch?v=YQHsXMglC9A (showing that as of Oct. 27, 2016, Adele's song "Hello" was viewed 1,761,724,249 times); *see also* JustinBieberVEVO, *Justin Bieber-What do you Mean?*, YOUTUBE (Aug. 30, 2015), https://www.youtube.com/watch?v=DK_0jXPuIr0 (showing that as of Oct. 27, 2016, Justin Bieber's song "What Do You Mean?" was viewed 1,305,605,812 times).

[179] *See generally* Mostafa Achhab, *MSRP Torture of a Woman and Her Nakedness Detection by Assad*, YOUTUBE (Aug. 21, 2012), https://www.youtube.com/watch?v=qDG-hWe110Q&oref=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DqDG-hWe110Q&has_verified=1 (showing how Jihadist groups piggyback on popular internet headlines, titles, and forums to secure the widest distribution of their videos; this one showing a Jordanian and possibly Palestinian female speaker posing as a "Syrian" woman from the Alawite sect of the Syrian regime, and, as an alleged insider, saying "frankly, what I would like to say is that the crimes of the Syrian regime are big and very big. I myself experienced this for a week. You should know why I am with the revolution. The goal is big. Criminals will live with us and they should not. All rapes and thefts are documented.").

[180] *Id.*

the video and narrative are sectarian in nature.[181] Citing many denigrating phrases coined by Taymiyyah, one of the speakers in the video vows for revenge and calls hysterically on Muslims for support.[182]

In a third example using rape and sexual abuse as a weapon of choice, a female with a very strong Jordanian or, possibly, Palestinian accent poses as a Syrian woman who defected from the Alawite sect, a group loyal to the Al-Assad regime.[183] As an alleged insider, she reveals what she calls the "Nusayris's holocaust against Sunni women in Syria."[184] A point pertaining to our discussion is the fact that the ethnically-denigrating term "Nusyria" was coined by Taymiyyah himself.[185]

It is difficult to accurately estimate how effective such social media campaigns are in rallying support for Jihadists. What is demonstrably clear, however, is that the number of foreign fighters in Syria alone more than doubled between 2010 and 2013.[186] The estimated number of Jihadist fighters may be as high as 50,000, a 58% increase from the number in 2010.[187] According to another estimate, since 2011, some 30,000 foreign fighters from more than 100 countries entered Syria.[188] Most of them joined ISIS.[189] Among other explanations,[190] the relentless

---

[181] *Id.*

[182] *Id.*

[183] Viewer discretion is advised, as the video contains graphic content. *See generally* Sham House TV, *Girl Alawism Witness to the "Holocaust Sunni" Girl Nusayris Witness "Holocaust Sunni" in Syria*, YOUTUBE (Jan. 30, 2014), https://www.youtube.com/watch?v=KRR__1Y1hUI (the female speaker starts like this, "frankly, what I would like to say is that the crimes of the Syrian regime are big and very big. I myself experienced this for a week . . . You should know why I am with the revolution. The goal is big. Criminals will live with us . . . and they should not . . . all rapes and thefts are documented. . . ." We believe the woman in this video is not Syrian. She has a very strong Jordanian or, possibly, Palestinian accent. We neither endorse nor approve the content of this video).

[184] *Id.*

[185] Abdur-Rahman, *supra* note 32.

[186] Seth G. Jones, *A Persistent Threat: The Evolution of Al Qa'ida and Other Salafi Jihadists*, NAT'L DEFENSE RESEARCH INST., 26 (RAND Corporation 2014), http://www.rand.org/content/dam/rand/pubs/research_reports/RR600/RR637/RAND_RR637.pdf

[187] *Id.* at 26–27.

[188] Eric Schmitt & Somini Sengupta, *Thousands Enter Syria to Join ISIS Despite Global Efforts*, NEW YORK TIMES, (Sept. 26, 2015), http://www.nytimes.com/2015/09/27/world/middleeast/thousands-enter-syria-to-join-isis-despite-global-efforts.html?_r=0.

[189] *See id.* (according to American intelligence analysts, nearly 30,000 foreign fighters have traveled to Iraq and Syria, mostly to join ISIS).

use of social media to advance a Salafi-Jihadist agenda, where "Islam" is used as a sectarian identity maker and, thus, a lethally-effective recruiting tool, has been an influential factor. Social media has given Salafists a decisive edge in increasingly competitive recruiting markets where hundreds of groups allegedly seek to achieve the same goal, i.e., tumbling the Syrian regime.[191] Put differently, radical Jihadists use religion as a platform to prop up their own ideo-political objective, establishing an Islamic State.[192] Salafi theologians such as Adnan Al Arour, Nabil al-Audi, and Muhammad al-Arifi finance Salafi groups by running very effective fundraising campaigns on social media.[193] YouTube is full of videos where these Salafi preachers, particularly Nabil al-Audi and Muhammad al-Arifi, relentlessly characterize the Syrian uprising as Jihad on behalf of Sunnism against a "polytheistic Alawite regime waging full-scale war against Islam as part of a broader Iranian-led regional Shiite conspiracy."[194]

Salafi groups not only utilize atrocities committed against innocent civilians in Syria to justify the use of violence, or Jihad, to rally support but, equally important, to convey the message that, in many countries around the world, Muslims are in fact under attack merely for being Muslims.[195] By doing so, radical clerics are able to capitalize on the grievances of Muslims

---

[190] Jones, *supra* note 186, at 43–46 (some of the explanations include, weak governments, the spread of militant networks all over the world, and the ever-increasing rise of sectarian conflict between Sunnis and Shias in the Middle East, in general, and in Syria, in particular).

[191] *Guide to the Syrian Rebels*, *supra* note 51 (discussing the agenda of prominent Syrian rebel groups); INTERNATIONAL CRISIS GROUP, *supra* note 89 (discussing the Salafists' funding advantage).

[192] *This is the Promise of Allah*, *supra* note 11; *World Islamic Front*, *supra* note 30; Azzam, *supra* note 44.

[193] *See* Claude Moniquet, *The Involvement of Salafism/Wahhabism in the Support and Supply of Arms to Rebel Groups Around the World*, EUROPEAN PARLIAMENT, 14 (June 2013), http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/457137/EXPO-AFET_ET(2013)457137_EN.pdf (discussing how Salafi theologians sponsor the Salafi view of the conflict through the use of social media).

[194] *Id.*

[195] *See generally The Visit of Sheikh Nabil Al-Awadhi to Burma (an Influential Report)*, YOUTUBE (Sept. 6, 2012), https://www.youtube.com/watch?v=HLDOCUaVj94 (after listening to the story of a clearly traumatized Burmese refugee, Nabeel Alawadi raises the question, "where is the United States . . . pretending to be a champion of human rights, where is the United Nations? What is the crime those Burmese refugees have committed? Their crime is that they are Muslims.").

worldwide.[196] According to one very popular Salafi-Jihadi cleric, the answer to all Muslims' concerns is simple: establishing the Caliphate.[197] A common belief is that if they had a Caliph, no one would have dared to attack Muslims.[198] This was the message of a very prominent Salafi-Jihadist cleric during a trip to deliver humanitarian aid to Muslims in Burma.[199]

IV. THE USE OF INTERNET INTERMEDIARIES TO COMBAT THE SPREAD OF JIHADI IDEOLOGY: ANY GOOD?

The advent of interactive user-generated or mediated content platforms such as YouTube and Facebook[200] has enabled Salafi-Jihadist groups to advance their ideology.[201] While much has changed in jurisprudence related to counter-terrorism measures,[202] no real attempt has been directed to specifically curb the use of social media to spread Jihadi ideology.[203] As to what, if at all, Internet intermediaries should do and should not do, remains unclear.

There is no simple antidote for this epidemic. Facebook, YouTube, or any other Internet intermediary can simply prescribe when curtailing the use of social media for propaganda

---

[196] *Id.*

[197] *See generally* Lieutenant Colonel R. Aubrey Davis III, *The Search for Status: Charting the Contours of Combatant Status in the Age of ISIS*, 223 MIL. L. REV. 556, 558–60 (2015) (discussing the Caliphate vision).

[198] *See id.* (discussing the global Caliphate).

[199] *Id.*

[200] *See* Lilian Edwards, *Role and Responsibility of Internet Intermediaries in the Field of Copyright and Related Rights*, WIPO, 3 (June 22, 2011), http://www.wipo.int/edocs/mdocs/copyright/en/wipo_isoc_ge_11/wipo_isoc_ge_11 _ref_01_edwards.pdf (discussing the impact of Web 2.0).

[201] Despite the fact that al-Nusrah Front was designated by the Secretary of State as terrorist organization, typing "al-Nusrah Front" in Arabic into YouTube's search bar yields 192,000 results, as of October 21, 2016. A significant number of these results are propaganda videos. YOUTUBE (Oct. 21, 2016), https://www.youtube.com/results?sp=SBTqAwA%253D&q=%D8%AC%D8 %A8%D9%87%D8%A9+%D8%A7%D9%84%D9%86%D8%B5%D8%B1%D8%A9.

[202] A list of counter-terrorism legislation in the U.S. can be accessed at the Department of Homeland Security's website. *See* HOMELAND SECURITY, *Laws & Regulations*, http://www.dhs.gov/laws-regulations (last visited Jan. 6, 2017); *see also* Terrorism Act, 2000, c. 11 (Eng.), https://www.gov.uk/government/uploads/ system/uploads/attachment_data/file/97941/code-of-practice.pdf; *Security Legis-lation Amendment (Terrorism) Act 2002*, No. 65 (Austl.), https://www.legis lation.gov.au/Details/C2004C01314/Controls/; Anti-Terrorism Act, S.C., c. 41, 2001 (Can.), http://www.justice.gc.ca/eng/cj-jp/ns-sn/act-loi.html.

[203] *See* Yadron, *supra* note 27 (discussing that there is no "magic algorithm" that can be used to spot terrorist content from the internet, making it difficult to delete).

campaigns by Jihadists is appropriate. What is clear is that the founders of social media did not anticipate the cultivation of such powerful technology by Jihadists. This should not come as a surprise. Facebook and YouTube were both created before the time the internet could be lethally-used to spread radical ideologies, and users' publication guidelines have not been well-defined to deal with this acute issue, or, more specifically, the use of religion to incite violence. [204] Even clearer is the fact that the current safety checks are not properly aimed to deal with such burgeoning fields.[205] All effective and readily-available safety valves are designed to curb mainly copyright-related issues.[206] The task of tackling online Salafi propaganda however, we argue, requires a new strategy.

Take YouTube as an example. So long as the interested party sent a Takedown Notice, fulfilling the requirements of Section 512(C)(3) of the Digital Millennium Copyright Act of 1998 (DMCA),[207] YouTube would usually respond expeditiously to remove the video at issue.[208] If the Takedown Notice was submitted through the courts, however, it would automatically trigger First Amendment scrutiny.[209] YouTube also provides policies and a safety reporting page where users can report any abusive content.[210] Examples include harassment and

---

[204] *See Community Standards*, FACEBOOK, https://www.facebook.com/ communitystandards/# (last visited Jan. 6, 2017) (briefly encourages respectful behavior and prohibits hate speech, but makes no mention of terrorist activity).

[205] *See id.* (explaining that the Facebook community relies on its users to report possible threats or problems).

[206] *See Transparency Report*, GOOGLE, https://www.google.com/trans parencyreport/removals/copyright/?hl=en (last visited Jan. 6, 2017) (explaining that Google may remove content for copyright violations); *see also Submit a Copyright Takedown Notice*, YOUTUBE HELP, https://support.google.com/ youtube/answer/2807622/ (last visited Jan. 6, 2017) (explaining that YouTube has a specific page dedicated to providing its users with advice on how to submit personal claims of copy right infringement).

[207] Digital Millennium Copyright Act of 1998, Pub. L. No. 105–304, § 512, 112 Stat. 2860 (codified, as amended, in scattered sections of 17 U.S.C.; U.S. COPYRIGHT OFFICE SUMMARY: THE DIGITAL MILLENNIUM COPYRIGHT ACT OF 1998 (1998), https://www.copyright.gov/legislation/dmca.pdf (providing further information on the DMCA).

[208] *See Terms of Service*, YOUTUBE, https://www.youtube.com/static? gl=es&template=terms&hl=es (last visited Jan. 6, 2017) (discussing infringement claims pursuant to the DMCA).

[209] Wendy Seltzer, *Free Speech Unmoored in Copyright's Safe Harbor: Chilling Effects of the DMCA on the First Amendment*, 24 HARV. J. L. & TECH. 171, 177–78 (2010).

[210] *See Policies, Safety, and Reporting*, YOUTUBE HELP, https://support. google.com/youtube/topic/2803240?hl=en&rd=1 (last visited Jan. 6, 2017)

cyberbullying, suicide and self-injury, parent resources, educator resources, and teen safety, among others.[211] Security issues can be reported via a different page.[212] However, YouTube makes it clear that by "a site security issue or security vulnerability, we [YouTube] mean things like hacks or exploits on YouTube."[213] Where overreaching copyright claims, harassment, or cyberbullying are not involved, many offensive videos can be watched online for an extended period of time during which the videos may be shared widely.

Facebook also relies on its users to report offensive content.[214] Users are encouraged to report materials that go against Facebook's Community Standards such as nudity, hate speech, or violence.[215] Facebook defines hate speech to include "content that directly attacks people based on their: race, ethnicity, national origin, religious affiliation, [and] sexual orientation," among other things.[216] "Organizations and [individuals] dedicated to promoting hatred . . . are not allowed a presence on Facebook."[217] To ensure the effectiveness of this policy, Facebook encourages its users to report any abusive content they come across.[218] The use of violent and graphic images may be tolerated so long as the sharing of such content is intended to condemn or to raise awareness about it.[219] Any graphic images "shared for sadistic pleasure or to celebrate or glorify violence" will be removed.[220] However, how Facebook differentiates between legitimate and illegitimate types of sharing is unclear.[221] Criminal or terrorist organizations are also prohibited from having a presence on

---

(showing a variety of content that may be reported).

[211] *Id.*

[212] *See Where Can I Report a Site Security Issue?*, YOUTUBE HELP, https://support.google.com/youtube/answer/77402?hl=en (last visited Jan. 6, 2017) (providing alternative methods to report site security issues).

[213] *Id.*

[214] *See How to Report Things*, FACEBOOK HELP CTR., https://www.facebook.com/help/181495968648557/ (last visited Jan. 6, 2017) (showing the best way to report abusive content).

[215] *About Our Policies*, FACEBOOK HELP CTR., https://www.facebook.com/help/1735443093393986?helpref=hc_global_nav (last visited Jan. 6, 2017).

[216] *Community Standards*, *supra* note 204.

[217] *Id.*

[218] *Id.*

[219] *Id.*

[220] *Id.*

[221] Facebook does not provide much detail here. *See id.* (describing expectations of users when sharing content).

Facebook.[222] Facebook's Community Standards reads,

> We also remove content that expresses support for groups that are involved in the violent or criminal behavior mentioned above. Supporting or praising leaders of those same organizations, or condoning their violent activities, is not allowed. We welcome broad discussion and social commentary on these general subjects, but ask that people show sensitivity towards victims of violence and discrimination.[223]

Most intellectual property-related issues are also easily reportable.[224] A user only needs to follow a fairly clear and comprehensive guideline.[225] One of the easiest ways to report abusive material is to use the "report" link near the offensive post, photo, or comment.[226] In terms of copyright-related infringement, Facebook's policy seems to be working fine.

As the Syrian crisis has shown, however, Jihadists' ideology-based propaganda strategy has rendered this otherwise effective user-based policy futile. Social media is full of Salafi-Jihadist propaganda videos and posts, particularly in Arabic-speaking social media users' accounts.[227] That being said, it is imperative not to lose sight of the fact that social media is not in the business of censoring news, monitoring the content of the Internet, or curbing the spread of Jihadist ideology (although their employees try their best), nor it is equipped to do so.[228] Next, we explain why.

1.   *The Wrong Tool for the Job*

It is safe to say that social media is fairly well-equipped to deal with intellectual property-related issues.[229] The use of social media to spread Salafi-Jihadi ideology, however, has put social

---

[222] *Community Standards*, *supra* note 204.

[223] *Id.*

[224] *See How to Report Things*, *supra* note 214 (providing step-by-step instructions on how to report potentially abusive material).

[225] *Id.*

[226] *Id.*

[227] A quick search of the Arabic term "Al-Engemaseen," a type of multi-task suicide fighters, revealed 9,490 results, the overwhelming majority of them being Salafi-Jihadist propaganda videos. YOUTUBE, https://www.youtube.com/results?search_query=%D8%A7%D9%84%D8%A7%D9%86%D8%BA%D9%85%D8%A7%D8%B3%D9%8A%D9%8A%D9%86 (last visited Jan. 6, 2017).

[228] *See generally Community Standards*, *supra* note 204 (indicating that Facebook tries to regulate offensive posts).

[229] *See Terms of Service*, *supra* note 208 (describing how YouTube expeditiously removes infringed materials).

media platforms in the crosshairs. So, in order to assess the effectiveness of Internet intermediaries in curbing terrorism-related activities, one first has to briefly investigate the extent to which intermediaries are successful in tackling copyright-related issues, and more importantly, whether such success could be replicated in other areas, such as curbing terrorism-related propaganda. This leads to one of the relevant aspects of the DMCA, namely, Internet intermediaries' safe harbor.[230]

In order to qualify under the safe harbor provision of Section 512 of the DMCA, social media sites, such as Facebook or YouTube, must have adopted and implemented a number of statutory requirements.[231] Section 512(i) contains two threshold questions: first, whether the intermediary "has adopted and reasonably implemented, and informs subscribers and account holders of the service provider's system or network of, a policy that provides for the termination in appropriate circumstances of subscribers and account holders of the service provider's system or network who are repeat infringers. . . ."[232] Second, the intermediary must accommodate, and not interfere with, standard technical measures copyright holders may employ to aid in hindering and detecting copyright infringement.[233]

Despite the fact that Internet intermediaries are not under a duty to monitor their services or to affirmatively seek facts indicating infringing activity,[234] some receive millions of takedown notices per month.[235] As such, it is perhaps safe to assume that the notice-and-takedown scheme is doing a good job in combating infringement.[236] In fact, considering the volume of

---

[230] *See* Digital Millennium Copyright Act of 1998, Pub. L. No. 105–304, § 512, 112 Stat. 2860 (Section 512(a) of the DMCA reads, "[a] service provider shall not be liable for monetary relief, or . . . for injunctive or other equitable relief, for infringement of copyright by reason of the provider's transmitting, routing, or providing connections for, material through a system or network controlled or operated by or for the service provider. . . .").

[231] *See id.* (establishing conditions that must be met to be eligible for DMCA protection).

[232] *Id.*

[233] *Id.*

[234] *See id.* (noting that the provisions of the statute do not require a service provider to monitor its services).

[235] *See Transparency Report*, *supra* note 206 (describing the number of copyright removal requests).

[236] *See generally* Daniel Seng, *The State of the Discordant Union: An Empirical Analysis of DMCA Takedown Notices*, 18 VA. J. L. & TECH. 369, 377 (2014) (discussing empirical studies and positive results from the DMCA). In some cases, however, the notice-and-takedown scheme has led to the removal of

inappropriate takedown notices, one scholar argues that the takedown scheme enables copyright owners to "trample on the First Amendment in the name of copyright."[237]

With the success of the notice-and-takedown system in mind, is there a case for putting more pressure on social media to curb the spread of Salafi-Jihadi ideology? Google, Yahoo, YouTube, and Facebook are already developing a number of initiatives to counter Jihadist propaganda.[238]

The latest example is Google's Ad-Word strategy that is directed at would-be terrorists.[239] The idea behind this strategy is that once an individual uses Google to search for "potentially damaging search terms. . . . [C]ounter-narrative messages will appear in the sponsored links which are returned at the top of a Google search, rather than in the search results."[240]

The problem with Google's most recent strategy is very simple. Once an Internet user starts searching for what Anthony House calls "potentially damaging search terms"[241] it is, in our view, already too late. Salafi-Jihadi followers, or the would-be Salafists, are not known for their ability to make intellectual compromises. Google's ideological disclaimer will have the desirable effects if, and only if, it considers Jihadism as the offspring of Salafism, or more specifically, Taymiyyah's interpretation of Islam. However, tackling this ideology is neither cheap nor straightforward. Among other requirements, it requires monitoring the content of the Internet that is in the

---

a significant number of non-infringing materials. *See* Olivera Medenica & Kaiser Wahab, *Does Liability Enhance Credibility?: Lessons from the DMCA Applied to Online Defamation*, 25 CARDOZO ARTS & ENT. L.J. 237, 259 (2007) (discussing limitations of notice-and-takedown provisions); *see also* Edward Lee, *Decoding the DMCA Safe Harbors*, 32 COLUM. J.L.& ARTS 233, 234 (2009) (discussing the growth of web applications following the DMCA safe harbor provision, but noting remaining uncertainties).

[237] Jordan Sundell, *Tempting the Sword of Damocles: Reimagining the Copyright/DMCA Framework in a UGC World*, 12 MINN. J.L. SCI. & TECH. 335, 355–56 (2011).

[238] *See generally Federal Government Authorizes Facebook, Twitter, and YouTube to Censor "Anti-Islam" Speech; Lawsuit Filed*, CTR. FOR SECURITY POL'Y (July 13, 2016), https://counterjihadreport.com/2016/07/13/federal-government-authorizes-facebook-twitter-and-youtube-to-censor-anti-islam-speech-lawsuit-fil ed/ (describing how the U.S. government has effectively authorized Facebook, Twitter, and YouTube to censor "Anti-Islam" speech).

[239] *See* Zolfagharifard, *supra* note 4 (explaining how Google is preparing a system to relay specific counter-narrative ads when words related to terrorism are entered as search terms).

[240] *Id.*

[241] *Id.*

Arabic language and, to a lesser degree, the content that is in the English language. This is, however, not the job of Internet intermediaries.[242] Recall that the latter is not obliged to monitor services or to seek facts indicating copyright infringement.[243] Why should they be responsible for monitoring a much more complicated activity, such as online content demonstrating Salafi-Jihadist ideology? Courts do recognize Internet intermediaries' lack of ability to monitor a site's entire content library.[244] Still, in intellectual property-related cases, upon receiving actual knowledge, such as a Takedown Notice or red flag knowledge,[245] Section 512(c)(1)(A)(iii) of the DMCA requires an intermediary to respond "expeditiously to remove, or disable access to, the material. . . ." which is likely to be the infringing material or the subject of the infringing activity.[246]

The lack of actual or red flag knowledge makes the task of monitoring Salafi-Jihadist activity on social media, particularly the content that is in the Arabic language, a difficult one. Salafi-Jihadist propaganda messages are often cloaked with verses from the Quran or sayings of the Prophet Mohammad.[247] Removing such messages may appear as an attack on Islam itself.[248] It may also invoke the thorny issue of free speech or freedom of religion.[249] However, as Section VI illustrates, technology can be

---

[242] Edwards, *supra* note 200.

[243] Digital Millennium Copyright Act of 1998, Pub. L. No. 105–304, § 512, 112 Stat. 2860.

[244] *See generally* Viacom Int'l, Inc. v. YouTube, Inc., 676 F.3d 19, 31, 32, 35 (2d Cir. 2012) (explaining that actual knowledge is a subjective standard, and where an investigation is needed to uncover infringement, there is no red flag knowledge, such that not knowing the limits of your site is within the safe harbor rule).

[245] *See id.* at 31 (actual knowledge under the red flag standard depends "on whether the provider was subjectively aware of facts that would have made the specific infringement 'objectively' obvious to a reasonable person.").

[246] Digital Millennium Copyright Act § 512.

[247] *See* Donald Holbrook, *Using the Qur'an to Justify Terrorist Violence: Analysing Selective Application of the Qur'an in the English-Language Militant Islamist Discourse*, 4 PERSPECTIVES ON TERRORISM 15, 16 (2010) (noting that Jihadist propaganda often includes references to the Holy Book of Islam).

[248] *See* Scott Higham & Ellen Nakashima, *Why the Islamic State Leaves Tech Companies Torn Between Free Speech and Security*, WASH. POST (July 16, 2015), https://www.washingtonpost.com/world/national-security/islamic-states-embrace-of-social-media-puts-tech-companies-in-a-bind/2015/07/15/0e5624c4-16 9c-11e5-89f3-61410da94eb1_story.html?kmap=1 [hereinafter Higham] (stating that "Internet freedom advocates also note that much of what groups such as the Islamic State are posting can be seen as part of the historical record. . . . [S]o if you're a platform, you don't want to suppress the facts.").

[249] *See* Jytte Klausen et al., *The YouTube Jihadists: A Social Network*

leveraged to deal with these valid concerns.

While acknowledging their important role, one has to keep in mind that Internet intermediaries should not be given the improper role to police the Internet, in particular because they cannot singlehandedly and effectively handle the complicated nature of Salafi-Jihadist activity on social media in a way that promotes safety without jeopardizing freedom of expression. Under the current user-report policies and notice-and-takedown schemes,[250] it is highly unlikely that Internet intermediaries would be able to prevent Salafi-Jihadist ideology from reaching a large audience. In fact, al-Salafiyya al-Jihadiyya wound is growing and is infecting social media at an alarming speed.[251] In order to turn the tide and begin the healing process, a new approach is needed immediately.

2.   *The Deficiency of Social Media's Reporting Policy*

Absent copyright violations, offensive materials such as Salafi propaganda videos, excerpts of Taymiyyah's fatwas, in which he calls for the expulsion and punishment of uncommitted Muslims, among other groups, or graphic images may be posted and shared widely on social media.[252] The ongoing Syrian civil war highlights

---

Analysis of Al-Muhajiroun's Propaganda Campaign, 6 PERSPECTIVES ON TERRORISM 36, 41 (2012) (noting that Jihadists often assert free speech rights when inciting violence); *see also* Seltzer, *supra* note 209 (discussing the chilling effects on First Amendment rights relating to the DMCA).

[250] Brian Bennett, *YouTube is Letting Users Decide on Terrorism-Related Videos*, L.A. TIMES (Dec. 12, 2010), http://articles.latimes.com/2010/dec/12/nation/la%C2%ADna%C2%ADyoutube%C2%ADterror%C2%AD20101213.

[251] CHRISTOPHER G. PERNIN ET AL., UNFOLDING THE FUTURE OF THE LONG WAR: MOTIVATIONS, PROSPECTS, AND IMPLICATIONS FOR THE U.S. ARMY 133 (RAND Corporation 2008).

[252] Videos of Salafi-Jihadi clerics, including some of the most renowned ones, such as the father of global jihad, Abdullah Azam, as well as Anwar Al-Awlaki, and Osama Bin Landen are available online. *See* Jaami Tube, *We are Terrorists and Terrorism, Our Way*, YOUTUBE (Dec. 30, 2013), https://www.youtube.com/watch?v=dxW9YkHaTYM (arguing that "Muslims' holy places are occupied, and yet, if we [Muslims] bear arms we are considered terrorists. If this is terrorism, so be it. We are terrorists and terrorism is part of our faith. Let the West and the East know that."); iRead, *A Question to Anwar al-Awlaki* [sic] *Why That Violated the Symptoms of our Women and Men?*, YOUTUBE (Jan. 5, 2013), https://www.youtube.com/watch?v=Q2TiXhheVFs (in this video, Al-Awlaki was asked whether killing women and children civilians is permitted in Islam. He pointed out that "as for the Americans, they are all responsible for the acts of the American Administration for that they have elected this government and they finance its activities [sic]. The Prophet was once asked about the killing of women [and] children and he approved it." It is important to

the urgent need for an effective counter-Salafism approach that takes into account the deficiency of the current user-report system.[253]

Since the dawn of 2012, Salafi-Jihadist groups, among many others, have maintained a noticeable presence on social media.[254] A number of Facebook pages were created to represent almost every single Syrian city, town, and village.[255] The control of these pages appeared to be the job of a small number of carefully-selected Salafi activists with some IT skills.[256] This strategy has ensured that the messages Salafi-Jihadist groups want to spread reach even the most remote Syrian villages.[257]

Unlike other groups, the administrators of Salafi-leaning Facebook pages coordinated to cultivate the combined forces of their social media followers.[258] A large number of followers

---

keep in mind that the vast majority of Muslims do not adhere to such views); A.M.N., *The Nature of the Human Psyche in the Jihad*, YOUTUBE (Aug. 21, 2011), https://www.youtube.com/watch?v=t66S5uAntOM (quoting Osama Bin Laden in encouraging Muslims to "wake up, the heavens doors are open. The Prophet said the sword erases all mistakes." The sword here means fighting for the sake of Allah).

[253] *See* Nada al-Farhan, *A "Kingdom of Silence" No More: Facebook & The Syrian Revolution*, SALAMATECH, at n.21 (Aug. 2014), https://secdev-foundation.org/wp-content/uploads/2015/05/KingdomOfSilence.pdf (stating that the Syrian Local Coordination Committees' (LCCS) "Facebook pages have become a prime target in the escalating Facebook Wars, with orchestrated campaigns by the pro-regime Syrian Electronic Army and others to report LCCS pages to Facebook administration, with a request to have the pages closed for 'violation of community standards.'"); *see also How to Report Things*, *supra* note 214.

[254] Gabriel Weimann, *Why Do Terrorists Migrate to Social Media?*, VIOLENT EXTREMISM ONLINE: NEW PERSPECTIVES ON TERRORISM AND THE INTERNET 49 (Anne Aly et al. eds., 2016).

[255] There are simply too many examples to cite. We provide two for clarification. *See* Beit Jann, *Thorn in the Throats of Apostates*, FACEBOOK, https://www.facebook.com/%D8%A8%D9%8A%D8%AA-%D8%AC%D9%86-%D 8%B4%D9%88%D9%83%D8%A9-%D9%81%D9%8A-%D8%AD%D9%86%D8%A 7%D8%AC%D8%B1-%D8%A7%D9%84%D9%85%D8%B1%D8%AA%D8%AF%D 9%8A%D9%86-1264729693546132/?fref=nf (last updated Oct. 9, 2016); Beit Tema Free, FACEBOOK, https://www.facebook.com/beit.tema/ (last updated Aug. 29, 2016).

[256] Weimann, *supra* note 254.

[257] *Id.*

[258] Salafi-Jihadists' main goal is to establish the Caliphate. This makes it easier for their supporters to cooperate online. *See* Islamic Turkmenistan Group for the Support of Alsham, TWITTER (Aug. 10, 2016), https:// twitter.com/account/suspended (this account had discussed the call upon all Muslims to spread the news of the Islamic Turkmenistan Group on social media, but has since been suspended, so no direct link to the account is currently available).

becomes handy when targeting the Facebook pages of other rival groups. As discussed before, to ensure the total dominance of these extremists on social media, Salafi groups used the atrocities committed by the Syrian regime to galvanize the support of thousands of Facebook users, not only in Syria, but also in Egypt, and the Arabic Gulf states.[259] This strategy has taken the Syrian regime off guard. During the first two and a half years of the crisis, the combined forces of Salafi groups and others, inside and outside of Syria, almost managed to wipe Facebook pages, that were loyal to the Syrian regime, off social media.[260] This occurred despite the frantic efforts of the Syrian Electronic Army (a group loyal to the Syrian regime) to counter the Salafi propaganda.[261] Throughout the Syrian civil war, Salafi-Jihadist groups have been using social media to cement their views.[262] In citing verses from the Quran, carefully selected sayings of the Prophet, and by posting short videos of popular Wahhabi clerics, Salafi-Jihadists have successfully tricked thousands of followers into believing that the re-establishment of the Caliphate is merely a question of time.[263] In many ways, as the next part shows, this strategy has rendered social media reporting policies useless.

3.   *Torture in the Name of Allah: Deadly but not Offensive?*

Social media policies encourage their users to report offensive materials.[264] In a place such as the Middle East, where the law

---

[259] *See Salafi Jihadi Gathering in Cairo, Egypt*, YOUTUBE (June 14, 2013), https://www.youtube.com/watch?v=vVgVcRGlP7Q (asserting that "Jihad is necessary for the victory of our brothers in Syria. Jihad with mind, money, weapons; all forms of jihad [sic].").

[260] *See generally* Patrick Howell O'Neill, *Why the Syrian Uprising is the First Social Media War*, THE DAILY DOT (Sept. 18, 2013), http://www.daily dot.com/layer8/syria-civil-social-media-war-youtube/ (stating that "[e]ven as entire cities in Syria face Internet shutdowns . . . there seems to be no end to the constant stream of combat footage and propaganda from Syria.").

[261] *Id.*

[262] Khatib, *supra* note 102; *Mohamad Saber's Speech*, YOUTUBE (June 18, 2013), https://www.youtube.com/watch?v=3VHw2iB6sP0 (discussing his groups' support of Jihad in Syria, arguing that "very briefly, we, the Association of Sunni Scholars, have been sending weapons to Syria for more than a year and we [sic] will continue to do so.").

[263] *Alarifi*, *supra* note 169.

[264] *See* Yadron, *supra* note 27 (stating that "[t]he social media company is relying on a mix of human judgment and technology, developing teams of specialists in the US and Ireland that comb through thousands of suspect accounts."); *see also Submit a Copyright Takedown Notice*, *supra* note 206.

does not always play an important role, the meaning of the term "offensive" is directly influenced by the local culture, including social norms, and of course, religion.[265] Law is territorial in nature.[266] By relying on users to report offensive materials, social media platforms define the term "offensive" through the eyes of a Western user who often holds a higher regard for the law than Middle Eastern users.[267] As we will see shortly in this part, the characterization of any war as "Jihad" diminishes the effectiveness of this otherwise effective safety valve, i.e., relying on users to report offensive material.

For Salafi-Jihadists and their social media followers, violence for the sake of Allah is perfectly justifiable.[268] This is why, for Salafists, depending on the ethnicity of the victim, the most gruesome forms of torture may be justified.[269] Jihadist groups have capitalized on this ideology to galvanize support, create a culture of grievance, and incite and glorify violence.[270] Under this ideology, almost all actions taken by these so-called "non-believers" are weighed against Salafism's religious standards. This explains why Jihadists have enthusiastically shared and spread, for example, a video purporting to show a Syrian soldier being run over alive by an ISIS tank,[271] a video showing a child

---

[265] Muslim Histories & Cultures: An Online Collection of Course Materials, *The Qur'an: Context and Recitation: Summary*, U. OF TEX. AT AUSTIN, http://sites.la.utexas.edu/mhc/tag/quran/ (last visited Jan. 6, 2017).

[266] Mithilesh Narayan Bhatt, *Territorial Nature of Law*, SCRIBD., at 1, https://www.scribd.com/document/161597862/Territorial-Nature-of-Law (last visited Jan. 6, 2017).

[267] *See* Franz Wieacker, *The Importance of Roman Law for Western Civilization and Western Legal Thought*, 4 B.C. INT'L & COMP. L. REV. 257, 281–82 (1981) (discussing the importance of law to modern day Western civilizations).

[268] Ali, *supra* note 115 (a number of Salafi jihadi clerics claiming that the torture, killing, and enslavement of women are integral parts of Islam; views that are not shared by the majority of Muslims); iRead, *supra* note 252 (alleging that, contrary to the views of many Islamic scholars, the killing of women and children is permitted in Islam).

[269] *See* Jeff Victoroff, *The Mind of the Terrorist: A Review and Critique of Psychological Approaches*, 49 J. CONFLICT RESOL. 3, 33 (2005) (discussing the mindset of terrorists that allows them to justify their actions).

[270] *See Countering Daesh Propaganda: Action-Oriented Research for Practical Policy Outcomes*, THE CARTER CTR. (Feb. 2016) (discussing the capitalization of violence "to awaken potential recruits.").

[271] Selina Sykes, *Evil ISIS Run* [sic] *Over Teenage Syrian with an ARMY TANK in Sick New Execution Method*, EXPRESS (Oct. 26, 2015), http://www.express.co.uk/news/world/614639/ISIS-execution-video-Islamic-State-terror-Syria-Iraq.

executing captive men with a gun,[272] and the dismemberment of a civilian's hand.[273] These are merely a few revealing examples. In fact, the followers of Salafi-Jihadist ideology, if anything, welcome such atrocities as religious retribution by Allah.[274]

A score of Salafi-Jihadi clerics have falsely alleged that the torture, enslavement, and killing of, not only men, but also women and children is "ideologically" permissible, so long as such activities are intended to "terrorize" the enemy of Islam.[275] Under the Salafi-Jihadi literal interpretation of faith, the conventional wisdom appears to be that, so long as one of the companions of the Prophet had resorted to physical violence some fourteen centuries ago, it is absolutely legitimate to exercise the same methods in the twenty-first century. For example, in order to justify ISIS's cruelty and violent crimes against Syrian, one scholar goes as far as to claim that "terrorism" is, in fact, permitted in Islam.[276] Citing the Quran,[277] he claims that ISIS's extremely offensive tactics are in line with the Quran and, thus,

---

[272] Michael Martinez, *ISIS Video Claims to Show Boy Executing Two Men Accused of Being Russian Spies*, CNN (Jan. 15, 2015), http://www.cnn.com/2015/01/14/middleeast/isis-video-boy-execution-russian-spies/.

[273] The Muslim Issue, *Islamic State Crucify* [sic] *"Spy" and Cut Hand Off Assumed Thief*, WORDPRESS (Dec. 20, 2014), https://themuslimissue.wordpress.com/2014/12/20/islamic-state-crucify-spy-and-cut-hand-off-assumed-thief/.

[274] *See* Assaf Moghadam, *The Salafi-Jihad as a Religious Ideology*, 1 CTC SENTINEL 1, 1–3 (Feb. 2008), https://www.ctc.usma.edu/v2/wp-content/uploads/2010/06/Vol1Iss3-Art5.pdf (examining the nature and function of Salafi-Jihadi ideology).

[275] *See* Hassan Hassan, *The Sectarianism of the Islamic State: Ideological Roots and Political Context*, CARNEGIE ENDOWMENT FOR INT'L PEACE (June 13, 2016), http://carnegieendowment.org/2016/06/13/sectarianism-of-islamic-state-ideological-roots-and-political-context-pub-63746 (finding that the Islamic State uses clerics' material to "offer justifications for its savagery," which has historically included the killing and enslavement of men, women, and children). See also, Ali, *supra* note 115.

[276] Nour Almoradi, *Is the Progress of ISIS a Blessing Or a Curse?*, YOUTUBE (May 26, 2015), https://www.youtube.com/watch?v=6w2PDZJayuU (arguing that "our project is more important than making the image of Islam is [sic] more acceptable for the US, Israel, and Iran. Secondly, we are the nation who built five empires without paying any attention to its [sic] image in the eyes of enemies. . . . When people lived under the banner of the Caliphate, they proffered it over other types of regimes. . . . The Quran says 'and prepare against them whatever you are able of power and of steeds of war by which you may 'terrify' the enemy of Allah and your enemy and others besides them whom you do not know [but] whom Allah knows.' Terrorism therefore is God's will.").

[277] *Al-Anfal* 8:60, https://quran.com/8/60 ("And prepare against them whatever you are able of power and of steeds of war by which you may terrify the enemy of Allah and your enemy and others besides them whom you do not know [but] whom Allah knows.").

the Islamic faith.[278] It must be argued, however, that the overwhelming majority of Muslims do not adhere to such a controversial interpretation of Islam. Still, from a Salafi-Jihadi perspective, the act of spreading violent scenes on social media is a form of "electronic Jihad" and, thus, is rewarded by Allah.[279] To ensure maximum publicity, Salafi loyalists post propaganda videos not only in Arabic, but also in many other languages.[280] This is why, from a Salafi-Jihadi perspective, the deadly scenes of a tank running over an alleged non-believer or the enslavement of women are not so offensive after all.

What makes the social media self-reporting policies even less effective is the fact that violence is a double-edged sword. Where all parties fighting share more or less the same level of violence, as is the case in Syria, reporting offensive materials rests on whether or not the reporting party benefits from the removal of these materials.[281] During the first two years of the Syrian civil

---

[278] Almoradi, *supra* note 276.

[279] See, for example, the following video in which ISIS stresses the importance of electronic Jihad. *Untitled*, YOUTUBE (Oct. 24, 2015), https://www.youtube.com/watch?v=WeSyMG5YZB4; al-Nusrah Front (@mhammadbbd), TWITTER (Oct. 12, 2016), https://mobile.twitter.com/mham madbbd [hereinafter al-Nusrah Front (@mhammadbbd)] (encouraging its Twitter followers to spread its posts and videos); Jack Cloherty, *Virtual Terrorism: Al Qaeda Video Calls for "Electronic Jihad"*, ABC NEWS (May 22, 2012), http://abcnews.go.com/Politics/cyber-terrorism-al-qaeda-video-calls-elec tronic-jihad/story?id=16407875 ("[A]n al Qaeda operative calls for 'electronic jihad' against the United States. . . .").

[280] ISIS and Al-Qaeda publish propaganda videos in many languages including Arabic, English, French, and Turkish. ISIS's main media platform, Al-Hayat, issued a propaganda magazine entitled Dabiq, in English and, in the past, in French and Turkish. Despite removal, all issues of Dabiq magazine can still be accessed online. *See The Islamic State's (ISIS, ISIL) Magazine*, THE CLARION PROJECT (Sept. 10, 2014), http://www.clarionproject.org/news/islamic-state-isis-isil-propaganda-magazine-dabiq ("In order to combat extremist groups, it is critical to understand their underlying ideology. Therefore, Clarion Project will continue to post the issues of *Dabiq* and *Rumiyah* here as they are released."). Currently, Twitter appears to be ISIS's preferred media platform. *See* Yadron, *supra* note 27 (noting that Twitter has "deleted more than 125,000 accounts linked to terrorists" in an effort to assist the United States and other western governments in their fight against the Islamic State and terrorism).

[281] *See generally* Julia Greenberg, *Why Facebook and Twitter Can't Just Wipe Out ISIS Online*, WIRED (Nov. 21, 2015), https://www.wired.com/2015/11/facebook-and-twitter-face-tough-choices-as-isis-exploits-social-media/ (identifying that "[t]he problem lies in the global nature of social media, the reliance upon self-policing by users to identify objectionable content, and the fact that many of those banned simply open a new account and continue posting their hatred. A blanket policy of banning anything that might be seen as inciting violence also could lead to questions of censorship, because one person's

war, supporters of the Syrian regime actively published atrocities committed by Islamists either to condemn them or to encourage retaliation.[282] As such, very violent images and videos were persistently available online. For instance, in a tit-for-tat game, a Syrian soldier burned an ISIS fighter alive and posted a few images on Facebook.[283] To minimize the chances of being reported, the pictures of this atrocity were posted in "comments," as opposed to an actual post.[284] This technique, or posting graphic images as comments, is widely used by Syrian Facebook users wanting to post offensive material.[285]

Another trick is posting graphic images or videos for a few hours before deleting them.[286] To ensure the effectiveness of this trick, the user usually notifies his or her followers by either Twitter or a post on the same Facebook page in which the material is already posted, or will be posted.[287] A third trick used to water down the social media reporting policies is to open multiple Facebook pages or Twitter accounts.[288] A master page or account does not have offensive materials, but it directs followers where to find them.[289]

---

hateful propaganda could be another's free speech."); Higham, *supra* note 248 (exploring the ongoing efforts between social media platforms and government agencies to effectively eliminate terrorist groups from posting offensive material and propaganda).

[282] Arabic Facebook is loaded with graphic images and videos of civilian casualties. Due to its graphic nature, viewer discretion is advised. *See* Dirar Abu Jawish, FACEBOOK, https://www.facebook.com/profile.php?id=1000101 56695186&pnref=lhc.friends (last visited Jan. 6, 2017); *see also* FACEBOOK, https://www.facebook.com/photo.php?fbid=303077123374175&set=ecnf.1000101 56695186&type=3&theater (last visited Jan. 6, 2017).

[283] *See* Syria_Tube, FACEBOOK, https://www.facebook.com/Syria_tube-1506122866382144/?ref=ts&fref=ts (last updated Nov. 11, 2015) (promoting Syrian military efforts to eliminate terrorism, even though temporarily closed by its administration at one point).

[284] Attended Now, FACEBOOK, https://www.facebook.com/%D8%AD%D8% B6%D8%B1-%D8%A7%D9%84%D8%A2%D9%86-393621720789092/?fref=ts (last visited Jan. 6, 2017).

[285] *See* Higham, *supra* note 248 ("Counterterrorism officials say the constantly evolving social-media landscape is providing more places for groups such as the Islamic State to hide in cyberspace. Finding and shutting down sites and accounts is starting to resemble a carnival game of Whac[k]-a-Mole. . . . As soon as one site or account is taken down, another pops up.").

[286] *See* Greenberg, *supra* note 281 (explaining that ISIS "users whose accounts are repeatedly suspended come back with new accounts. . . .").

[287] *See* al-Nusrah Front (@mhammadbbd), *supra* note 279 (encouraging its Twitter followers to spread its posts and videos).

[288] *See* Higham, *supra* note 248 (arguing that "[a]s soon as one platform starts aggressively monitoring terrorist content, militants migrate to another.").

[289] *Id.*

Finally, the popularity of a given Facebook page plays a key role in the effectiveness of the social media user reporting policies. As the war between the Syrian regime and Jihadi groups shows, the higher the number of visitors, the more likely a Facebook page may be reported, provided it contains offensive materials. But, what about Facebook pages that are not visited by a large number of users and contain offensive material, such as Salafi-Jihadist propaganda videos? After all, a significant number of Facebook pages are visited by a dozen or less of close friends and relatives. The social media reporting systems are anything but effective in curbing the spread of Jihadist ideology in these unpopular pages. While it is certainly true that the number of visitors of a single page might be small, the total sum of followers of such pages could easily reach a staggering number. Salafism is a grassroots movement.[290] The accumulative impact of publishing Jihad-related materials in a time of increasing violence, as well as social and ethnic intolerance, particularly among young people, could ultimately be devastating.

V.   SALAFISM AS POLITICAL SPEECH

Social media's inability to effectively curb the use of the Internet by Jihadist organizations opens the door for a possible, but limited, governmental intervention, making a brief examination of free speech-related issues inevitable. The debate related to free speech and religious freedom is complex. In this part, we ask a question. Is Taymiyyah's religious speech, or fatwas,[291] "political" speech? To answer this question and before investigating how some of Taymiyyah's fatwas stack up against the First Amendment, including against the "establishment clause" and the "free exercise clause,"[292] we first conduct the same test under one of the pillars of the International Bill of

---

[290] *See* Shawn Marie Boyne, *Free Speech, Terrorism, and European Security: Defining and Defending the Political Community*, 30 PACE L. REV. 417, 430 (2010) (explaining the grassroots radicalization of Salafism).

[291] David Yerushalmi, *Shari'ah's "Black Box": Civil Liability and Criminal Exposure Surrounding Shari'ah-Compliant Finance*, 2008 UTAH L. REV. 1019, 1037, 1064 (2008).

[292] The First Amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." These clauses are referred to as the "establishment clause" and the "free exercise clause." U.S. CONST. amend. I.

Human Rights, namely, the United Nations International Covenant on Civil and Political Rights (hereinafter ICCPR).[293]

1. The International Covenant on Civil & Political Rights

The United Nations' International Covenant was ratified by 168 countries all over the world, including the United States.[294] Under Article 6 of the U.S. Constitution, the ICCPR has the legal status of federal law.[295] Kevin Boyle argues that the ICCPR "constitutes a new supplementary Bill of Rights for the United States and in years to come will be increasingly recognised [sic] as such."[296]

Freedom of expression is a universally-accepted right.[297] Article 19 of the ICCPR, however, clearly indicates that the right to freedom of expression is not absolute.[298] For example, this right can be restricted for the protection of national security or for public order.[299] There is almost a universal agreement on the soundness of banning hate speech directed at individuals or groups on the basis of their race, ethnicity, nationality, or religion.[300] Article 20 of the ICCPR requires a ban on any propaganda for war and any "advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. . . ."[301] A few authors describe Article 20 of the ICCPR as "the strongest condemnation[] of hate

---

[293] International Covenant on Civil and Political Rights, Mar. 23, 1976, 999 U.N.T.S. 171 https://treaties.un.org/doc/Publication/UNTS/Volume%20999/ volume-999-I-14668-English.pdf [hereinafter *ICCPR*].

[294] *See* Reports United States: Senate Committee on Foreign Relations Report on the International Covenant on Civil and Political Rights, Jan. 30, 1992, 31 I.L.M. 645 (stating that "[o]ver 100 States have ratified the Covenant. . . .").

[295] *See* FRANK NEWMAN & DAVID WEISSBRODT, INTERNATIONAL HUMAN RIGHTS: LAW, POLICY, AND PROCESS 581 (2nd ed. 1996) (stating that "[a] treaty accepted by the U.S. is part of the supreme law of the land, equal in dignity to federal statutes.").

[296] Kevin Boyle, *Hate Speech--The United States Versus the Rest of The World?*, 53 ME. L. REV. 487, 493–494 (2001).

[297] Dominic McGoldrick & Thérèse O'Donnell, *Hate-Speech Laws: Consistency with National and International Human Rights Law*, 18 LEGAL STUD. 453, 454 (1998).

[298] ICCPR, *supra* note 293, at 178 (stating that "[t]he exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary. . . .").

[299] *Id.*

[300] *Id.*

[301] *Id.*

speech. . . ."[302] Advocating hatred in private that spurs non-violent acts of racial or religious discrimination is not banned under Article 20(2).[303] That being said, signatory nations are under the obligation "to adopt the necessary legislative measures prohibiting the actions referred to [in the ICCPR]."[304] The Human Rights Committee made it clear that Article 20 applies to both private and public parties.[305] Under this interpretation, preventing the incitement of religious hatred on social media should raise no cause for concern.

Clearly, the ICCPR requires a different approach to bigotry and hate speech. The problem, however, is that the United States and many Muslim countries in the Middle East[306] have sought, by reservation, to contract out some of the free speech-related provisions.[307] In the United States, the tension between the First Amendment and the ICCPR becomes clear in relation to the implementation of Article 20 of the ICCPR. It calls on State

---

[302] *See* Nazila Ghanea, *Intersectionality and the Spectrum of Racist Hate Speech: Proposals to the UN Committee on the Elimination of Racial Discrimination*, 35 HUM. RTS. Q. 935, 937 (2013) (discussing that Article 20, however, is concerned with the incitement of hate speech rather than hate speech generally) (citing Eric Heinze, *Viewpoint Absolutism and Hate Speech*, 69 MOD. L. REV. 543, 544 (2006).

[303] MANFRED NOWAK, U.N. COVENANT ON CIVIL AND POLITICAL RIGHTS: CCPR COMMENTARY 475 (2nd rev. ed. 2005).

[304] U.N. Office of the High Commissioner for Human Rights, General Comment 11: Prohibition of Propaganda for War and Inciting National, Racial or Religious Hatred, U.N. Doc. CCPR/GC/11 (July 29, 1983).

[305] U.N. Office of the High Commissioner for Human Rights, Thresholds for the Prohibition of Incitement to Discrimination, Hostility or Violence Under Article 20 of the ICCPR, U.N. Doc. ICCPR/CRP/7 at 14 (Feb. 8–9, 2010).

[306] *See* ICCPR, *supra* note 293, at 174, 178, 179. *See generally UN HRC Releases Remarks Regarding Kuwait's ICCPR Review*, AM. FOR DEMOCRACY & HUM. RTS. IN BAHR. (July 20, 2016), http://www.adhrb.org/2016/07/un-hrc-releases-remarks-regarding-kuwaits-iccpr-review/ (discussing that, among the Arab Gulf States, only Bahrain and Kuwait have signed the ICCPR. Both countries, however, made clear that provisions violating Sharia law are not applicable to them. Reservations were made regarding Articles 3, 18, and 23. Article 3, for instance, calls on State parties to ensure the "equal right[s] of men and women. . . ." Article 18 states that "[e]veryone shall have the right to freedom of thought, conscience and religion." Both Bahrain and Kuwait made it clear that the application of these particular provisions does not affect "in any way the prescriptions of the Islamic Shariah.").

[307] *See* Boyle, *supra* note 296, at 496 (discussing how some argue that the U.S. reservation to Article 20 of the ICCPR is ineffective, the position which was rejected by the U.S. government. According to Boyle, however, the failure of the U.S. to curb advocacy or national racial or religious hatred is in violation of the ICCPR and customary international law).

parties to take measures to curb abusive speech.[308] The First Amendment states, however, that "Congress shall make no law respecting an establishment of religion . . . or abridging the freedom of speech. . . ."[309] That is why the U.S. government made it clear "[t]hat Article 20 does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States."[310]

Still, the caselaw of the U.S. Supreme Court indicates that the First Amendment is not absolute and is, in fact, subject to a number of limitations.[311] Should these limitations bridge the gap between the U.S. standards and the ICCPR? They do, in regards to Article 19 of the ICCPR,[312] but not necessarily in relation to Article 20 of the ICCPR.[313]

Before examining how the caselaw of the U.S. Supreme Court stacks up against Taymiyyah's speech, we would like to briefly examine whether it is possible to differentiate between Tayimyyah's fatwas, as the core of Salafi-Jihadi ideology, and as the incitement of violence. There are a number of approaches that can be used to analyze this query, but we confined ourselves here to the test adapted by one of the UN consultants, Professor Susan Benesch, on the prevention of genocide.[314] To investigate whether a given speech incites violence, Professor Benesch focuses on the effects of the speech, rather than its gravity, and states:

> Incitement in all of its forms is often confused with other types of

---

[308] ICCPR, *supra* note 293, at 178.

[309] U.S. CONST. amend. I.

[310] 138 CONG. REC. S4781–01 (daily ed. Apr. 2, 1992).

[311] *See, e.g.*, R.A.V. v. Minnesota, 505 U.S. 377, 383–384 (1992) (discussing that not all areas of speech can be protected by the First Amendment); Wisconsin v. Mitchell, 508 U.S. 476, 487 (1993) (discussing that the First Amendment does not protect conduct); Boyle, *supra* note 296, at 494 (stating the First Amendment is subject to limitations based on caselaw decided by the U.S. Supreme Court).

[312] Boyle, *supra* note 296, at 494.

[313] *Id.*

[314] Susan Benesch, *Contribution to OHCHR Initiative to National, Racial, or Religious Hatred*, OFFICE OF THE SPECIAL ADVISER OF THE SECRETARY-GENERAL ON THE PREVENTION OF GENOCIDE https://www.google.com/#q=Susan +Benesch%2C+Contribution+to+OHCHR+Initiative+to+National%2C+Racial% 2C+or+Religious+Hatred (copy the preceding hyperlink into your Internet browser, click on "B. Caselaw – ohchr," and a Word document containing Professor Benesch's paper on the prevention of genocide) (last visited Jan. 6, 2017).

> inflammatory, hateful, or offensive speech. Incitement can be distinguished from these broader categories of speech, however, with reference to the intended or actual *effects* of speech. . . . When inflammatory speech inspires one audience to harm another person or group, that is . . . successful incitement.[315]

The ever-increasing number of atrocities committed by Salafi-Jihadists all over the world is evidence of the effects of Salafi ideology in general, and, in particular, Taymiyyah's fatwas. Relying on a fatwa issued by Taymiyyah,[316] ISIS's followers suggested an execution method for a condemned Jordanian pilot.[317] Additionally, a number of Syrian civilians were executed after failing to correctly answer questions related to Islamic prayer,[318] and a 15-year-old Syrian boy was killed after being accused of cursing the Prophet.[319] Last, but not least, Osama Bin Landen invoked Taymiyyah by name when issuing his infamous fatwa that reads, "[t]he ruling to kill the Americans and their allies -- civilians and military -- is an individual duty for every Muslim who can do it in any country in which it is possible to do it. . . ."[320] These are merely a few examples of the impact of Taymiyyah's Salafi interpretation of Islam on all radical groups.

---

[315] *Id.* (emphasis in original).

[316] *Ibn Taymiyyah*, *supra* note 29. ISIS issued the following fatwa on January 20, 2015 (posted on Twitter at the "Raqqa is Being Slaughtered Silently" account (@Raqqa_SI), justifying the burning of "infidels." *See ISIS Issues Fatwa to Justify Burning of Jordanian Pilot*, MEMRI JIHAD & TERRORISM THREAT MONITOR (Feb. 4, 2015), http://www.memrijttm.org/isis-issues-fatwa-to-justify-burning-of-jordanian-pilot.html (explaining_that ISIS's followers relied on a fatwa issued by Taymiyyah to suggest an execution method for a condemned Jordanian pilot). *See also* Griffin, *supra* note 30.

[317] Griffin, *supra* note 30.

[318] Robert Spencer, *ISIS Executioner Killed Three Men for Failing His Qur'an Quiz*, JIHAD WATCH (June 15, 2014), https://www.jihadwatch.org/2014/06/isis-executioner-killed-three-men-for-failing-his-quran-quiz.

[319] *Syrian "Rebels" Shot 15 Year Old Boy for Insulting the Pedo-Prophet: "Even if Prophet Mohammad Comes Down, I Will Not Become a Believer"*, THE MUSLIM ISSUE (June 11, 2013), https://themuslimissue.wordpress.com/2013/06/11/syrian-rebels-shot-15-year-old-boy-for-insulting-a-pedo-prophet-even-if-prophet-mohammad-comes-down-i-will-not-become-a-believer/ (the full version of this fatwa is available at https://islamqa.info/ar/150989 and is in Arabic, though some Internet browsers may allow for translation). The fatwa under question reads "[w]hoever curses God or His messenger is a disbeliever. . . ." or "kafer." Usually, a disbeliever may repent from any kind of apostasy; provided his or her repentance is sincere and meets all the required conditions of repentance. In this example, the boy was accused of using the name of the Prophet in an inappropriate manner. SYRIAN OBSERVATORY FOR HUMAN RIGHTS, http://www.syriahr.com/?p=28420 (last visited Jan. 6, 2017).

[320] *World Islamic Front*, *supra* note 30.

As such, it would seem that many aspects of Salafism, including most of Tayimyyah's fatwas in which he actively called for the extermination[321] of others, qualify as incitements of violence.

2. Salafism under the First Amendment

In this part, we briefly investigate whether Taymiyyah's fatwas are unprotected or less-protected speech under the First Amendment, which states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech."[322] Courts however may allow the government to place restrictions on protected speech under certain circumstances.[323] According to *Reed v. Town of Gilbert*, when a restriction applied to speech based upon its subject matter (content-based restriction), courts apply the highest level of scrutiny- referred to as strict scrutiny. The same test applies when restriction is placed based upon viewpoint expressed, such as the negative views expressed by Taymiyyah of other sub-religious groups ("viewpoint discriminatory").[324] Due to space constraints, we restrict our discussion to two unprotected categories of expression: a statement that incites illegal activities and fighting words. Then we investigate Taymiyyah's Speech under the "Establishment Clause" and the "Free Exercise Clause".

---

[321] Abu Safwan Farid Ibn Abdulwahid Ibn Haibatan, *Ibn Taymiyyah*, SUNNAH ONLINE, http://sunnahonline.com/library/biographies/154-taymiyyah [hereinafter Abu Safwan Farid Ibn Abdulwahid Ibn Haibatan]. *See also* Abdur-Rahman, *supra* note 32.

[322] U.S. Const. amend. I.

[323] Ward v. Rock Against Racism, 491 U.S. 781 (1989). In this regard, the application of rational basis scrutiny by federal courts was superseded by statute in the Religious Freedom Restoration Act (RFRA) and the Religious Land Use and Institutionalized Persons Act (RLUIPA). The applicable standard since these statutes were enacted is strict scrutiny. *See generally*, ERWIN CHEMERINSKY, CONSTITUTIONAL LAW: PRINCIPLES AND POLICIES 1017 (Wolters Kluwer 4th ed. 2011).

[324] Reed v. Town of Gilbert,_U.S._,135 S. Ct. 2218, 2227 (2015) at 2227- "Government regulation of speech is content based if a law applies to a particular speech because of the topic discussed or the idea or message expressed."; Rosenberger v. Rector and Visitors of Univ. of Va; 515 U.S. 819, 829 (1995)- finding that government discrimination among viewpoints is a "more blatant" and "egregious form of content discrimination."

2.1. Incitement of Illegal Activity

Gerald Gunther argues that, in 1969, the U.S. Supreme Court formulated "the most speech-protective standard yet evolved by the Supreme Court."[325] It is under this test that we intend to examine Taymiyyah's speech, and, in particular, whether the most extreme aspects of his fatwas can be banned either because they advocate illegal acts, or because they are used to encourage the overthrow of governments in order to establish a Caliphate. In *Brandenburg v. Ohio*,[326] the Supreme Court addressed the question of when the government may punish the advocacy of illegal activities.[327] In *Brandenburg*, one of the leaders of the Ku Klux Klan was convicted under Ohio's criminal law.[328] The "speech" at issue was a film, which included racist and anti-Semitic language, and a number of firearms.[329] The U.S. Supreme Court stressed that "constitutional guarantees of free speech and free press do not permit a state to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action."[330] Under the *Brandenburg* test,[331] speech may be forbidden only upon the establishment of two high-threshold conditions: first, if the speech "is directed to inciting or producing imminent lawless action . . . ," and second, if the speech "is likely to incite or produce such action."[332] The Court, however, has not articulated how exactly the concept of "imminence" is to be interpreted.[333]

In *Hess v. Indiana*,[334] the Supreme Court found that Hess's words ("'[w]e'll take the fucking street later,' or '[w]e'll take the fucking street again'") "amounted to nothing more than advocacy

---

[325] Gerald Gunther, Learned Hand and the Origins of Modern First Amendment Doctrine: Some Fragments of *History*, 27 STAN. L. REV. 719, 755 (1975).

[326] 395 U.S. 444 (1969).

[327] *Id.* at 448–49 (the Court declined to uphold an Ohio Statute that punished advocating illegal activity).

[328] *Id.* at 444–45.

[329] *Id.* at 445–46.

[330] *Id.* at 447.

[331] *Id.*

[332] *Brandenburg*, 395 U.S. at 447.

[333] *See id.* at 447–49 (discussing the difference between advocacy and the incitement of imminent lawless action, however, the Court does not provide us with a precise definition of "imminent").

[334] 414 U.S. 105 (1973).

of illegal action at some indefinite future time."[335] In other words, there was no evidence that Hess's "words were intended to produce, and likely to produce, *imminent* disorder. . . ."[336]

In light of the above, do Taymiyyah's words (a number of eight centuries old active fatwas used to justify violence against other subgroups) amount to the incitement of "imminent" lawless action that is likely to physically produce such action? It depends on how the term "imminent" is analyzed. Given the number of Jihadist groups who have cited and acted on some of Taymiyyah's fatwas to justify their actions, including Osama Bin Laden,[337] al-Nusrah Front,[338] and ISIS,[339] it would appear that Taymiyyah's speech satisfies the Supreme Court's two-prong test put forth in *Brandenburg* and *Hess*. However, even though Taymiyyah's speech has demonstrably produced many lawless actions, the actions likely have not been produced "imminently" after the speech.

2.2. Fighting Words

In this part, we investigate a related, though distinct, question. To what extent, if at all, does Taymiyyah's speech such as "their women are to be enslaved" encourage an audience, namely Salafi-Jihadists, to follow him into lawlessness? The Supreme Court has formulated two doctrines; (1) whether the speech is likely to provoke a violent response, and (2) when a speaker may be punished due to the reaction of his or her audience.[340] Given that Taymiyyah died a few centuries ago, we restrict our discussion to the first doctrine, or speech that is likely to provoke a violent response.

"Fighting words" is a class of words "which are likely to provoke the average person to retaliation, and thereby cause a breach of the peace."[341] In *Cohen v. California*,[342] the Supreme

---

[335] *Id.* at 107–08.

[336] *Id.* at 108–09 (emphasis in original).

[337] *See World Islamic Front*, *supra* note 30 (discussing Osama bin Laden's use of the fatwa to bring violence and kill Americans).

[338] *The Al-Nusra Front's Ideology*, CRETHI PLETHI (Sept. 23, 2013), http://www.crethiplethi.com/the-al-nusra-front-s-ideology/intelligence-terrorism-information-center/2013/.

[339] *See Ibn Taymiyyah: The Founder of ISIS*, ISLAMIC PHIL. (Dec. 9, 2015), http://islam.hilmi.eu/ibn-taymiyyah-the-founder-of-isis/ (describing the acts that ISIS has taken and justified using Taymiyyah's teachings).

[340] CHEMERINSKY, *supra* note 323, at 1033.

[341] Street v. New York, 394 U.S. 576, 592 (1969) (quoting Chaplinsky v. New

Court said that if the speech is directed to a specific person and is likely to provoke violent response, it may not be protected by the First Amendment.[343] In *R.A.V. v. Minnesota*,[344] a white 14-year-old minor burned a cross to intimidate a black family.[345] The boy was arrested and charged under Minnesota's criminal law, which made it illegal to place, on public or private property, racially-objectionable symbols, such as a burning cross, Nazi swastika, or other symbol likely to "arouse[] anger, alarm or resentment in others on the basis of race, color, creed, religion, or gender. . . ."[346] The Supreme Court overturned the conviction and concluded that the Minnesota law was unconstitutional because it violated the minor's First Amendment free-speech rights.[347] Still, the Supreme Court made it clear that certain forms of speech, such as fighting words,[348]

> are categorically excluded from the protection of the First Amendment [not because] their content communicates any particular idea, but [because] their content embodies a particularly intolerable (and socially unnecessary) mode of expressing whatever idea the speaker wishes to convey.[349]

According to the Court, the Minnesota law was too narrow because it only outlawed a certain type of content, in this case, racist hate speech.[350] This amounted to content-based discrimination and, thus, violated the First Amendment.[351] The Court seemed to be saying that a government may restrict speech without violating the First Amendment insofar as the restriction is based on the content-neutral method (or viewpoint neutrality).[352] The Supreme Court, however, also stressed the importance of "protecting individuals from the fear of violence, from the disruption that fear engenders, and from the possibility that the threatened violence will occur."[353] In this regard, it is

---

Hampshire, 315 U.S. 568, 574 (1942)).

[342] 403 U.S. 15 (1971).

[343] *Id.* at 20.

[344] 505 U.S. 377 (1992).

[345] *Id.* at 379.

[346] *Id.* at 380 (quoting St. Paul, Minn., Legis. Code § 292.02 (1990)).

[347] *Id.* at 395–96.

[348] Chaplinsky v. New Hampshire, 315 U.S. 568, 571–72 (1942).

[349] *R.A.V.*, 505 U.S. at 393 (emphasis omitted).

[350] *See id.* at 380 (stating that "we nonetheless conclude that the ordinance is facially unconstitutional in that it prohibits otherwise permitted speech solely on the basis of the subjects the speech addresses.").

[351] *Id.* at 396.

[352] *Id.* at 387.

[353] *Id.* at 388.

important to keep in mind that only true threats are outside the scope of the First Amendment's protection.[354]

3. Taymiyyah's Speech under the "Establishment Clause" & the "Free Exercise Clause"

In this part, before briefly analyzing Taymiyyah's fatwas under both the "Establishment Clause" and the "Free Exercise Clause," we ask a number of distinct, though related questions. What is a fatwa? Is it binding? If so, then Taymiyyah's fatwas represent an essential part of the Islamic faith and, thus, should be analyzed under both of the above-mentioned clauses.

The Journal of Islamic Researchers issued by the General Presidency of the Scientific Research and Fatwa in Saudi Arabia defines the term "fatwa" as a non-binding pronouncement issued by an expert in Sharia law.[355] The issuer of a fatwa (usually referred to as a "Mufti"), is not a judge.[356] As such, the implication of a given fatwa on the Muslim population rests mainly on the credibility of the cleric issuing it. Therefore, from a religious point of view, it is important to keep in mind that a fatwa is not binding.[357] The vast majority of prominent Salafi clerics, including the former grand muftis of Saudi Arabia, Abd Alaziz Bin Baz[358] and Salman Al-Odah,[359] support the view that,

---

[354] *See* Watts v. United States, 394 U.S. 705, 707–08 (1969) ("We agree with petitioner that his only offense here was 'a kind of very crude offensive method of stating apolitical opposition to the President.' Taken in context, and regarding the expressly conditional nature of the statement and the reaction of the listeners, we do not see how it could be interpreted [to be a threat].").

[355] *See generally The Definition of Fatwa*, J. ISLAMIC RESEARCHERS, http://www.alifta.net/Fatawa/fatawaDetails.aspx?View=Page&PageID=11756& PageNo=1&BookID=2 (last visited Jan. 6, 2017) (discussing the definition of a fatwa). *See also Fatwa*, *The Oxford Dictionary of Islam*, OXFORD ISLAMIC STUD. ONLINE, http://www.oxfordislamicstudies.com/article/opr/t125/e646 (last visited Jan. 6, 2017) [hereinafter *Fatwa, The Oxford Dictionary of Islam*].

[356] Shaykh Muhammad Hisham Kabbani, *Understanding Islamic Law*, ISLAMIC SUPREME COUNCIL OF AM., http://www.islamicsupremecouncil.org/ understanding-islam/legal-rulings/52-understanding-islamic-law.html (last visited Jan. 6, 2017) [hereinafter Shaykh Muhammad Hisham Kabbani].

[357] *Fatwa, The Oxford Dictionary of Islam*, *supra* note 355.

[358] *See generally 127 - Lecture Sheikh Abdul Aziz Bin Baz - Mercy of God: Fatwa Rulings and Literature*, https://archive.org/details/127-El_fetva_ ahkamuha_ve_adabuha-Muhadara (last visited Jan. 6, 2017) (showing the recorded lectures of Abdul Aziz Bin Baz, in which he discusses fatwas and literature, pointing out that "the fatwa is not obligatory. . . .").

[359] *See generally* DR. SALMAN AL-ODAH ENCYCLOPEDIA, http://salmana lodah.com/main/ (featuring many videos of Dr. Salman Al-Odah discussing fatwas and literature).

as an opinion related to a religious matter, it is up to a person's discretion to follow a given fatwa.[360] This is perfectly in line with Islamic norms and traditions. As important as they may be, fatwas are not included under one of five mandatory pillars of Islam,[361] nor are they enforceable as the Quran and the Sunnah of the Prophet are.[362]

Defining what is or what is not part of a given religion is anything but straightforward. What is clear, however, is that legal, political, sociological, philosophical, and moral views are *not* considered part of an individual's religion.[363] In *United States v. Seeger*,[364] in the course of defining "religious training and belief," the Supreme Court stated that "an individual's belief in relation to a Supreme Being involving duties superior to those arising from any human relation, but [not including] essentially political, sociological, or philosophical views or a merely personal moral code."[365] As to the definition of religion, the Court said:

> We believe that . . . the test of belief 'in a relation to a Supreme Being,' is whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption.[366]

Whether or not a view is considered religious, under this definition, however, is not clear. In the context of our discussion, this lack of clarity is not very problematic, since, at least from an Islamic point of view, the conventional wisdom is that fatwas are not binding, and, presumptively, do not represent a necessary part of the Islamic faith.[367]

Based on the characterization of a fatwa as a non-binding pronouncement, the Jihadist groups' adoption of controversial fatwas that justify violence against other identified groups appears to be out of "political convenience," rather than religious necessity. Simply put, despite their immense influence on Jihadi

---

[360] *Fatwa, The Oxford Dictionary of Islam*, *supra* note 355.

[361] *See Pillars of Islam*, *The Oxford Dictionary of Islam*, OXFORD ISLAMIC STUD. ONLINE, http://www.oxfordislamicstudies.com/article/opr/t125/e1859 (last visited Jan. 6, 2017) (explaining that the five pillars of Islam are faith, prayer, the zakah, fasting, and the pilgrimage).

[362] *See* Shaykh Muhammad Hisham Kabbani, *supra* note 356 (explaining that the Quran and the Sunnah are enforceable by law, while fatwas are not).

[363] United States v. Seeger, 380 U.S. 163, 165, 169 (1965).

[364] 380 U.S. 163 (1965).

[365] *Id.* at 165, 172.

[366] *Id.* at 165–66.

[367] Shaykh Muhammad Hisham Kabbani, *supra* note 356.

fighters, Taymiyyah's fatwas are not technically part of the "religion" of Islam and, thus, are not binding. Further, given that Taymiyyah was an Islamic scholar, not a divine figure, and that the focus of this essay has been on his call for the sever punishment of Muslims and non-Muslims who violate his very particular ideological code of conduct, rather than on the merit of his ideological views towards other faiths, we see no reason to address Taymiyyah's speech under the 'Establishment Clause" and the "Free Exercise Clause" any further.

4. Should Some Aspects of Salafism Be Banned from Social Media Platforms?

In light of the preceding discussion, in which we argued that Taymiyyah's fatwas are *not* binding and, thus, should not be treated as an essential part of the religion of Islam, the questions to be raised here are as follows. Should Taymiyyah's fatwas be classified as speech that incites illegal activities or fighting words? Does Taymiyyah's speech actually incite violence? Under the *Brandenburg* Test,[368] a flexible interpretation of the term "imminent" takes into account the accumulative effect of Taymiyyah's fatwas over centuries, and may open the door for the legal characterization of his speech as an incitement of violence. Under the *R.A.V. v. Minnesota* interpretation,[369] the Supreme Court seems to indicate that fighting words, threats of illegal conduct, and incitement intended to and/or likely to produce "imminent" illegal conduct are not protected forms of speech.[370]

The use of Taymiyyah's fatwas to justify the killing of some identified groups may be made a crime. It is illegal to make true threats and incite violence against anyone for any reason.[371]

---

[368] Brandenburg v. Ohio, 395 U.S. 444, 447 (1969); Samuel Wilson, *Can Jihadi Literature be Banned?*, THE THINK 3 INST. (June 13, 2016), http://think3institute.blogspot.com/2016/06/can-jihadi-literature-be-banned.html.

[369] *See* R.A.V. v. Minnesota, 505 U.S. 377, 383, 385, 386, 393 (1992) (adopting the "Fighting Words Doctrine," as described in *Chaplinksy*, and concluding that "fighting words" are generally outside the protection of the First Amendment).

[370] *Id.* at 385.

[371] *See* Beauharnais v. Illinois, 343 U.S. 250, 265–67 (1952) (noting the U.S. Supreme Court upheld a law that restricted the use of a statement that exposed racial or religious groups to hatred, unless the speaker could prove that the statement was true and was used with good motives and for justifiable ends. This view was later rejected); *see also* New York Times Co. v. Sullivan, 376 U.S. 254, 267 (1964) (arguing that the libelous accusation must concern a particular

Recall that, according to Taymiyyah, unless they repent, Muslims who do not pray are to be put to death.[372] He also called for the enslavement and killing of a number of ethnic minorities.[373]

Considering the very serious harms and wrongs committed against the intended groups, there seems to be room for holding clerics who present Taymiyyah's most extreme fatwas as part of the Islamic faith or advocates for their application accountable. This is seen, specifically, in Arabic-speaking social media where some clerics endorse those extreme fatwas, thereby endangering the lives of others.[374] As this essay has shown, Taymiyyah's fatwas instructing Muslims to kill and enslave others, has been adopted by Jihadist groups.[375] This adoption has demonstrably harmed the lives of other identified groups to such an extent that it might be desirable and compatible with the free speech exception, therefore allowing restrictions on access to his most extreme teachings.

It would appear that some of Taymiyyah's words could also be classified as "fighting words." The main goal of "fighting words" is to insult and incite hostility towards identified groups of people based on their religious or racial identity.[376] As Kent Greenawalt has argued, the aim of vilification is to wound and insult the audience, rather than to communicate a message.[377] As such, it is a form of "physical" assault.[378] Charles Lawrence agrees with Mr. Greenawalt.[379] The purpose of targeted vilification is "not to discover truth or initiate dialogue, but to injure the victim."[380] As the previously cited examples show, Taymiyyah's extreme speech goes well beyond mere epithets. His fatwas, very crudely, express evaluative opinions denigrating racial and religious minorities

---

person).

[372] Abdur-Rahman, *supra* note 32.

[373] *Id.*

[374] *See supra* Section I, Introduction (describing situations where ethnic minorities were cruelly and viciously killed by Salafist-Jihadist groups, like ISIS and al-Nusrah Front, oftentimes with the help of social media).

[375] Tom Heneghan, *Muslim Scholars Recast Jihadists' Favorite Fatwa*, REUTERS (Mar. 31, 2010), http://www.reuters.com/article/us-islam-fatwa-vio lence-idUSTRE62U0VU20100331.

[376] Abdur-Rahman, *supra* note 32.

[377] KENT GREENAWALT, FIGHTING WORDS: INDIVIDUALS, COMMUNITIES, AND LIBERTIES OF SPEECH 49 (1995).

[378] *Id.*

[379] Charles R. Lawrence III, *If He Hollers Let Him Go: Regulating Racist Speech on Campus*, DUKE L. J. 431, 452 (1990).

[380] *Id.* at 452–53.

and calling for all kinds of harms against them, including enslavement and extermination.[381] A thorough review of Ibn Taymiyyah's denigrating vocabulary clearly indicates that his intentions were not to communicate particular evaluative opinions. Had Taymiyyah been interested in any type of dialogue, he would have used a different type of terminology. More significant is the fact that Taymiyyah's targeted audience has no way of avoiding his religious vilification.

Still, some emotive expressions might be protected under the First Amendment. Do Taymiyyah's speeches qualify under the applicable standard? In *Cohen v. California*,[382] the U.S. Supreme Court ruled that,

> [Much] linguistic expression serves a dual communicative function: it conveys not only ideas capable of relatively precise, detached explication, but otherwise inexpressible emotions as well. In fact, words are often chosen as much for their emotive as their cognitive force. We cannot sanction the view that the Constitution, while solicitous of the cognitive content of individual speech, has little or no regard for that emotive function which, practically speaking, may often be the more important element of the overall message sought to be communicated.[383]

If our analysis of Taymiyyah's targeted vilification is to be accepted, accepting that his intentions are to insult and intimidate, rather than to communicate, then the Supreme Court's ruling in *Cohen v. California* is unlikely to apply to Taymiyyah's low-cognitive-content speech.

Taymiyyah's examined fatwas represent a classic case of religious hate speech. He expressed equal dislike and hatred of all ideologically different groups, including Muslims who did not adhere to his interpretation of faith.[384] After presenting his abusive and insulting views, he called for action, or the killing and enslaving of the targeted groups.[385] Taymiyyah singled out groups of individuals on the basis of certain characteristics or beliefs.[386] He treated the targeted groups with contempt and even demonized them.[387] Taymiyyah perceived Muslims who did not

---

[381] Abdur-Rahman, *supra* note 32.

[382] 403 U.S. 15 (1971).

[383] Cohen v. California, 403 U.S. 15, 26 (1971).

[384] Abu Safwan Farid Ibn Abdulwahid Ibn Haibatan, *supra* note 321.

[385] *Id. See also supra note 32.*

[386] *Id. See also supra note 32.*

[387] *Id.*

adhere to his ideology as an enemy within the religion of Islam, and, consequently, declared war on them.[388] It is exactly this narrow, exclusive, and confrontational ideology that has given birth to breeds of Jihadists.

Adapted by Wahhabis as the only authentic interpretation of the spirit of Islam, this kind of extreme speech has encouraged a climate of intolerance in which, over time, all different ideologies will come to be demonized, and their discriminatory treatment accepted as the norm.[389] Social media has accelerated the process of radicalization to a frightening extent. Hundreds of thousands of videos and Facebook pages, each individually-trivial but together cumulatively-powerful, have successfully poisoned the minds of a sizable portion of the Muslim community in the world, particularly in the Middle East.[390] As such, for Salafists, ridiculing, mocking, and showing extreme hostility towards others has become a common practice.[391]

The Wahhabi ideology has a serious impact on the public support for the law. It created a climate of social hostility toward any interpretation of Islam that did not adhere exactly to the Quran and the Sunnah.[392]

There is mounting evidence that Taymiyyah's interpretation of faith has already gained significant official and public support, especially in the Middle East.[393] The demonstrably catastrophic consequences of ISIS's advancement of exclusionary and elimination policies are all too obvious. Should the concerns in curbing the foreseeable consequences of allowing such extreme speech to spread even further be accepted to justify the restrictions on access to some of Taymiyyah's speech under the First Amendment?

---

[388] *Id.*

[389] *See* Lewis, *supra* note 13; Nordland & Kadri, *supra* note 15; *Ibn Taymiyyah*, *supra* note 29; Westall, *supra* note 17; Yadron, *supra* note 27 (listing examples of hate speech, discrimination, and overall intolerance).

[390] Mauro, *supra* note 24 (one study shows that around 42 million people in the Middle East support ISIS).

[391] Livesey, *supra* note 22.

[392] Dominic Casciani, *The Imam Killed Because He Wasn't "Muslim Enough"*, BBC NEWS (Sept. 16, 2016), http://www.bbc.com/news/uk-37391144.

[393] *See generally* Mauro, *supra* note 24 (discussing the enormous following of ISIS supporters in the Middle East).

4.1. Banning: Costs versus Benefits Analysis

Steven Shiffrin argues that regulating hate speech does not chill the marketplace of ideas.[394] The First Amendment values, such as discovery, truth, self-fulfillment, and liberty, are not very persuasive grounds for choosing not to regulate hate speech. As such,

> Speech *targeted* at members of historically oppressed racial groups which insults on the basis of race ought to be punished; individuals deserve redress for what is intended and felt as particularized injury even if racist speech regulations are symbolically ineffective or even counterproductive. But government intervention against *nontargeted* racist speech depends on a judgment that it will effectively promote—or even institute—an antiracist public morality in our culture.[395]

Mr. Shiffrin also argues that we should be more focused "on the empirical costs and benefits of racist speech regulations and less on the all-too-frequently exaggerated First Amendment values."[396] The lack of regulations might, in fact, encourage "racial hostility *without sufficient compensating advantages*."[397]

It would appear that the constitutional boundaries of the doctrine of free speech make it possible for the government to suppress speech that causes harm that the government may legitimately prevent.[398] James Weinstein suggests three criteria to determine the purpose of regulating free speech,

> whether the speech is on a matter of public concern . . . whether the speech occurs in a setting dedicated to public discourse or in a medium essential to such discourse, and . . . whether the nature of the regulation raises or dispels suspicion that it has been enacted for some purpose contrary to core free speech values.[399]

Frederick Schauer, however, provides a much cautious approach. Demanding a more stringent standard of justification for the restriction of speech, he argues that "[u]nder a Free Speech Principle, any governmental action to achieve a goal . . .

---

[394] STEVEN H. SHIFFRIN, DISSENT, INJUSTICE, AND THE MEANINGS OF AMERICA 124–25 (Princeton University Press 1st ed. 1999).

[395] *Id.* at 86.

[396] *Id.*

[397] *Id.* at 83.

[398] KATHLEEN ANN RUANE, CONG. RESEARCH SERV., FREEDOM OF SPEECH AND PRESS: EXCEPTIONS TO THE FIRST AMENDMENT 5 (2014).

[399] JAMES WEINSTEIN, HATE SPEECH, PORNOGRAPHY, AND THE RADICAL ATTACK ON FREE SPEECH DOCTRINE 49 (Westview Press 1999).

must provide a stronger justification when the attainment of that goal requires the restriction of speech than when no limitations on speech are employed."[400]

Taymiyyah's Salafism is an "anti-free speech movement."[401] The lack of restrictions might, in fact, encourage Salafist racial and ideological hostility without sufficient compensating advantage. If anything, restricting Salafi-Jihadi clerics does open the door for a much-needed discussion about what Islam is, as opposed to chilling the marketplace of ideas.

VI. CAN SOCIAL MEDIA POLICIES BE IMPROVED UPON?

Are the current policies implemented by Internet intermediaries effective at combating the spread of Jihadist ideology? If the answer is no, and based on radical Jihadists' latest experience in Syria, it is possible to create other strategies, the implementation of which would enable Internet intermediaries to play a more effective role in tackling the surge of extremism.

Salafi-Jihadism is an ideology, not an organization.[402] Targeting groups such as Al-Qaeda, ISIS, al-Nusrah Front, and other like-minded groups or eliminating their leaders may slow them down, but certainly will not stop them.[403] In the digital world, things are even more complicated. Looking for offensive or Salafi-Jihadi propaganda posts or videos on YouTube or Facebook is like looking for a needle in a haystack. Once identified, closing down an offender's account is ineffective

---

[400] FREDERICK SCHAUER, FREE SPEECH: A PHILOSOPHICAL ENQUIRY 7–8 (Cambridge University Press 1982).

[401] *See generally* Hassan, *supra* note 275 (exploring the evolution of the Islamic State's ideology and "discuss[ing] broader themes relevant to the group's ideology to explain the origins of the Islamic State's violent and exclusivist vision.").

[402] *See* Moghadam, *supra* note 274 (interpreting the nature and function of Salafi-Jihadism as an ideology).

[403] A newly released study by the Centre on Religion & Geopolitics indicates that at least 15 other Jihadist groups are ready to take ISIS's place. *See Centre on Religion & Geopolitics, Informed Analysis on the Interaction of Religion and Conflict Globally*, TONY BLAIR FAITH FOUND. (Oct. 28, 2016), http://tonyblairfaithfoundation.org/religion-geopolitics; *see also* Tony Blair, *World Leaders Must Stand Up to Islamist Extremism Now*, CNN (Oct. 26, 2016), http://edition.cnn.com/2016/10/26/opinions/defeat-religious-extremism-tony-blair-op-ed/index.html ("The movement's leaders and ideologues are often highly educated. . . . If we can understand, discredit and disrupt their ideology, then we can undermine the very foundations on which this global movement is built.").

because another account could easily be opened, not to mention the fact that online offenders are in the habit of opening a large number of online accounts simultaneously.[404] Further, once published on YouTube, removing Salafi propaganda videos does not always have much of an impact.[405] Salafi users are aware that an offensive post may not last forever online, so they often download it to their personal computers or mobile phones so the post can be shared again if or when needed. This is why a new preventative method is needed.

Salafi-Jihadist groups use social media as an indispensable stage for publicity. A question to raise is, how can legitimate and spiteful uses of social media be differentiated? In other words, is it technically possible to identify Salafi propaganda posts or videos and prevent them from being uploaded to social media in the first place?

It is fair to say that Internet intermediaries have a clear interest in restricting and, in some cases, even preventing access to users or organizations that might use their platforms to incite hatred or violence. This would preserve the reputation of their websites as safe places, not only for socializing but also for doing business. Evidently, users sometimes blame Internet intermediaries for not doing enough to curb the use of its technology by Jihadist groups.[406] San Bernardino's latest incident, in which 14 people were killed and 22 people were seriously injured in a terrorist attack at the Inland Regional Centre, is a good example where Facebook was faulted for not doing more to stop the perpetrators, Syed Farook and Tashfeen Malik, the task of which is clearly beyond Facebook's ability and is, also, financially unattractive to implement.[407] Facebook was

---

[404] *See* Higham, *supra* note 248 ("As soon as one site or account is taken down, another pops up. As soon as one platform starts aggressively monitoring terrorist content, militants migrate to another."); *see also Sheikh Abdullah Mhaisni Dialogue with the State Group*, JUSTPASTE.IT, https://justpaste.it/jwvc (an Arabic webpage with the sole aim of disseminating Mhaisni's speeches and views on Jihad and other related materials).

[405] This is because the Islamic State and other like-minded organizations provide their followers with technical advice on how to spread and download, often different quality, propaganda videos (how to speed up a download, for example). *See* Cloherty*, supra* note 279 (discussing an "electronic jihad" informational video made by Al-Qaeda).

[406] *See* Higham, *supra* note 248 (claiming that some lawmakers and government officials criticize online and social media companies for "not going far enough" in trying to stop the spread of terrorist groups' violent propaganda).

[407] Adam Goldman & Mark Berman, *FBI: San Bernardino Attackers Didn't Show Public Support for Jihad on Social Media*, WASH. POST (Dec. 16, 2015),

blamed despite the fact that the attackers in San Bernardino did not, in fact, post about Jihad on social media.[408] Instead, they expressed support for martyrdom using private direct messages.[409]

Internet intermediaries, such as YouTube and Facebook, are not required to inspect the entire content of materials posted on their websites.[410] For this reason, unless reported by users, their ability to determine whether a particular post incites violence or constitutes a religious hate speech is limited. Even if YouTube and Facebook were able to inspect the content of their websites, in many instances[411] they likely would not have had the expertise to determine whether a particular post or video was in fact religious speech or Salafi-Jihadist material designed to incite violence. The identification and ultimate elimination of Jihadist propaganda postings and videos on social media will require human inspection of carefully selected posts and videos, as well as a good degree of expertise on the part of the inspectors.[412] To this end, we provide the following recommendations, particularly for Arabic social media platforms.

> 1. Beef up Community Standards in Arabic. For instance, in a single A4 page, Facebook translated its Community Standards into Arabic.[413] For Arabic-speaking social media users, this translation does not make much sense. Based on our previous

---

https://www.washingtonpost.com/news/post-nation/wp/2015/12/16/fbi-san-bernardino-attackers-didnt-show-public-support-for-jihad-on-social-media/ [hereinafter Goldman & Berman]; Greenberg, *supra* note 281.

[408] Goldman & Berman, *supra* note 407 (according to FBI Director James B. Comey, "[t]he two attackers who opened fire in San Bernardino . . . had not posted publicly on social media sites about supporting jihad. . . .").

[409] *Id.* (also according to Mr. Comey, "The husband-and-wife duo were 'showing signs in their communication of their joint commitment to jihad and to martyrdom' through private messages, rather than publicly posting. . . .").

[410] 17 U.S.C.A. § 512(m) (West, Westlaw through Pub. L. No. 114–254).

[411] *World Islamic Front*, *supra* note 30 (citing statements from Osama bin Laden and his associates that "purport[] to be a religious ruling (fatwa) requiring the killing of American, both civilian and military.").

[412] *See generally* Mubaraz Ahmed & Fred Lloyd George, *A War of Keywords: How Extremists are Exploiting the Internet and What to Do About It*, CENTRE ON RELIGION & GEOPOLITICS 41–42 (2016), http://tonyblairfaith foundation.org/sites/default/files/War-of-Keywords.pdf (suggesting "strategies of counter-insurgency and their application online," including the integration and communication between government agencies and intelligence groups).

[413] Facebook Arabia, *Facebook's Community Standard*, FACEBOOK https://www.facebook.com/FacebookArabia/app/203351739677351/ (last visited Jan. 6, 2017).

discussion regarding the perceptions of the term "offensive,"[414] and considering that Salafi groups often characterize violence as holy Jihad, Facebook, perhaps, should provide a tailor-made Community Standards in Arabic to reflect these issues. Twisting carefully-selected hadiths (sayings) by the Prophet or citing controversial fatwas to advance a political cause via Jihad should not be tolerated.

2. Assume a more progressive role. Recall that, in some cases, the current user report policy is sometimes ineffective in removing offensive materials.[415] Therefore, social media should play a more active role in monitoring Arabic pages and videos that contain ethnically-offensive materials (usually used to incite Jihad), as opposed to relying on users' own initiatives to report what they perceive as an offensive content. For example, Facebook should keep an eye on pages with even a dozen or so followers. Salafi-Jihadism, after all, is a grassroots movement.

1. How Effective is Google's New Two Pilot Program Strategy?

Preventing Salafi-Jihadist propaganda materials from being uploaded to social media is necessary if we are to effectively rein in the spread of this radical ideology. To a certain extent, this is an achievable task. Identifying uploaded videos, which are potentially harmful, might be technologically-challenging.[416] Other types of potentially harmful materials, such as images and documents, might be easier to track and prevent from being uploaded.[417] Therefore, removing damaging materials immediately after they are uploaded seems to be the second best tenable option. This task, however, is far from being straightforward. It requires a full and comprehensive understanding of the Salafi ideology and Arabic terminology. Most recently, Google has announced a new initiative to direct extremist searches towards anti-radicalization websites.[418] This

---

[414] *See supra* text accompanying notes 247–49 ("The lack of actual or red flag knowledge makes the task of monitoring Salafi-Jihadist activity on social media, particularly the content that is in the Arabic language, a difficult one.").

[415] *See* Higham, *supra* note 248 (discussing Facebook's heavy reliance on their 1.4 billion users to report suspected terrorist content).

[416] *Id.* (identifying the challenges of removing offensive images and videos).

[417] *See generally How Can I Proactively Moderate Content Published on My Page?: Blocking Words*, FACEBOOK, https://www.facebook.com/help/131671940241729 (last visited Jan. 6, 2017) (providing advice and instructions on how to block certain words from appearing on one's page).

[418] Ben Quinn, *Google to Point Extremist Searches Towards Anti-Radicalisation* [sic] *Websites*, THE GUARDIAN (Feb. 2, 2016), https://www.the guardian.com/uk-news/2016/feb/02/google-pilot-extremist-anti-radicalisation-

is a very good first step. According to this initiative, counter-radicalization videos will be more discoverable on YouTube than extremist videos.[419] Further, when users put potentially damaging search terms into Google, they will find the "counter narrative."[420] By the same token, a selected number of non-governmental organizations will be allowed to place counter-radicalization adverts against search queries of their choice.[421]

However, for a number of reasons, Google's two pilot programs' strategy is likely to have a modest impact. Recall that Al Qaeda, ISIS, and the would-be radical Jihadist are all the offspring of the Salafi-Jihadi interpretation of Islam with Taymiyyah's views leading the efforts.[422] His books and fatwas are available online, mostly in Arabic.[423] By most Arab Salafi clerics, Taymiyyah is referred to as sheikh Al-Islam (the most prominent scholar in Islam).[424] Any counter-radicalization initiative therefore would have little impact on Arabic-speaking social media users. And this is where the real problem lies. For information about Islam in general or Jihad in particular, Salafi followers or the would-be followers are likely to seek the advice of well-known Arab Salafi Jihadi clerics, who are often considered authoritative, as opposed to online materials issued by "suspicious" non-governmental organizations in London or New York.[425] To make the matter worse, as a study shows, the number of Salafi-leaning television broadcast stations has more than tripled recently.[426] Most of these stations keep a strong presence on social media and provide all kinds of advice based on Taymiyyah's Salafi-Jihadi ideology.[427]

---

information.

[419] *See id.* ("[Google is] running two pilot programmes [sic]. One is to make sure that these types of videos are more discoverable on YouTube.").

[420] *See id.* ("The other [pilot program] is to make sure when people put potentially damaging search terms into [Google's] search engine[,] they also find this counter narrative.").

[421] *See id.* (referring to a pilot scheme that will "enable NGOs to place counter-radicalisation [sic] adverts against search queries of their choosing.").

[422] Abdur-Rahman, *supra* note 32.

[423] *See generally Ibn Taymiyyah*, ASHABULHADEETH.COM, https://asha bulhadeeth.com/books/authors/ibn-taymiyyah (last visited Jan. 6, 2017) (presenting a compiled list of Taymiyyah's works).

[424] *The Aqeedah of Shaykh Al-Islam Ibn Taymiyah* [sic] *and the Praise of the Imams for Him and Ibn Hajar's Attitude Towards Him*, ISLAM QUESTION AND ANSWER (Oct. 24, 2016), https://islamqa.info/en/96323.

[425] Abdur-Rahman, *supra* note 32.

[426] *Religious Channels Fueling the Conflict in the Middle East*, *supra* note 105.

[427] *See supra* notes 115–16 and accompanying text (providing a list of Arabic

Obtaining information about "potentially damaging search terms," even with the implementation of Google's new strategy, is unlikely to be a problem.[428] The Arabic language is very colorful and rich. The number of terms and phrases that could be used to obtain information related to Jihad could be very high. For instance, the use of a single Arabic term on YouTube, "Al-Engemaseen," which is a type of multi-task suicide fighter, yields 9,960 results.[429] Apart from a few news reports and documentaries, Salafi-Jihadist propaganda videos make up the lion's share of the results.[430] Conducting a google search for the name of a well-known Salafi-Jihadi cleric, who has publicly and repeatedly called for Jihad and stressed the importance of financing the Mujahedeen, produces 591,000 results, including the video during which he called for Jihad, with that video having been watched more than one million times![431] Finally, using google to search the Arabic metaphoric term "Almanara Albeda" (which stands for "The White Lighthouse," a media platform for al-Nusrah Front, an Al-Qaeda affiliated organization) produces 5,880 hits, the majority of which, in one way or another, are Jihad-related propaganda videos.[432] Keeping the above information in mind, the impact of Google's most recent "counter narrative" strategy is likely to be limited to few would-be Salafi English-speaking individuals.

An effective strategy needs to deal with the cause of the problem head on. To this end, a comprehensive study of Salafi ideology, including all of Taymiyyah's publications, is needed to identify and build up a sophisticated database of principles, common fatwas, and phrases that are used in the Arabic

---

Salafi religious television stations and social media platforms).

[428] Quinn, *supra* note 418.

[429] YOUTUBE, https://www.youtube.com/results?search_query=%D8%A7%D9%84%D8%A7%D9%86%D8%BA%D9%85%D8%A7%D8%B3%D9%8A%D9%8A%D9%86 (last visited Jan. 6, 2017) (displaying the 9,960 results for the search term "Al-Engemaseen" on YouTube, with the overwhelming majority of them being Salafi-Jihadist propaganda videos).

[430] *Id.*

[431] *See* العريفي محمد الشيخ, YOUTUBE, https://www.youtube.com/results?search_query=%D8%A7%D9%84%D8%B4%D9%8A%D8%AE+%D9%85%D8%AD%D9%85%D8%AF+%D8%A7%D9%84%D8%B9%D8%B1%D9%8A%D9%81%D9%8A&page=5 (last visited Jan. 6, 2017) (showing the search results and view counts on YouTube); Alarifi, *supra* note

[432] *See* البيضاء المنارة, YOUTUBE, https://www.youtube.com/results?search_query=%D8%A7%D9%84%D9%85%D9%86%D8%A7%D8%B1%D8%A9+%D8%A7%D9%84%D8%A8%D9%8A%D8%B6%D8%A7%D8%A1 (last visited Jan. 6, 2017) (showing the search results for البيضاء المنارة).

language by Salafi groups on religious television stations and social media to attract potential recruits or to incite hatred or violence. This is a challenging but manageable task. A quick review of Salafi literature on Arabic-speaking religious television broadcasts and social media reveals the use of a set of degrading terms and phrases that are almost all traceable to a single source, Taymiyyah's book of fatwas. That is why we propose that a selected number of Taymiyyah's fatwas become banned from the Internet.

This, however, is not the end of the story. Recall that for Salafi celebrities and television stations, being radical is not only fashionable, but, equally important, makes business sense.[433] This is why it is time to deal with Salafi-Jihadism as a "branding" strategy. In other words, we should become more focused on reducing the commercial benefits of Salafi-Jihadi speech on social media, and less on the all-too-frequently exaggerated ideological values. From this standpoint, treating Salafism on social media as a business makes sense. Restricting the presence of key clerics and organizations that seek to incite hatred, violence, and ethnic intolerance, such as WESAL and SAFA TV, on social media might be useful. While the ideological impact of banning a number of fatwas or phrases is uncertain, by removing materials that glorify and spread the contents of these radical fatwas from social media, Salafi clerics and Arabic religious television stations would have something to think about.

With the above in mind, we suggest the building of a radical Jihad "Social Media Watchlist" that includes the names of key Salafi-Jihadist clerics, Salafi-leaning television stations, and Taymiyyah's common fatwas. Secondly, we propose two alternative technical solutions, the implementation of which would greatly enable the efficient removal of Salafi propaganda videos or posts. To these technical solutions we shall now turn our attention.

---

[433] *See* Nick Meo et al., *Middle East Protests: Meet the Hardline "Tele-Islamist" Who Brought Anti-Islam Film to Muslim World's Attention*, TELEGRAPH (Sept. 15, 2012), http://www.telegraph.co.uk/news/worldnews /africaandindianocean/egypt/9545515/Middle-East-protests-meet-the-hardline-tele-Islamist-who-brought-anti-Islam-film-to-Muslim-worlds-attention.html (discussing that Islamic videos and films lead to higher ratings).

2. *Two Technical Approaches to Combating Religious Extremists' Activities on Social Media*

Based on our preceding discussion, in this section we outline two promising technical approaches that can empower private companies and relevant federal agencies to reduce religious extremist groups' presence and impact on social media in an economically-viable way.

2.1 Automatic Content Filtering by Content Analysis & Mining Algorithms

Immediately after a user uploads a document, picture, or video onto a social media platform, a backend engine equipped with a series of state-of-the-art computational content analysis algorithms can be deployed to analyze the types of topics latent in the uploaded material.[434] Such content-based filtering and screening would enable social media platforms to discover materials intentionally mislabeled by extremists in their attempt to circumvent the traditional keyword or text-matching-based detection mechanism. For multimedia materials, speech recognition methods,[435] optical character recognition methods,[436] and content-based image understanding techniques[437] can all be deployed. The detected signals from each of the above multimedia channels can also be communicated across

---

[434] *See generally* H. Andrew Schwartz & Lyle H. Ungar, *Data-Driven Content Analysis of Social Media: A Systematic Overview of Automated Methods*, AM. ACAD. POL. & SOC. SCI., 78, 78–79 (2015) (discussing the use of content analysis in social media).

[435] Matt Jones et al., *We Need to Talk: HCI and the Delicate Topic of Spoken Language Interaction*, CHI 2013 EXTENDED ABSTRACTS 2459, 2459–64 (2013); Cosmin Munteanu & Gerald Penn, *Speech-Based Interaction: Myths, Challenges, and Opportunities*, CHI'15 EXTENDED ABSTRACTS 2483, 2483–84 (2015); Junlan Feng et al., *Speech and Multimodal Interaction in Mobile Search*, WWW 293, 293–94 (2011).

[436] Mohammad Tanvir Parvez & Sabri A. Mahmoud, *Offline Arabic Handwritten Text Recognition: A Survey*, 45 ACM COMPUTING SURV., at Article 23:1–28 (2013); Inad Aljarrah et al., *Automated System for Arabic Optical Character Recognition with Lookup Dictionary*, 4 J. EMERGING TECHNOLOGIES IN WEB INTELLIGENCE 362, 362–369 (2012); Takahiro Shima et al., *Image Processing for Historical Newspaper Archives*, HIST. DOCUMENT IMAGING AND PROCESSING 127, 132 (2011).

[437] Dong Xu et al., *Understanding Multimedia Content Using Web Scale Social Media Data*, KOREA ADVANCED INST. OF SCI. & TECH., 1777, 1777–78 (2011); Sihyoung Lee et al., *Towards Data-Driven Estimation of Image Tag Relevance Using Visually Similar and Dissimilar Folksonomy Images*, SAM'12 3, 3–7 (2012).

channels[438] to boost the performance of automatic topic detection from user-uploaded material through an ensemble of the aforementioned algorithms working together collectively and collaboratively.[439]

Leveraging the same backend content filtering engine, social media platforms can also automatically aggregate multiple files separately-updated by one or multiple users independently, according to the content similarities between those files.[440] As discussed earlier, one strategy employed by religious extremists is to upload the same file onto multiple social media pages, such that each page would not appear massively popular and attract unwanted attention by the general Internet user population and social media content inspectors.[441] We argue that, even though it is affordable for extremists to upload the same file, which may be a document, image, or video, onto multiple webpages on social media through one or multiple user accounts, it would not be feasible for these extremists to produce a multitude of videos with significantly different content by uploading them onto each webpage separately. Therefore, by detecting duplicate or nearly duplicate content on social media,[442] through the aforementioned algorithmic engine for automatic content analysis, computers can comprehensively and systematically aggregate otherwise isolated user behaviors associated with multiple copies of essentially the

---

[438] Yang Yang et al., *Robust Cross-Media Transfer for Visual Event Detection*, MM'12 1045, 1045–48 (2012) [hereinafter *Robust Cross-Media Transfer for Visual Event Detection*]; Yueting Zhuang et al., *Cross-Media Hashing with Neural Networks*, MM'14 901, 901–04 (2014); Yang Yang et al., *Effective Transfer Tagging from Image to Video*, ACM TRANS. MULTIMEDIA COMPUT. COMMUN. APPL. 1, 1–2 (2013) [hereinafter *Effective Transfer Tagging from Image to Video*].

[439] *Robust Cross-Media Transfer for Visual Event Detection*, *supra* note 438; Zhuang, *supra* note 438; *Effective Transfer Tagging from Image to Video*, *supra* note 438.

[440] Xiangming Mu, *A Content-Based Video Browsing System Based on Visual Neighbor Similarity*, JCDL'06 373, 373 (2006); Henrique Batista da Silva et al., *Video Similarity Search by Using Compact Representations*, SAC 80, 80–83 (2016).

[441] Lifeng Shang et al., *Real-Time Large Scale Near-Duplicate Web Video Retrieval*, MM'10 531, 531–40 (2010).

[442] Junge Shen et al., *Automatic Video Archaeology: Tracing Your Online Videos*, WSM'10 59, 59–64 (2010); Tianlong Chen et al., *Detection and Location of Near-Duplicate Video Sub-Clips By Finding Dense Subgraphs*, MM'11 1173, 1173–76 (2011); Heng Tao Shen, *Statistical Summarization of Content Features for Fast Near-Duplicate Video Detection*, MM'07 164, 164–65 (2007); Sakrapee Paisitkriangkrai et al., *Scalable Clip-Based Near-Duplicate Video Detection with Ordinal Measure*, CIVR'10 121, 121–28 (2010).

same material to produce a consolidated view of content request and consumption for more effective content screening and surveillance.[443]

2.2 Examining Collective Content Consumption Behaviors on Social Media to Detect Documents, Pictures, and Videos Posted by Religious Extremists.

Religious extremists post content on social media for the sake of attracting the attention of and the eventual viewing of such content by their targeted audience. Regardless of the measures employed by these extremists to disguise the nature of such content on social media, the goal of these actions itself determines that the posted content needs to somehow find its way to reach the audience and be consumed. Therefore, we propose to detect content posted by religious extremists by observing and analyzing the information propagation pathways and consumption patterns on social media through an automatic and algorithmic approach. Compared with the current self-reporting based practice, the computational approach can react more efficiently to detect content of concern even when the targeted audience chooses not to cooperate with the social media platform.

The main idea can be intuitively described as follows, it is technically feasible and affordable for any social media company to collect and observe Internet Protocol addresses (IP addresses) of users that demand a piece of concerned content across time.[444] Such content demand and consumption patterns can be represented as a profile of collective community response to and consumption of the content.[445] We argue that such profiles can be used as effective digital signatures to recognize the true nature of a piece of content. Let us assume that Video X has content that has been carefully disguised by religious extremists before its public posting, such that its title, description, and labels reveal no useful information about its true content. Because of these tactics, which are indeed employed by extremists today, existing

---

[443] Shen, *supra* note 442; Chen, *supra* note 442; Shen, *supra* note 442; Paisitkriangkrai, *supra* note 442.

[444] Brian E. Carpenter, *IP Addresses Considered Harmful*, 1–7 (Nov. 11, 2013), https://www.cs.auckland.ac.nz/~brian/IPAddressesConsideredHarmful.pdf.

[445] Zhe Zhao et al., *Improving User Topic Interest Profiles by Behavior Factorization*, WWW'15 1406, 1406–16 (2015).

content-based video screening technologies[446] stand little chance to detect Video X from among other publicly listed content on social media. Yet Video X is not an ordinary video after all. Instead of aiming to entertain the public through popularly-requested decent content such as sports, music, and shows, Video X tries to spread religious extremism. Due to such fundamental characteristics of Video X, the proposed technical approach thus attempts to reversely infer the content of Video X based on the reaction of its audience, both spatially and temporally. Next, we will discuss a few implementation plans, in progressive sophistication and discriminative power as well as increasing computational costs.

To achieve the above goal, different user-demand-profiling approaches can be explored and exploited.[447] For example, we can pre-divide a region of the whole world into a list of areas. We denote these divided areas as A_1, A_2, . . . , A_n, where "n" is the total number of such areas. We would like to defer the discussion regarding how to divide the whole world into a list of areas to later.[448] At any given moment of time, which is assumed to be "t," we further introduce the variable, $D(X, A_i, t)$, to denote the aggregate demand of Video X from the area, "A_i." Such demand can be quantitatively characterized as the number of unique IP addresses that belong to the region A_i and from which Video X is requested during the moment of time in question. Considering the fact that some local network configuration techniques will allow multiple computers to share a common external IP address for web browsing, we can alternatively use the total volume of

---

[446] Shicheng Xu et al., *Incremental Multimodal Query Construction for Video Search*, ICMR'15 675, 675–78 (2015); Shoou-I Yu et al., *Content-Based Video Search Over 1 Million Videos with 1 Core in 1 Second*, ICMR'15 419, 419–26 (2015); Xian-Sheng Hua & Guo-Jun Qi, *Online Multi-Label Active Annotation: Towards Large-Scale Multimedia Annotation*, MM'08 141, 141–50 (2008); Lu Jiang, *Web-Scale Multimedia Search for Internet Video Content*, WSDM'16 311, 311–15 (2016).

[447] *See generally* F. Esposito et al., *Evaluation and Validation of Two Approaches to User Profiling*, DPT. OF INFO., U. OF BARI (machine-automated user profiling systems may be adopted to process the ever-growing mass of Internet data).

[448] *See infra* p. 56 (briefly, methods for determining these regions could include mapping by existing national boundaries, adopting recommendations of internet domain experts, and using computer programs to map regions based on content requests).

network traffic requested by IP addresses belonging to the region Ai and concerning Video X as the value assignment for D(X, Ai, t).

Employing the above representation, we will be able to construct Video X's demand and consumption vector (DV) at the moment "t" is DV(X, t)=[D(X, A1, t), D(X, A2, t), . . . , D(X, An, t)]. This vector provides a snapshot regarding how Video X is requested and consumed at "t." Even though examining the vector, DV(X, t), alone can only inform us of the popularity of Video X at moment "t" at different geographical regions, when we examine the temporal evolution of the vector, much valuable insight can be gained regarding the true nature of the content carried by Video X. Let t+1 denote a subsequent moment in time immediately after the moment "t." When we analyze the series of vectors DV(X, t), DV(X, t+1), DV(X, t+2), . . . it would be possible to systematically and comprehensively tell the changes of the popularity of Video X in each region, both absolutely and relatively. Such absolute and relative changes of Video X's popularity across time can be adopted as effective digital signatures for our computational video content detection purpose, the detail of which will be discussed below.[449]

With the aid of domain experts, it shall be possible to collect, in advance, a set of example videos that are considered "propaganda" by religious extremists. For each video, we can construct a vector that records the community demand and consumption of its content across time following the procedure proposed above. Without the loss of generality, we assume Video Y is one such example video, for which its series of video demand and consumption vectors across time is DV(Y, t'), DV(Y, t'+1), DV(Y, t'+2), . . . where t' denotes a certain moment of observation. According to the two series of video demand vectors, we can construct Video X and Video Y's absolute demand vectors for a given area using "Ai" as DV(X, Ai, t)=[D(X, Ai, t), D(X, Ai, t+1), D(X, Ai, t+2), . . .], and as DV(Y, Ai, t')=[D(Y, Ai, t'), D(Y, Ai, t'+1), D(Y, Ai, t'+2), . . .]. We can then compute the correlation coefficient between DV(X, Ai, t) and DV(Y, Ai, t'), which is denoted as cor(X, t, Y, t', Ai)=correlation(DV(X, Ai, t), DV(Y, Ai, t')). According to the value of cor(X, t, Y, t', Ai), a simple computerized classifier can be constructed for predicting whether

---

[449] *See infra* p. 58 (for example, a similar simultaneous boost in popularity between 2 or more videos may indicate they contain the same type of material).

Video X would bear the same type of content as Video Y does.

Two small extensions can be introduced to enhance the above implementation as follows, 1) the choice of the first observation moment can be optimized to maximize the prediction accuracy of the machine classifier, e.g. $cor(X, Y, A_i) = \max_{\{t, t'\}} cor(X, t, Y, t', A_i)$. 2) The method can simultaneously observe multiple example videos, e.g. Video Y1, Video Y2, . . . , to compute a group-based correlation coefficient for predicting whether Video X would carry the same type of content as the group of example videos does. That is, $cor(X, Y1, Y2, . . . , A_i) = F(cor(X, Y1, A_i), cor(X, Y2, A_i), . . .)$, where $F()$ is an aggregation function that incorporates multiple pairwise video demand and consumption correlation coefficients into an aggregated value.

As mentioned above, not only can a video's absolute demand and consumption vector provide predictive power to reveal the nature of the video's content, the video's relative demand and consumption vector can also provide the same type of discriminative power.[450] To explore the latter capability, we first examine the derivation of an area's relative DV by using a single reference region. Without the loss of generality, let "Aj" be such a reference region when we derive the relative "DV" for the region "Ai." Under this setting, Ai's DV relative to Aj is defined as $RDV(X, A_i, A_j, t) = [g(D(X, A_i, t), D(X, A_j, t)), g(D(X, A_i, t+1), D(X, A_j, t+1)), g(D(X, A_i, t+2), D(X, A_j, t+2)), . . .]$, where $g(x1, x2)$ is a function that computes the relative value of x1 with respect to x2. Then, $g(x1, x2)$ can be implemented in various ways, such as $g(x1, x2) = x1 - x2$, $g(x1, x2) = (x1-x2)/(x1+x2)$, and $g(x1, x2) = \exp((x1-x2)/(x1+x2))$, to name just a few. And the optimal way of implementing the function $g(,)$ can be empirically determined and tuned for a set of real data. A more significant extended version would involve computing region Ai's relative DV with respect to multiple areas' DV, in which case the average, mean, or weighted average of these regions' DVs can be used to replace that of "Aj" in the above prototype equations to serve as a collective "macro" reference area.

Now, let's return to the issue of how to divide the whole world's regions and territories into a list of meaningful areas for the proposed approach to allow its effective and efficient execution. A straightforward approach would be to adopt the natural

---

[450] *See* Xu, *supra* note 446 (a search system incorporating multiple search iterations is likely to catch videos that otherwise may have been considered irrelevant).

geographical boundaries existing among countries and regions, and also to observe the finer-level boundaries within countries according to the map services provided either by the country's government or third-party commercial map service companies. The advantage of this approach is the rich amount of readily available map information that can be immediately deployed, however, the drawback is the difficulty in choosing a suitable granularity for dividing the whole world into areas of appropriate sizes, since neither Internet access nor the request and consumption of religious violence-inciting content are uniformly distributed across the globe.[451] Recognizing the problem, an alternative approach would be to invite domain experts to highlight regions of high interest or strategic importance where a finer resolution for space-dividing is deserved, and in other areas of less importance, a more aggregated spatial granularity would be adopted.[452] A third alternative would be to use a computer algorithm to automatically determine and dynamically adjust the optimal spatial granularity locally used for dividing areas according to historically available records regarding the geographic distribution of the request and consumption of religious violence-inciting videos across the world.[453] Finally, it would be possible to design a hybrid algorithm that jointly leverages expert knowledge, as proposed in the second approach, and the aforementioned self-adaptive local region-dividing algorithm to yield the best detection performance by the proposed algorithm, while using the least possible computation cost.[454]

As another extension, the proposed approach can also leverage user content requests and consumption patterns across information in multiple media formats to learn through multi-modality data.[455] For example, instead of comparing Video X's

---

[451] *See* Alan Marcus & Alex Wong, *Internet for All: A Framework for Accelerating Internet Access and Adoption*, WORLD ECONOMIC FORUM, 4–5 (2016), http://www3.weforum.org/docs/WEF_Internet_for_All_Framework_Accel erating_Internet_Access_Adoption_report_2016.pdf (over 55% of the world's population does not have Internet access).

[452] *See* Pavel Berkhin, *Survey of Clustering Data Mining Techniques*, ACCRUE SOFTWARE, INC. 18 (density-based partitioning may be adopted to compensate for variations in cluster densities and boundaries).

[453] *Id.* at 6–7.

[454] *See id.* at 12–13 (probabilistic clustering can enhance the interpretability of cluster models).

[455] *See* Dana Lahat et al., *Multimodal Data Fusion: An Overview of Methods, Challenges and Prospects*, HAL ARCHIVES-OURVERTES. FR, 1–2 (July 23, 2015), https://hal.archives-ouvertes.fr/hal-01179853 (multimodality data, or "data

user request and consumption patterns with that of another video, the approach can compare such patterns of Video X with those of an image, a document, or a webpage. Extending the approach in this way can significantly increase the amount of training data available to the approach so that the performance of the machine learning-empowered approach can be likely improved. The extended approach can also save a significant amount of expert-labeling effort because some of the multimedia content may be automatically interpreted using the state-of-the-art computation methods, in particular, text documents, webpages, images, and videos with sufficient and reliable text descriptions as extremists cannot uniformly disguise all such content equally, carefully, and thoroughly.

It is worth mentioning that a user's content requests and consumption behaviors can generally refer to any type of content manipulation operations exercised by the user, including, but not limited to uploading, downloading, deleting, commenting, tagging, and link-sharing.[456] Thus, it would be possible to carry out the aforementioned analysis over user content requests and consumption behaviors in a multi-dimensional space where each particular kind of user operation constitutes a semantic dimension for computation examination. In this way, the proposed approach can be operated in a high dimensional space to more systematically and comprehensively detect suspicious content on a social media platform.[457] For example, as discussed earlier, when religious extremists frequently upload onto and delete from a social media platform a certain video, which is coupled with the constant downloading of such content by an audience, such peculiar collective user behaviors will easily trigger an alarm for content inspectors or system administrators, since the distributed user actions of uploading, deleting, and downloading a video are all automatically observed and comprehensively analyzed in a holistic way by the proposed

---

fusion," is the analysis of several datasets gathered by different sources on the same issue that interact with and inform one another).

[456] *See* S.R. Subramanya & Byung Yi, *A Model for Mobile Entertainment Content Consumption*, PROC. OF THE 2006 ACM SIGCHI INT'L CONF. ON ADVANCES IN COMPUTER ENT. TECH., Art. 106 (2006) (interactivity, sharing links, locating content, and making payments are all examples of content manipulation within content request and consumption behaviors).

[457] *See* Kyumin Lee et al., *Content-Driven Detection of Campaigns in Social Media*, PROC. OF THE 20TH ACM INT'L CONF. ON INFO. AND KNOWLEDGE MGMT. (2011) (elaborating on loose, strict, and cohesive campaign extraction methods).

algorithmic solution.

Lastly, we can generalize the region-based spatial division procedure into the semantic user space. That is, instead of tracking the information requests and consumption patterns from a given geographical area, we can more generally track such patterns coming from a given user group, with users who may or may not reside in the same geographical region.[458] A number of computational user grouping and clustering techniques[459] have been developed in a recommender system domain for e-commerce[460] and smart health applications.[461] By borrowing and repurposing these readily available techniques, we can easily migrate the aforementioned concept of geographically-segmented user content requests and consumption profiles into a more semantic, user-oriented space.[462] In this way, by studying and comparing the information requests and consumption patterns of various user groups, both independently and relatively, regarding one or multiple materials on social media, the proposed approach can also detect social media materials likely carrying incitement content using similar procedures and implementation plans delineated above.

Overall, the proposed implementation plan aims to construct an aggregated profile for each video on social media that characterizes a population of users' overall request for and consumption of the video across the world and time. By comparing the spatial disparity and temporal evolution patterns

---

[458] *See* Ludovico Boratto & Salvatore Carta, *Modeling the Preferences of a Group of Users Detected by Clustering: A Group Recommendation Case-Study*, WIMS PROC. OF THE 4TH INT'L CONF. ON WEB INTELLIGENCE, MINING AND SEMANTICS, Art. 16 (2014) (a clustering approach may be used to track users based on individual search preferences).

[459] *See id.* (evaluating the strengths and weaknesses of 11 clustering techniques); Xin Wang et al., *HGMF: Hierarchical Group Matrix Factorization for Collaborative Recommendation*, PROC. OF THE 23RD ACM INT'L CONF. ON INFORMATION AND KNOWLEDGE MGMT. 769, 769 (2014).

[460] Yongzheng Zhang & Marco Pennacchiotti, *Recommending Branded Products from Social Media*, PROC. OF THE 7TH ACM CONF. ON RECOMMENDER SYSTEMS 77, 77 (2012).

[461] *See* Neal Lathia, *Using Ratings to Profile Your Health*, PROC. OF THE SIXTH ACM CONF. ON RECOMMENDER SYSTEMS (2012) (a mobile phone application was developed to rate and tag bowel movements in order to deliver personalized health information).

[462] *See* Cheng Zeng et al., *Context-Aware Social Media Recommendation Based on Potential Group*, PROC. OF THE 1ST INT'L WORKSHOP ON CONTEXT DISCOVERY AND DATA MINING (2012) (semantic models can be constructed from media objects, as well as from information surrounding those topics, such as tags and descriptions).

of the video's profile with the counterpart profiles of other videos, whose content is known reliably in advance, the proposed method will be able to automatically determine the true nature of the content carried by the video regardless of any deceitful labels, titles, description texts, producers, or distributors, and may purposefully associate the video. The hypothesis adopted behind the design of the proposed approach is that it would be very difficult to fake or distort the collective information requests and consumption behaviors of a user population targeted by a video. Through computationally capturing and characterizing such behavior footprints as digital signatures, the new approach aims to automatically and systematically detect all videos carrying religious violence-inciting content in a way that is also much more efficient and comprehensive than the current human-mediated mechanism based on voluntary self-reporting by social media users.

3. *A Strict Approach Matters*

Radicalization, like addiction, is easy to get hooked on, but the road to sobriety is neither quick nor easy. As the Syrian crisis shows, incitement of Jihad by Salafi groups demonstrably leaves a lasting footprint. Once the infected materials are online, it still matters, but to a lesser degree, that they are removed.[463] Unlike other types of speech, the impact of Salafi-Jihadist ideology seems to be incurable by counter-speech.[464] This is why the remedy for inciting violence, by way of citing Taymiyyah's controversial fatwas, whose call for the killing of others, particularly by television stations or established Salafi clerics, should be the "atomic bomb" of social media. In other words, the taint of a finding of speech that incites violence should endanger the existence of the offender's entire business on social media. While problematic, this draconian approach might be effective in preventing, at least, religious television stations that incite

---

[463]   *See generally* UsaDegage, YOUTUBE (June 16, 2013), www.youtube.com/watch?v=mTwFgMZw6_I&list=PLcL4RHwqYKOHn2JVOjzb X-JyKkVF2VUFD (Ahmad Hassan, a Salafi cleric, asks those who have incited Jihad in Syria to reconsider the fundamentals of Islam).

[464] *See* David P. Fidler, *Countering Islamic State Exploitation of the Internet*, COUNCIL ON FOREIGN REL. (June 2015), http://www.cfr.org/cyber security/countering-islamic-state-exploitation-internet/p36644 (discussing the impacts of the efforts from foreign governments and some individuals to silence the Islamic State, and showing that, despite these efforts, the Islamic State is still able to maintain their social media presence).

violence from increasing their ratings for commercial purposes. A strict approach will also induce some Salafi groups, their clerics, and backers to think twice before embarking in any adventurous journey. After all, many popular Wahhabi clerics run very lucrative businesses and earn a great deal of money from their public appearances, television shows, and commercial ads.[465] By restricting their social media presence, Salafi-leaning clerics would lack the commercial incentive to spread Jihadi ideology.

Creating a joint task force of related federal agencies and Internet intermediaries to monitor the activities of Salafi groups on social media through content mainly in the Arabic language could be an effective preventative therapy. Even to a powerful country, the cost of defending a well-coordinated long lasting attack by Salafi-Jihadist groups can be burdensome. According to a national security budget expert, the U.S. alone spends at least $100 billion a year on counter-terrorism efforts.[466] The Middle East is full of corruption and, thus, would-be failing states. Therefore, minimizing the existence of Salafi ideology and its key followers on social media is an important first and cost-effective step if the war against terrorism is to be won. To this end, a new technological approach can be helpful.

---

[465] *See Are* [sic] *Religious Preaching Turned into* []*a Big Business*[?], BBC ARABIC (May 6, 2013), http://www.bbc.com/arabic/interactivity/A2013/05/130506_comments_religion_trade_saudi.shtml (trying to open a public debate highlighting the fact that some Islamic clergy members earn millions in the name of religion); *see also* Mohamed Taha, *Forbes Arabia Magazine: Amr Khaled Richest* [] *"Star Preachers"* [*Arab*], BBC ARABIC (Feb. 24, 2008), http://news.bbc.co.uk/hi/arabic/business/newsid_7261000/7261877.stm (discussing the incomes of Arabic preachers who have made a large income, in part, to their appearances on TV and the production thereof); Dr.. # Aaid_alqrna (@Dr_alqarnee), TWITTER (June 25, 2015), https://twitter.com/Dr_alqarnee/status/614170865459048448/photo/1?ref_src=twsrc^tfw (Aidh Alqarnee embracing the brand of "Oorado"); Sheikh D. Mohammed Alarifi, *Is it Permissible to use Retreat Alwats August, and Twitter?* [sic], YOUTUBE (July 11, 2015), https://www.youtube.com/watch?v=PkU1YXOGQLs&feature=youtu.be (as one of the most popular Wahhabi preachers, Alarifi's programs are always commercially-sponsored by leading brands such as "Alsaif Gallery" and "Alshalan rice." Alarifi provides general advice on the use of some mobile applications while conducting some religious duties, at 0:20); Dr.. # Mohammad Arifi (@MohamadAlarefe), TWITTER (July 14, 2015), https://twitter.com/MohamadAlarefe/status/620910807518285824/photo/1?ref_src=twsrc^tfw (providing an advertisement).

[466] Jeanne Sahadi, *The Cost of Fighting Terrorism*, CNN MONEY (Nov. 16, 2015), http://money.cnn.com/2015/11/16/news/economy/cost-of-fighting-terrorism/.

VII.CONCLUDING REMARKS

1.   Salafi-Jihadism Does Not Represent Islam

Despite the fact that Al-Qaeda, ISIS, and like-minded groups deliberately cite the holy Quran and the Sunnah of the Prophet Mohammad in their propaganda videos, these groups represent neither Islam nor Muslims. They create their propaganda with the hopes of recruiting more fighters, particularly in the Middle East.[467] It is certainly true that some Quranic verses justify violence in a given context,[468] but it is equally true that the Quran contains a number of other verses that clearly tolerate ideological diversity and call for tolerance and debate with others.[469] Salafi-Jihadists, however, are in the habit of cherry-picking what suits their goals and, thus, ignore this type of conciliatory rhetoric. Instead, they very heavily rely on a number of very controversial fatwas issued by Taymiyyah and other Salafi-Jihadist clerics to advance their political goals.[470]

As such, Salafi-Jihadism certainly lies at the extreme of a wide orbit of Sunni Muslims.[471] Of the 1.6 billion Muslims in the world,[472] it is estimated that only 3.5% adheres to the Wahhabi interpretation of Islam.[473] The overwhelming majority of them live in the Arabic Peninsula.[474] They make up 46% of the

---

[467] *Islamic State Recruitment Soaring in Wake of U.S. Bombing*, HAARETZ (Sept. 19, 2014), http://www.haaretz.com/middle-east-news/1.616730.

[468] Kabir Helminski, *Does the Quran Really Sanction Violence Against "Unbelievers"?*, HUFFINGTON POST: THE BLOG (Sept. 24, 2010), http://www.huffingtonpost.com/kabir-helminski/does-the-quran-really-adv_b_72 2114.html.

[469] THE QUR'AN 135, 419 (M.A.S. Abdel Haleem trans., Oxford University Press, copy. 2004, reprt. 2010) ("Had your Lord willed, all the on earth would have believed. So [] you [Prophet] compel people to believe. . . . So [Prophet] remind them: your only task is to remind, you are not there to control them.").

[470] Imam Zaid Shakir, *Do Not Blame the Salafis*, NEW ISLAMIC DIRECTIONS (Nov. 12, 2015), https://www.newislamicdirections.com/nid/articles/do_not _blame_the_salafis.

[471] Livesey, *supra* note 22.

[472] Drew Desilver, *World's Muslim Population More Widespread than You Might Think*, PEW RES. CTR. (June 7, 2013), http://www.pewresearch.org/fact-tank/2013/06/07/worlds-muslim-population-more-widespread-than-you-might-think/.

[473] *See* Ed Husain, *Saudis Must Stop Exporting Extremism*, N.Y. TIMES (Aug. 22, 2014), http://www.nytimes.com/2014/08/23/opinion/isis-atrocities-started-with-saudi-support-for-salafi-hate.html?_r=0 (precise figures are difficult to determine amongst the sects).

[474] *Interview Vali Nasr*, PBS (Oct. 25, 2001), http://www.pbs.org/ wgbh/pages/frontline/shows/saudi/interviews/nasr.html (Professor Vali Nasr

population in Qatar, 44% of the United Arab Emirates' citizens, and roughly 22% of the population in Saudi Arabia.[475] For this reason, the focus of this essay has been on Arabic social media platforms.

2. Conclusion

By far, Salafi-Jihadist groups, such as ISIS and al-Nusrah Front, have killed more innocent Muslims than any other group.[476] Still, they have managed to convince a sizable portion of the Muslim population that radical Jihadists are the protectors of Islam and Muslims.[477] This effective strategy has allowed them to characterize any criticism leveled against their violent activities as an attack on Islam itself, tarnishing the reputation of one of the greatest religions on earth.[478] How they did it is the question this article tries to answer. Among others factors, social media platforms have enabled Jihadist groups to reach a large audience effortlessly.[479] The relentless use of these easily-accessible platforms has enabled Jihadists to advance their agenda when "Islam" is used as a sectarian identity maker and, thus, an effective recruiting tool.[480]

In all democratic societies, the differences between them in regards to the control and elimination of hate speech are over "means,"[481] rather than substance.[482] When it comes to dealing

was interviewed by Frontline).

[475] *U.S. Backs Hotbeds of Islamic Fundamentalism*, WASHINGTON'S BLOG (Aug. 26, 2014), http://www.washingtonsblog.com/2014/08/closest-u-s-allies-middle-east-hotbeds-islamic-fundamentalism.html.

[476] *See Muslims are the Victims of "Between 82 and 97% of Terrorism-Related Fatalities": U.S. Government*, GLOBAL RES.: WASHINGTON'S BLOG (Mar. 25, 2016), http://www.globalresearch.ca/muslims-are-the-victims-of-between-82-and-97-of-terrorism-related-fatalities-us-government/5516565 (discussing how Muslim extremist groups kill mostly Muslims).

[477] *See What is "Islamic State"* [sic]*?*, BBC NEWS (Dec. 2, 2015), http://www.bbc.com/news/world-middle-east-29052144 (stating how ISIS fighters follow ISIS's religious beliefs).

[478] *See* Daniel L. Byman & Jennifer R. Williams, *ISIS vs. Al Qaeda: Jihadism's Global Civil War*, BROOKINGS INST. (Feb. 24, 2015), https://www.brookings.edu/articles/isis-vs-al-qaeda-jihadisms-global-civil-war/ (discussing that the violence waged is necessary to protect the integrity of the religion).

[479] *Id.*

[480] Koerner, *supra* note 28.

[481] For example, in the United Kingdom, the Racial and Religious Hatred Act of 2006 provides a number of provisions to deal with, among other issues, religious hate speech. Sections 29A–29N of the Act criminalize hate speech against several categories of persons. Racial and Religious Hatred Act 2006, c.

with Salafi-Jihadist ideology, however, the differences between democratic societies and Arab autocracies are over substance. Salafi-Jihadist groups have long emphasized allegedly irreconcilable cultural differences between Islam and other ethnic groups as justification for their radical views.[483] In the past, the impact of differences between countries in relation to religious hate speech was confined within the physical boundaries of those countries.[484] With the advent of social media, this is no longer the case. Salafi clerics' propaganda videos are available on social media, mainly in Arabic, but recently some in English have also started to surface.[485]

1, § 29A–29N, sch. Hatred on Religious Grounds (Eng.). That is, a person who "publishes or distributes written material which is threatening is guilty of an offence [sic] if he intends thereby to stir up religious hatred." *Id.* § 29C(1). As to distributing, showing, or playing a recording, Section 29E adds: "A person who distributes, or shows or plays, a recording of visual images or sounds which are threatening is guilty of an offence [sic] if he intends thereby to stir up religious hatred." *Id.* § 29E(1). In this regard, "'recording' means any record from which visual images or sounds may, by any means, be reproduced; and references to the distribution, showing or playing of a recording are to its distribution, showing or playing to the public or a section of the public" *Id.* § 29E(2). Programs involving threatening visual images or sounds, or inflammatory material, are also to be banned. *Id.* § 29F– 29G. "([A) the person[s] providing the program[] service, (b) or any person[s] by whom the program[] is produced or directed, and (c) any person[s] by whom offending words or behaviour [sic] are used," are all guilty of an offense if the person intends to stir up religious hatred. *Id.* § 29F–29G. Section 29J, however, significantly narrows the scope of the offense. It reads: "[n]othing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practicing their religion or belief system." Racial and Religious Hatred Act § 29J.

[482] *See* Boyle, *supra* note 296, at 489 ("Post Cold War, however, the positions still remain—that of a good faith but clear difference between the United States and other countries. The United States still privileges free speech, including hate speech, over other values while other countries do not. . . . It is important to say that there is no difference between the United States and the international human rights standards as regards *ends*—that is the goal of the control and elimination of hate speech. Hate speech is excoriated in all democratic societies. The differences between countries are over *means*.") (emphasis in original).

[483] *See* Moghadam, *supra* note 274 (discussing the strong distinction that Salafi-Jihadists draw between Islam and other religions).

[484] *The State of Hate: Exploiting the Internet to Promote Hatred*, THE LEADERSHIP CONF., http://www.civilrights.org/publications/hatecrimes/exploiting -internet.html (last visited Jan. 6, 2017).

[485] ALBERTO M. FERNANDEZ, HERE TO STAY AND GROWING: COMBATING ISIS PROPAGANDA NETWORKS: THE BROOKINGS PROJECT ON U.S. RELATIONS WITH THE

What should a democratic society do when this generation of Salafi-Jihadist groups, or the would-be Jihadists, seek to use their own extreme interpretation of faith, based on Taymiyyah's fatwas, to advocate the extermination and exclusion of others? Ideally, the delicate task of defeating Taymiyyah's fatwas is on Muslim scholars in the Middle East and beyond. It is not for the U.S. government or others to decide whether or not Taymiyyah's ideas truly represent one of the greatest religions on earth. This task, however, is easier said than done. Contrary to other monotheistic religions, there is no leading authority in Islam.[486] Furthermore, by adapting the notion that the Quran and the Sunnah are literally and factually true, Salafi scholars leave no room for a meaningful debate. Taymiyyah's unabashed willingness to justify the use of force (violence) to restore conservative Islam could not have made things more difficult for Muslim and non-Muslim scholars alike. Due to Taymiyyah's fatwas, any serious attempt to criticize Salafi-Jihad can be easily mischaracterized as a criticism of Islam and, thus, becomes a question of life and death.[487] ISIS has consistently tried to eliminate its critics, not only in Syria, but also in Turkey and beyond. The latest example is its second attempt to assassinate a Syrian journalist, in the southeastern Turkish town of Urfa, on June 13, 2016.[488] In October 2015, ISIS claimed responsibility for killing two other journalists in Turkey.[489]

Considering that autocracies in the Middle East are unlikely to effectively act[490] in order to curb the spread of Salafi ideology, how far should the U.S. be prepared to suppress free speech

---

ISLAMIC WORLD 8, 10 (2015) (discussing ISIS's use of both English and Arabic in creating propaganda).

[486] *See* H.A. Hellyer & Nathan J. Brown, *Leading from Everywhere*, FOREIGN AFF., https://www.foreignaffairs.com/articles/2015-06-15/leading-everywhere (last visited Jan. 6, 2017) ("It is well-known that there is no overarching state or nonstate body, such as a church or set of religious figures, that interprets and imposes one set of Islamic teachings. That is, there is also no formal institution like the Vatican or other ecclesiastical body for Muslims.").

[487] *See supra* text accompanying notes 99–101 (discussing how any criticism of the religion is considered by Salafi-Jihadist clerks to be an attack on the religion and its followers as a whole).

[488] *Syrian Journalist in Turkey Survives Second Assassination Attempt*, COMMITTEE TO PROTECT JOURNALISTS (June 13, 2016), https://cpj.org/2016/06/syrian-journalist-in-turkey-survives-second-assass.php.

[489] *Id.*

[490] *See supra* pp. 9–10 (explaining why the Muslim religion's mandate of obedience makes it unlikely for Islamic people to rise up against a corrupt leader).

through law and governmental regulation? Is a new international consensus over the meaning of hate speech possible now that people in the Middle East, and all over the world, have witnessed ISIS's atrocities? Unfortunately, the East-West divide is as deep as ever regarding the meaning of Jihad. In view of the current expansion in the scope of activities of radical groups,[491] the U.S. needs to step back and review the value of the currently-implemented systems.

The proposal to create a joint task force of related federal agencies and Internet intermediaries to monitor, identify, minimize, or ban Salafi-Jihadi groups from establishing a strong presence, mainly in Arabic social media, is far from being perfect. The partial banning of the violent aspects of Salafi Jihadists' preaching from social media is likely to raise a few eyebrows. It is important, however, to keep in mind that the seeds of radicalization are often sowed in Arabic social media.[492] Simply put, today's Jihadists are mainly, but not exclusively, the offspring of online Jihadi ideology.[493] Therefore, a wise approach would be to focus our efforts on the real cause of fundamentalism, namely, Wahhabism and its slavish adaptation to Taymiyyah's fatwas, without taking our eyes off its byproducts, Al-Qaeda, ISIS, al-Nusrah Front, and other like-minded groups.

As this articles shows, "religious branding" and online marketing have played a noticeable role in glorifying Jihadist violent activities, thus boosting their popularity.[494] Trying to cash in this wave, many Salafi clerics and religious TV stations have adapted Jihadi ideology simply to boost their ratings.[495] All those aforementioned groups have a very strong presence in Arabic social media and make a great deal of money from marketing and

---

[491] ISIS followers come from places as remote as Maldives. *See* Oliver Wright, *Islamic State: The Maldives - A Recruiting Paradise for Jihadists*, THE INDEPENDENT (Sept. 13, 2014), http://www.independent.co.uk/news/world/asia/islamic-state-the-maldives-a-recruiting-paradise-for-jihadists-9731574.html (discussing Islamic Jihadists from the Maldives).

[492] See generally GABRIEL WEIMANN, NEW TERRORISM & NEW MEDIA 3 (2d vol. 2014), https://www.wilsoncenter.org/sites/default/files/STIP_140501_new_terrorism_F.pdf.

[493] *See id.* (mentioning the "new trend" of terrorists being engaged on social media).

[494] *See supra* text accompanying notes 268–70 (discussing how Salafi-Jihadists use social media to glorify violence).

[495] *See supra* text accompanying note 108 ("[A] significant number of these stations adapt 'Salafism' as a business model to attract viewers.").

commercial endorsement activities.[496] For this reason, it is time to use social media as a "commercial weapon" against those who abuse this public platform by endorsing violence by way of fatwas or otherwise. It is here where Google's counter-terrorism strategy becomes effective.[497] Salafi-Jihadi-leaning clerics or organizations who actively publish or glorify Jihadi materials online should be discouraged by lowering their ranks on social media platforms. This strategy is unlikely to sort out the problem of radical Jihad on social media. From a commercial point of view, however, it certainly makes it less attractive.

Finally, this article introduces a novel technology-based framework for curbing the use of social media by radical Jihadists. The proposed framework comprises two complementary technical solutions, one automatically analyzes and mines videos on social media platforms to filter content posted by radical Jihadists, and the other computationally-examines the collective content consumption behaviors on social media in order to detect multimedia information objects, including documents, pictures, and videos posted by religious extremists.

The first approach performs a content-based video analysis to systematically detect all videos that deliver information similar to a collection of example videos, which have been previously identified by experts or other authoritative sources as being posted by religious extremists. The algorithm will sensibly differentiate videos regarding general religious content from videos produced by radical Jihadists through multiple perspectives by comprehensively considering the audio and visual signals of a video as well as inferring the semantics latent in the video. Compared with the traditional human-operated and manual content screening practice, the new approach can effectively and efficiently detect target content without human intervention.

The second approach identifies videos posted by religious extremists through the examination of the collective content consumption behaviors of each video, as exhibited by social media users located in a wide variety of geographical regions and

---

[496] *See supra* text accompanying note 465 ("After all, many popular Wahhabi clerics run very lucrative businesses and earn a great deal of money from their public appearances, television shows, and commercial ads.").

[497] *See supra* text accompanying notes 418–20 (discussing Google's counterterrorism strategy).

across time. By conducting the spatial and temporal analysis of the video content and consumption patterns, comparing the discovered patterns with the information consumption patterns of videos of known content is possible. The algorithm can detect a video carrying problematic content before its massive propagation. The advantage of this second approach lies in that even when a video may deeply hide its truly intended meaning through the use of non-standard languages, verbally or in writing, and/or deploying obscure ways of communication to disrupt and prevent automatic semantic interpretation by the most advanced computer algorithms available in the world, the approach will nevertheless be able to uncover the true nature of the video by carefully and thoroughly analyzing the content consumption behaviors of human users. Even though this second approach may not be able to detect videos posted by religious extremists as comprehensively as the first approach, the latter approach can identify content beyond automatic computer understanding, e.g., content presented in a foreign language or using a regional dialect. The second approach can also prioritize limited computing resources to detect videos circulated on social media and carrying problematic content that catch or are likely to attract major human attention around the globe. Lastly, the two computational approaches can be collaboratively-employed to detect videos posted by radical Jihadists, yielding an augmented overall algorithmic detection capability.