

Islamic Jurists in Conflict: Negotiating Governance

Recent events in Syria, Mali, and Somalia demonstrate how Islamic jurists shape and negotiate governance structures in intrastate conflicts. Understanding their role allows diplomats and peacebuilders to navigate unfamiliar landscapes.

By Emanuel Schäublin

Islamist armed actors frame their struggle in terms derived from the Qur'an and the Prophetic traditions. In recent years, such groups have expanded and consolidated power in different intrastate conflicts. In Syria, an alliance of mainly Sunni jihadi armed factions led by the Organization for the Liberation of the Levant (HTS) ousted the regime of Bashar al-Assad in late 2024, with its leaders now steering a fragile political transition process. After two decades of fighting the Federal Government of Somalia, al-Shabaab (AS) stand at the gates of the capital, Mogadishu. In the Sahel, an alliance of different Sunni jihadi armed groups joining forces in the Support Group for Islam and Muslims, better known under the acronym JNIM, continues to expand its reach across Burkina Faso, Mali, and Niger, building coalitions with political movements and community-based organizations.

Islamist armed groups speak to long-standing frustrations with state government among marginalized groups. They present an explicitly Islamic form of government as a viable alternative to the perceived corruption and repression of existing governments and their collusion with foreign powers, capitalizing on public discontent and a desire for a more just society. Many groups deliver basic services, run courts, and provide education

to expand their support base. Grounding their governance in an Islamic jurisprudential framework and adapting it to local realities, they gain popular legitimacy.

Roughly half of all armed conflicts in the world today involve Islamist groups. The latter are less likely to be mediated by multilateral diplomacy than conflicts without such groups. Explanations center on the positions and

Key Points

- As Islamist armed groups expand territories under their control, they increasingly exercise de facto governance, and negotiate governance and statehood with other local stakeholders.
- Democratic countries face a strategic choice: find constructive ways to engage with these actors or risk being sidelined as new political orders take shape.
- Islamic jurisprudence provides an important lens of analysis and a potential avenue for such engagement, as it constitutes the normative framework within which different segments of society express and address their grievances and aspirations.
- Islamic jurists associated with different conflict actors negotiate emergent governance structures. Understanding their role is critical for diplomats reflecting whether, when, and how to engage with Islamist armed groups.

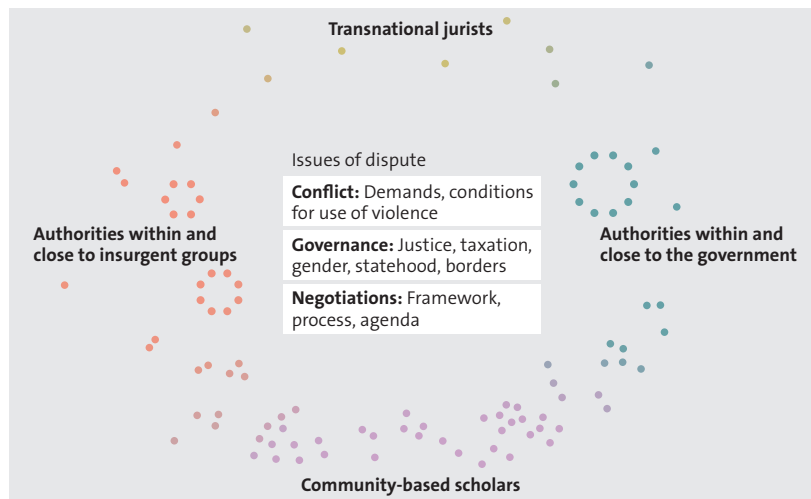
tactics of Islamist groups – for example, their challenging of borders and their use of extreme forms of political violence and coercion against civilians. International diplomacy is limited by proscription regimes, pressures preventing dialogue, a lack of understanding, and a tendency to overlook negotiable grievances when confronted with demands for Islamic forms of governance.

In the absence of multilateral mediation, governance is negotiated either on a subnational level, as illustrated by the cases of Mali and Somalia, or as part of transition processes after toppling a government as illustrated in post-Assad Syria. As Islamist armed groups consolidate their power through such negotiations, many governments explore avenues for constructive engagement – be it to pursue their interests or as principled mediators. In this endeavor, they can build on the experience of humanitarian actors and discreet dialogues over past decades. Amid a reordering of global power balances, however, diplomats are increasingly required to navigate unfamiliar legal and normative orders, such as those rooted in Islamic jurisprudence. Against this background, understanding the role of Islamic jurists in intrastate conflict is useful for deciding whether, when, and how to engage with such groups.

Juridical Accountability in Conflict

Islamic jurists interpret the Islamic Scriptures, i.e. the Qur'an and Prophetic traditions, to derive legal and moral guidance. The result of such interpretative work is called Islamic jurisprudence or *fiqh*. Its aim is to guide people along the sharia, God's 'right path' through life. Such guidance often takes the form of a 'fatwa' – a legal or moral ruling – and addresses issues of everyday conduct as well as matters of governance and political organization. In Sunni Islam (which all the groups discussed in this paper adhere to), authority is not linked to a clerical rank. Legal scholars must continuously earn the trust of their peers and communities by cultivating a reputation as exemplars of Muslim piety and virtuousness. Through popular reputation, communities can hold Islamic legal scholars accountable. A good popular reputation, in turn, provides jurists with legitimacy and leverage over those who wield executive powers, be it in government or armed insurgencies.

In intrastate conflicts, Islamic jurists play different roles depending on their relations to the main actors (see graphic). First, there are jurists advising insurgent groups – mostly as part of a Shura Council – and providing their leadership with legal frameworks or moral justification for military or political undertakings. Second, there are jurists working for institutions close to the government such as



Positions of Islamic legal scholars in intrastate conflict.

Higher Islamic Councils. Third, there are transnational jurists who write books and run online channels discussing current affairs. They tend to provide the broader intellectual framework for transnationally organized Islamic movements, such as al-Qaida, that support insurrections in different places. As revered scholars among jihadi groups, these jurists are sometimes asked to mediate between opposing factions or settle matters of a doctrinal nature. Fourth, there are Islamic scholars whose legitimacy is based on their embedded position within local communities. Their role includes mediating local conflicts and providing social safety nets through charitable networks. Community-based scholars constantly navigate attempts at cooptation by different political actors.

While this classification presents a useful overview, the role of an Islamic legal scholar can overlap with other roles and change over time. Young scholars may build up a following via social media channels, later join an armed group, and then become active in state-led 'deradicalization' programs on countrywide or neighborhood levels. To demonstrate how Islamic jurists shape governance and sometimes exercise checks and balances around executive powers, three case studies – Syria, Mali, Somalia – will be analysed, as all three countries are in the process of renegotiating governance by relying on Islamic jurisprudence.

Syria: Regulating Armed Factions

HTS was established in 2017 to unite several Sunni Salafi-jihadi groups to oppose the Syrian president Bashar al-Assad. Its leader, Ahmed al-Sharaa, established an autonomous government in the city of Idlib in northwestern Syria. From there, he consolidated power, fought hardline factions opposing him, and expanded his coalition by engaging with non-Islamist segments of the Syrian opposition, religious minorities, and regional powers.

When HTS took over Damascus in late 2024, Sharaa became interim president of the Syrian state. Early on, he created a transition framework aiming at a rights-based system anchored in both Islamic jurisprudence and international law. A key challenge of the transition lies in integrating different armed factions, particularly Salafi-jihadi ones, into the security apparatus. Many religious minorities fear violence and persecution by these factions, particularly after groups operating under a government umbrella massacred Alawite and Druze communities in March and July 2025.

Many leading personalities in the HTS Idlib government were Islamic jurists of the Salafi school of thought. To anchor their rule, however, they gradually recognized the locally more prevalent Hanafi and Shafi'i schools of jurisprudence, while also allowing Sufi practices to resurface without open condemnation. They also stopped the use of committees enforcing Islamic morality in public conduct. While Druze and Christians in Idlib suffered coercive actions at the hands of military groups under the HTS government, Sharaa made efforts to protect them in order to widen his coalition against Assad. When HTS moved towards Damascus in late 2024, its factions appeared to have been instructed to respect local customs and to protect religious minorities and the integrity of their communities.

The massacres in 2025, however, exacerbated fears of an HTS-imposed Sunni-majority rule. To regulate the use of violence by former jihadi factions operating under the new government, the newly formed Supreme Fatwa Council issued a fatwa in June 2025 banning extrajudicial killings, in particular those seeking revenge for the crimes of the Assad regime. The Minister of Justice, Mazhar al-Wais, an Islamic jurist who was imprisoned under Assad and then served in different councils of the HTS government in Idlib, announced public trials against those accused of massacres. It remains to be seen whether Wais's background allows him to hold members of Salafi-jihadi factions accountable for murder and abuses of power. Secular groups, minorities, and many women increasingly question the government's commitment to the rule of law and a just distribution of resources.

The Syria case study shows how Islamic jurisprudence can be a double-edged sword. Minorities fear how Islamic law will be used to oppress or harm their communities. At the same time, it can be a resource for creating minimal accountability around executive power and potentially ending impunity for the perpetrators of atrocities. The transition process will need to address the status and function of Sunni Islamic jurisprudence sooner rather than later, especially as secularists and minorities grow wary of the new government.

Mali: Transcending Ethnic Divisions

Mali was under French colonial rule from 1892 to 1960. Since then, Tuareg communities in northern Mali

repeatedly attempted to secede and establish an autonomous state called Azawad. Since 2012, a largely secular-nationalist Tuareg rebellion has become partially entangled with multiethnic Salafi-jihadi movements seeking to establish their vision of Islamic governance across Mali and stretching into Burkina Faso and Niger. Some of these movements seek to reinstate pre-colonial polities whose governance was enshrined in Islamic jurisprudence. In 2017, several Salafi-jihadi groups united to form JNIM, which consolidated governance across central and northern Mali while also entering a tacit and tactical alliance with elements of the Azawad insurrection.

Jurists within JNIM draw on Islamic jurisprudence to settle or manage conflicts over land use. To a certain extent, this allows them to transcend ethnic divisions and build a coalition across different segments of society. JNIM's jurists negotiate agreements with local scholars and village elders. Through these agreements JNIM expands and anchors its governance across the country, adapting Islamic jurisprudence to evolving contexts. However, JNIM also enforces Islamic norms including strict gender segregation and provides villages military protection from other armed actors in return for abiding by their laws.

Islamic jurists have also played an important role for the state in the Malian conflict, both in support and in opposition. The Higher Islamic Council in Bamako – widely considered close with the Malian government – quickly sought to build bridges following the outbreak of violence in 2012. The then head of the Council, an orthodox Sunni jurist named Imam Dicko, was involved in mediation attempts. However, Dicko later supported mass protests in the capital denouncing poor governance, which led to a coup in 2020. The subsequent transitional government was soon overthrown by a junta in 2021. Dicko was critical of the junta and forced into exile in 2023. Dicko's experience illustrates how influential Islamic jurists navigate changing political circumstances, sometimes by effecting change and sometimes becoming ostracized for their actions.

In Mali, JNIM continues to expand its governance by flexibly applying Islamic jurisprudence, either co-opting or banishing Islamic jurists with diverging opinions. As of September 2025, JNIM successfully laid siege on Bamako, forcing preliminary negotiations with the state authority and animating discussions on the possibilities of dialogue.

Somalia: Islamic Statehood as Endgame

Another Islamist armed group that has made progress in recent months is al-Shabaab (AS) in Somalia. Like JNIM, AS continues to expand its sharia-based governance across a Sunni Muslim population that remains divided along clan-lines. Fighting the Federal Government of Somalia (FGS) for almost 20 years, AS leads a coalition that includes marginalized clans, young men and women who feel excluded from current Somali politics, as well as businessmen relying on AS's ability to secure roads and basic infrastructure.

The conflict has left Islamic scholars in the country fragmented. Both the FGS, with US support, and AS have convened Islamic legal scholars to produce fatwas legitimizing the use of violence against their opponents. However, both the FGS and AS also agree on Islamic jurisprudence as a framework for a future, peaceful Somalia. The fact that FGS and AS already coordinate governance aspects across the country suggests that they could enter negotiations.

The question arises whether the UN and foreign governments would back talks on future forms of governance in Somalia within the framework of Islamic jurisprudence. Many international diplomats reject the notions of sharia and an Islamic state out of hand – partly out of deep-seated concerns about women’s rights and safety (see CSS Analysis no. 370). Indeed, AS in Somalia demands include the dissolution of Parliament and the creation of an Islamic state led by an emir with Islamic jurists serving as advisors. As elsewhere, Islamic scholars in Somalia discuss what an Islamic state should look like in the 21st century. What kind of institutional checks and balances would it involve? What kind of political rights would it grant? And what would be the role of community-level Islamic jurists?

Fixating on the question of rejecting or embracing AS’s Islamic governance vision risks overlooking the negotiable aspects of the conflict. Diplomats and peace practitioners could instead explore existing structures and conflict management practices enshrined in Islamic jurisprudence as a possible starting point for dialogues or negotiations. Grounding engagement in concrete practices, they could support ongoing conversations about legal pluralism within emerging forms of Islamic governance, i.e. the coexistence of different legal practices within and without the state.

Implications for Peace Diplomacy

In Mali, Somalia, and Syria, the renegotiation of governance structures occurs in the absence of official mediation processes. Whether international diplomats engage with Islamist groups appears to increasingly depend on geopolitics. In Syria, the military victory of HTS led to intense diplomacy with a range of countries. The delisting of its leaders from sanctions is partly due to HTS’s alignment with Western and regional interests to contain Russian and Iranian influence in the region. Sharaa’s government

leans on international recognition to steer the transition. JNIM, AS, and other Salafi-jihadi groups across the world are closely observing this process, as they weigh their military and diplomatic options.

When Islamic armed groups take on governance responsibilities, they build and manage social coalitions. This often makes them more accountable to local communities. A good moment for diplomatic engagement and dialogue is thus when groups are obliged to adjust their policies to different local contexts. When weighing options diplomats can ask: What kinds of governance systems do Islamist groups and their jurists implement? Which local conflicts do they manage? Have they honored agreements with other conflict actors? How do they treat Islamic jurists expressing critical views? Have they signaled conditions for negotiations at a national level?

To support political transitions in countries beset by decades of economic instability and violence, the UN and governments wishing to engage from a peace-building perspective should keep conversations as concrete as possible and learn how different Islamic jurists frame the issues of dispute. Moreover, constructive conversations about building more just forms of governance require facilitators who can hold space for people embedded in different Islamic, secularist, or other religious worldviews. Diverse networks can develop an acceptable language for addressing – rather than avoiding – thorny issues. Islamic legal scholars can make a difference in this regard, as they dispose of an ability to find consensus among themselves – even across political divisions.

Emanuel Schäublin is a Senior Researcher and Deputy Head of the Mediation Support Team at the Center for Security Studies, ETH Zurich. This CSS Analysis is the result of an academic research project on Islamic jurists in armed conflict, which the author co-directed with Lakhdar Ghetta, Cordoba Peace Institute. The paper relies on case studies and contributions by Ferdaous Bouhleb, Mohamed Abdi Igal, Abdoulaye Sounaye, Nadja Wünsche, and others. The research project was carried out with support from the Templeton Religion Trust and the Swiss Federal Department of Foreign Affairs.

Policy Perspectives is published by the Center for Security Studies (CSS) at ETH Zürich. The CSS is a center of competence for Swiss and international security policy.

Series Editor: Daniel Möckli
Issue Editor: Leo Eigner
Layout: Miriam Dahinden-Ganzoni

Feedback welcome: css.info@sipo.gess.ethz.ch
More issues and free online subscription:
css.ethz.ch/en/publications/css-policy-perspectives

Most recent editions:

Switzerland’s Role in European Rearmament (13/5)
Post-War Ukraine: Healing a Traumatized Nation (13/4)
Swiss Good Offices in Space (13/3)
Towards a Holistic Approach to PeaceTech Ethics (13/2)
Electronic and Cyber Operations Against Space Systems (13/1)
Cyber Defense in Space: Quo Vadis? (12/3)

© 2025 Center for Security Studies (CSS), ETH Zürich
ISSN: 2296-6471; DOI: 10.3929/ethz-c-000789417