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Secular totalitarian and islamist legal-political philosophy

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SECULAR TOTALITARIAN
AND ISLAMIST LEGAL-
POLITICAL PHILOSOPHY

*A STUDY INTO THE APPLICABILITY OF THE
TOTALITARIANISM PARADIGM TO
ISLAMIST IDEOLOGIES AND MOVEMENTS*

Secular Totalitarian and Islamist Legal-Political Philosophy

*A study into the applicability of the totalitarianism paradigm to
Islamist ideologies and movements*

David Suurland

SECULAR TOTALITARIAN AND ISLAMIST LEGAL-
POLITICAL PHILOSOPHY

*A STUDY INTO THE APPLICABILITY OF THE TOTALITARIANISM
PARADIGM TO ISLAMIST IDEOLOGIES AND MOVEMENTS*

PROEFSCHRIFT

ter verkrijging van de graad van Doctor aan de Universiteit
Leiden, op gezag van Rector Magnificus prof. mr. P.F. van der
Heijden, volgens besluit van het College voor Promoties te
verdedigen op donderdag 27 september 2012 klokke 15:00 uur

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David-Arthur John Suurland

geboren te Eindhoven

in 1975

Promotiecommissie:

Promotor:

prof. dr. A. Ellian

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Duitsland)

prof. dr. P.B. Cliteur

prof. dr. E.R. Muller

dr. E. van Ree (Universiteit van Amsterdam)

“Our participation in the parliament does not indicate a support, but rather an undermining of the parliamentary system. It does not indicate that we renounce our anti-parliamentarian attitude, but that we are fighting the enemy with his own weapons and that we are fighting for our National Socialist goal from the parliamentary platform [...] We enter parliament in order to supply ourselves, in the arsenal of democracy, with its own weapons. We become members of the Reichstag in order to paralyze the Weimar sentiment with its own assistance. If democracy is so stupid as to give us free tickets [...] that is its own affair. [...] We do not come as friend nor even as neutrals. We come as enemies: As the wolf bursts into the flock, so we come.”¹

-Joseph Goebbels. 1928

¹ United States. Office of Chief of Counsel for the Prosecution of Axis

It is almost certain that we will fail. But [...] the assassination must be attempted at all costs. Even if it should not succeed, an attempt to seize power in Berlin must be made. What matters now is no longer the practical purpose of the coup, but to prove to the world and for the records of history that the men of the resistance dared to take the decisive step. Compared to this objective, nothing else is of consequence.

(20th of July 1944)

The whole world will vilify us now, but I am still totally convinced that we did the right thing. Hitler is the archenemy not only of Germany but of the world. When, in few hours' time, I go before God to account for what I have done and left undone, I know I will be able to justify what I did in the struggle against Hitler. [...] No-one among us can complain about his death, for whoever joined our ranks put on the shirt of Nessus. A man's moral worth is established only at the point where he is ready to give up his life in defense of his convictions.

(4 hours before his suicide, 21st of July 1944)

-Herrmann von Tresckow (1901–1944). Major General in the German Wehrmacht and organizer of the July 20th failed 'Valkyrie' plot against Hitler.

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LIST OF ABBREVIATIONS

CDHRI	The Cairo Declaration on Human rights in Islam
ECHR	European Convention on Human Rights
ECHR	European Court of Human Rights
ETA	<i>Euskadi Ta Askatasuna</i> , Basque separatist movement.
EU	European Union
HAMAS	<i>Harakat al-Muqāwamah al-Islāmiyyah</i> , literally: the "Islamic Resistance Movement"
IRA	Irish Republican Army
MB	Muslim Brotherhood, also referred to as the <i>ikhwan muslimeen</i>
OIC	Organisation of Islamic Cooperation, formerly known as the Organisation of the Islamic Conference
UN	United Nations
UNHRC	United Nations Human Rights Council

LIST OF ISLAMIC TERMINOLOGY

Bid'a	an unlawful innovation to the corpus of Islam
Dhimmi	protected class of citizens of an Islamic state. Usually meant to indicate Jews, Christians and Zoroastrians. In Hanafi law also polytheists but not Arab polytheists
Faqih	an expert on Islamic law and Jurisprudence
Fiqh	case law, or more abstract, Jurisprudence
Fitna	civil strife or religious and political infighting within the collective Muslim community
Fitrah	the equation of the essential nature of creation with Islam. Used to indicate that man is born Muslim and that it is in his nature to return to Islam. The negation of fitrah is jahiliyaah.
Hadith	narrations of the life and examples of the prophet Muhammad, second source of canonical scripture next to the Quran
Hakimiyyat	loosely; the oneness of Allah in all matters; his undisputed total authority
Hisbah	a concept by which the ordinances of Islam are translated into public policy. Derived from the Quranic injunction to 'enjoin what is right, forbid what is wrong'
Ijma	scholarly consensus on a specific Islamic legal or religious issue, a source of Shari'ah law and fiqh

Ikhwaan Muslimeen	the Muslim Brotherhood
Itjihad	the capacity to form legal opinions
Jahiliyyaah	literally: ignorance. Indicates a rejection or ignorance of Islam. In Islamist Islam: the cause of disorder and injustice
Khawarij	early Islamic sect that engaged in takfir and is seen by some to be the forerunner of modern day Islamists
Madhab	a school of law, i.e. in Sunni Islam it usually refers to the four major schools of law: Hanafi, Shafi'i, Maliki, or Hanbali
Mujahedeen	those who engage in Jihad
Mutazaliyaah	those who endorse a rationalistic approach to Shari'ah and fiqh
Mujtahid	someone who is capable of performing itjihad
Munafiq	a hypocrite
Mushrik	a polytheist
Qiyas	analogy, one of the means of usul al-fiqh
Ubudiyyah	loosely; exclusive obedience or submission to the laws of Allah
Ulama	the body of Islamic scholars, singular: <i>alim</i> .
Ummah	the collective body of Muslims worldwide
Usul al-fiqh	the methodology of fiqh
Shari'ah	the body of Islamic law, case law and jurisprudence

Shirk	acts that entail the worshipping of Idols. In Islamism, any act that deviates from Tawheed and places someone outside the fold of Islam
Sirah	refers to biographies of the life of the prophet and his companions. Used to give context to canonical sources and the Shari'ah but not always accepted as a source of fiqh
Sunna	literally, 'the established path', can have various meanings but is most commonly used to refer to the hadith and the life of the prophet and his companions, i.e. the hadith and the Sirat. Used in conjunction with the Quran to refer to the sources of Shari'ah and fiqh
Takfir	the, very controversial, act of branding another Muslim an apostate or heretic
Taqiyyah	religious dissimulation. Originally a Shia concept used to hide one's faith in times of persecution or danger. In Islamism, a means of deceiving the opponents by being purposefully deceptive about one's true intentions.
Taqlid	imitating or blindly following scholarly opinions, the opposite of itjihad
Tawheed	the oneness of Allah and all of his creation. In Islamism, the idea that anything that contravenes Islam is an act of apostasy.