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GENERAL INTRODUCTION

This research deals with those forms of political organization known collectively as totalitarianism. While totalitarianism is most often associated with non-religious forms of political thought, such as Nazism and Communism, the development of specific strands of political Islamic thought and action in the 20th century has given rise to the question as to whether a *religious* movement could constitute a novel form of totalitarianism. The first question one might ask concerns the relevance of typology. In other words, will Islamist groups such as al-Qaeda continue their campaign of terror regardless of their political typology? Meanwhile, it is also true that the perspectives of legislators and policymakers engaged with counter-terrorism are influenced in part by the typological framing accorded to these movements. Unlike non-totalitarian movements that use terror as a means of forcing political actors to concede to their demands, totalitarian terror has vastly different goals. Totalitarian terror aims to remake and purify the world. Totalitarian movements, unlike any other form of political organization, see themselves as conduits between mankind and the ultimate truth, and as such cannot be expected to abandon their goals under external pressures. The terror which they employ should therefore not be seen merely as solitary acts of violence to be dealt with through standard approaches of criminal law, but as part and parcel of a larger effort to overthrow the entire non-totalitarian *order of being*, including a society's political, legal, cultural and economic superstructure. This means that the struggle against a totalitarian movement has vastly different implications for law and policymakers than the struggle against a movement with more limited practical objectives. What is at stake is not the safety of a few persons, or of one state or society, but the safety of an entire order of being. The German Muslim author Bassam

Tibi (b. 1944) described the relevance of research into the totalitarian nature of Islamist movements as follows:

Dabei geht es nicht nur um Gewalt als Terror gegen Personen und Objekte, sondern um eine Gefahr für die Freiheit der offenen Gesellschaft. Der djihadistische Islamismus ist somit über das militärische Sicherheitsverständnis hinaus von Relevanz. Deswegen spreche ich in diesem Buch von der djihadistischen Bedrohung als neuem Totalitarismus, der für die offene Gesellschaft die größte weltpolitische Herausforderung des 21. Jahrhunderts darstellt.²

Before moving on to the general structure of this research, it is important to stress that the threat posed by Islamist movements is to the legal and political order of Islamic and non-Islamic societies alike. As I aim to show, Islamist groups will often portray an image to the uninitiated of fighting a justified battle of resistance against ‘American imperialism’, or ‘Zionist-Crusader attacks on Islam’. Indeed, they are often perceived in that way. The Dutch professor of Jurisprudence, Paul Cliteur (b. 1955), quotes John Esposito (b. 1940), the author of *Who speaks for Islam?*, as saying: “There are 1.3 billion Muslims today worldwide. If the 7% (91 million) of the politically radicalized continue to feel politically dominated, occupied, and disrespected, the West will have little, if any, chance of changing their minds.”³ Cliteur then rightfully asks: “The problem with this “solution” is that it presupposes what should be proven, *viz.* that the extremists are extreme because Muslims are “dominated”, “occupied” or that “disrespect” for them is prevalent. Is that really true? This is a staple argument in the work of Bin Laden, Sayyid Qutb,

² Bassam Tibi, *Der Neue Totalitarismus: "Heiliger Krieg" Und Westliche Sicherheit* ([Darmstadt]: Primus, 2004), p. 159.

³ John L. Esposito and Dalia Mogahed, *Who Speaks for Islam? What a Billion Muslims Really Think* (New York, N.Y.: Gallup Press, 2007), p. 97.

Ayatollah Khomeini and other protagonists of the most fundamentalist brand of Islam, but should we blindly believe them?”⁴

As I aim to show, through an analysis of the works of those Islamists who claim to speak on behalf of those 7% of radicalized Muslims, the Islamist movements wilfully portray themselves as forces of *reaction* and defence by mimicking the vocabulary of anti-colonial, anti-imperialistic liberation movements⁵. The narratives of these propagandistic messages are couched in the language of grievance, and aim to mobilize Muslim audiences for their cause, while at the same time they are employed to persuade non-Islamic audiences of the inherent peacefulness of their message. The message thus reads ‘leave us Muslims alone, and we will leave you alone’. However, at the same time as these movements voice their grievances towards the non-Islamist world, which is the essence of propaganda, they disseminate a vastly different message to those who are already recruited into the movement. This message, unlike propaganda, depicts their real *raison d’être* and belongs to the domain of the ideology and indoctrination. This message is in its essence not one of reaction or defence, but a depiction of their mission as a necessary struggle for the purification of the Islamic masses and the subjugation of the world entire to the rule of Islam and the sovereignty of Allah, by force if necessary. Their professed message of freedom, justice and equality, in reality translates into

⁴ Paul Cliteur in Geliijn Molier, Afshin Ellian, and David Suurland, eds., *Terrorism: Ideology, Law, Policy* (Dordrecht: Republic of Letters, 2011), pp. 471-472.

⁵ See for instance chapter three in Olivier Roy, *The Failure of Political Islam* (Cambridge, Mass.: Harvard University Press, 1994). In addition, Bassam Tibi states: “Der Islamismus ist keine Befreiungsideologie, sondern ein neuer Totalitarismus [...] Weder die USA noch Israel sind die Verursacher des neuen Totalitarismus. Zudem ist der Djiihad-Islamismus der Intifada kein Befreiungskrieg; er will eine Gottesherrschaft in [...] Palästina errichten. Es ist zu bedauern, wenn der terroristische bzw. fundamentalistische Charakter dieser Intifada bestritten wird.” Tibi, *Der Neue Totalitarismus: "Heiliger Krieg" Und Westliche Sicherheit*, pp. 21, 37.

freedom from everything that is not according to their interpretation of Islam, justice as the forced imposition of their interpretation of the Shari'ah, and a totalitarian notion of equality. It is a message of offense and a declaration of war which is waged against all those who do not submit to their view of Islam, Muslims in particular.⁶ The war is thus waged not because of the actions of others, but because of ideological necessity.⁷ In so doing, these movements actually manifest one of the key characteristics of totalitarianism, namely, the combination of ideology and terror. Conversely, it might be so that some Islamist movements incorporate only a few elements of the totalitarian program but overall do not meet its criteria. It could be that they are in fact not totalitarian but merely movements which aim at national unification but which lack a guiding ideology or propensity for violence. If this is the case, and I should emphasize that the Islamist phenomenon has many different sub-types, then it should follow that those different typologies carry different consequences for law- and policymakers engaged in counterterrorism.

This research, which I summarize in this introduction, was sparked by my own previous work on the harmonization of the various empirical and normative theories of totalitarianism. Having familiarized myself with the totalitarianism paradigm, and following the events of 9/11, I

⁶ Combatting Terrorism Center, "Deadly Vanguard: A Study of Al-Qa'ida's Violence against Muslims," ed. Nassir Abdullah Scott Helfstein, Muhammad al-Obaidi (West Point: US military Academy West Point, 2009). From the excerpt: "The results show that non-Westerners are much more likely to be killed in an al-Qa'ida attack. From 2004 to 2008, only 15% percent of the 3,010 victims were Western. During the most recent period studied the numbers skew even further. From 2006 to 2008, only 2% (12 of 661 victims) are from the West, and the remaining 98% are inhabitants of countries with Muslim majorities. The overwhelming majority of al-Qaida victims are Muslims living in Muslim countries, and many are citizens of Iraq, which suffered more al-Qa'ida attacks than any other country courtesy of the al-Qa'ida in Iraq (AQI) affiliate."

⁷ Raymond Ibrahim has collected and annotated a large number of communiqués from al-Qaeda, in which this discrepancy between propaganda and the true message of al-Qaeda is convincingly demonstrated.

came to notice that the language and logic employed by Islamist movements such as al-Qaeda, displayed a great degree of overlap with the language and logic of non-religious forms of totalitarianism. This sparked a question: Are we dealing with a new form of totalitarianism? Thus, my interest in this field of research began to take shape and I found that little of the available literature on the subjects of Islamism or totalitarianism took notice of these similarities. Bassam Tibi's book *Der neue Totalitarismus : "Heiliger Krieg" und westliche Sicherheit*, which is one of the few books that does endeavor to analyze the political Islamic phenomenon through the lens of the totalitarian paradigm, in that respect rightfully states:

Islamismus ist [...] eine Ordnungsvorstellung, deren Ähnlichkeit mit den Ideologien der frühen Totalitarismen jedem Experten ins Auge springt.⁸

Any statement regarding the applicability of the totalitarian paradigm to Islamist movements first and foremost depends on a clear conceptual framework. While much has been written about totalitarianism and political Islamic movements as separate objects of study, an integrated view, which combines both these subjects, seems to be lacking. Tibi notes:

Die Entwicklung des Djjihad zum Djjihadismus im Rahmen der Erscheinung des politischen Islam bildet den Hintergrund der Entstehung eines neuen Totalitarismus. Im Westen ist das öffentliche Bewusstsein für diese Problematik schwach entwickelt. Hierüber wird wenig aufgeklärt.⁹

⁸Tibi, *Der Neue Totalitarismus: "Heiliger Krieg" Und Westliche Sicherheit*, p. 5.

⁹ Ibid., p. 4. A number of articles on this subject have been published which, besides from showing an interest in this subject matter, also show that this interest is a rather novel phenomenon. Michael Whine, "Islamism and Totalitarianism: Similarities and Differences," *Politics, Religion & Ideology* 2, no. 2 (2001), Hendrik Hansena; Peter Kainza, "Radical Islamism and Totalitarian Ideology: A Comparison of Sayyid Qutb's Islamism with Marxism and National Socialism " *Politics, Religion & Ideology* 8, no. 1 (2007), Bassam

This research thus offers an analysis of the Islamist phenomenon through the conceptual framework of a unified theory of totalitarianism. It does so by answering three basic questions: What is totalitarianism? What is Islamism? Is the totalitarian paradigm applicable to Islamist movements?

The first part of this research deals with the first question and consists of an inventory and analysis of the different empirical and normative theories on totalitarianism. The second part incorporates the second and third questions. The question pertaining to Islamism and its similarities with totalitarian legal-political theory is answered by an in-depth analysis of the writing of three of the foremost ideologues of Islamist movements, namely: the chief ideologue of the Muslim Brotherhood Sayyid Qutb, the ideologue of the Islamic republic of Iran Ayatollah Khomeini, and the ideologue of al-Qaeda Dr. Al-Zawahiri. I will conclude by asserting that these Islamist ideologies indeed amount to totalitarianism.

Each of these questions of course harbours a myriad of sub-questions which I will deal with briefly in this general introduction. First of these is the question of defining totalitarianism. I will expand upon this briefly and then continue to summarize my findings with regard to Islamism and its relationship, or lack thereof, towards Islam. I should mention here that I maintain a strict division between Muslims, Islam and the Islamists interpretation of Islam. Finally, I will explain how I have applied the outcome of the research of Part One, the unified theory of totalitarianism, to the analyses of the Islamist ideologues in Part Two. I will end with an abbreviated conclusion.

In order to answer this first question I will briefly explain some of the key characteristics of totalitarianism by summarizing the development

Tibi, "The Totalitarianism of Jihadist Islamism and Its Challenge to Europe and to Islam," *Politics, Religion & Ideology* 8, no. 1 (2007).

of totalitarianism theories and addressing the question of whether totalitarianism, which for the most part has been a vehemently anti-religious phenomenon, can be applicable to movements which claim to be essentially about religion. In doing so, I will also make clear the relevance of this study, and what place it aims to occupy in the larger scope of academic studies on totalitarianism.

What is the totalitarian paradigm?

Totalitarianism functions on the basis of an axiomatic premise which is impervious to falsification. That is, no fact derived from the non-totalitarian world can interfere with the logic that lies at the heart of the totalitarian movement. This premise is best described as a metaphysical or non-metaphysical transcendent truth, or law, depending on whether we are describing a religious or non-religious form of totalitarianism. This law is presumed to represent the hidden movement inherent in human existence whilst at the same time demanding that all life should be ordered according to that movement. It is therefore not only the truest expression of the transcendent 'truth' but, more importantly, also indicates a movement inherent in human existence; a movement towards a final state of being, Utopia. From this premise, which the famous scholar of totalitarianism Hannah Arendt (1906-1975) called the 'law of Nature or History', the totalitarian ideologue infers, through the process of strict logical deduction applied to the premise, a number of edicts which, if followed to the letter, will accelerate a movement of purification, inherent in the fabric of being, toward an envisioned Utopia. This type of thinking is unique to totalitarianism and is called 'the logicity of ideological thinking'. For the National-Socialists, this 'law of Nature' was the law of race theory; for the Bolshevik it was the 'law of History', Marxism-Leninism, and for the Islamist I will be analyzing, it is the law of Allah, the *Shari'ah*. Differently put, all forms of totalitarianism seek to immanentize the transcendent 'good' located either in the concept of race, class or Shari'ah. That is not to say all ideals, religions or philosophies that pertain to a concept of the 'good' are inherently totalitarian or could even become totalitarian

ideologies.¹⁰ The movement towards Utopia that the totalitarian ideologue perceives in race theory, Marxism-Leninism, or the

¹⁰ It is important to notice that the words 'idealism' and 'ideology' are not to be taken as meaning the same thing. Ideologies in the literature on totalitarianism are quite the opposite of idealism. I will expand on this in chapter five of Part One. For now I will contend that ideals can be seen as vaguely defined moral ideas about how some realms of life, such as society, politics or economics, ought to be arranged. They are often the precursor to voluntary and cooperative political and social action but are never *identical* with politics or society as a whole. Ideologies, however, are very specific, all-encompassing and exclusivist systems of legal-political philosophical thought which claim to represent all possible knowledge of past, present and future events, and thus monopolize the very faculties of thinking, judgement and morality which form the basis of all political and social activities. Hence the word *total* in totalitarian; these systems do not allow for any deviation from the ideology in any area of life, be it private or public. It does not seek to change society through persuasion or debate, but seeks to forcefully abolish the flawed 'old man' and replace it with the 'new totalitarian man'; a man that is no longer an autonomous individual but the perfect unflinching embodiment of the singular worldview of the ideology. To contrast this with political idealism or even most streams of orthodox religious thought; in the ideal totalitarian society, men are no longer unique individuals but all identical, superfluous and utterly interchangeable specimens of the same species. Ideologies therefore not only define how every realm of all human existence ought to be arranged in order to conform to some transcendent 'good', but also necessitate, without exception, the *forceful fabrication* of a society that is the mirror image of that transcendence. Whereas in the democratic tradition all men are equal before the law regardless of their differences, totalitarian law dictates that all men must be equal in terms of their most inner constitution: their thoughts, desires and behaviour. In that sense, totalitarianism seeks to dominate aspects of life that no other form of political organization has ever truly sought to accomplish. This not only requires modern means of domination and organization, it also requires a very specific form of legal-political thinking about the organization of society and the nature of mankind itself. The latter is what I will refer to as Arendt's concept of the 'logically of ideological thinking'. It requires that the underlying set of ideas that form the basis of the ideology are very specific, not internally irreconcilable and are not opposed to the forceful fabrication of Utopia. The values that constitute the liberal mindset are inherently irreverent to the notion of some collectively knowable transcendent 'truth' and the forceful subjugation of the individual to that truth. It is safe to state

Shari'ah, is, however, slowed down by the human capacity for freedom of choice, man's freedom to deviate from the path towards salvation and its resulting pluralism in society. It is because men are free to act in defiance of these 'laws of Nature or History' that Utopia cannot be realized. Therefore, in order to accelerate the fabrication of Utopia, freedom has to be abolished and mankind has to be forced into a "unity of will and of action". This goal can only be achieved if mankind is made subservient to the will of the movement which claims to act as the earthly representative of transcendence itself; the totalitarian movement.¹¹ Totalitarianism in that sense is a fully self-contained system of legal-political thought which is completely divorced from reality, and whose goal is to fabricate mankind into the image of itself; the 'new man'. It treats the current, 'imperfect' man as the raw material from which the future Utopian man is fabricated. Since the object is the fabrication of a Utopia, the individual in the here and now can have no rights that could interfere with this process. Thus, the rights of the actual living individuals in the here and now are abolished and *must* be abolished in order to safeguard the salvation of mankind at some future point in time. At best, these individuals are martyrs for the greater good, at worst they are enemies which had to be destroyed in the first place. Thus totalitarian movements first and foremost aim to purify those societies in whose name they claim to conduct a war of freedom and justice. This is of pivotal importance for our understanding of totalitarian movements. Unlike dictatorships, military juntas, tyrannical regimes or even fascist regimes, totalitarian movements are impervious to arguments aimed at appeasement, compromise or any sort of practical deliberation. Their concern is not the actual conditions of the here and now, nor even the desire of individual men, but the fabrication of a future Utopia. In the view of the totalitarian ideologues, all sovereignty,

that liberalism therefore can never lead to totalitarianism; rather it is its anti-thesis.

¹¹ Erik van Ree, *The Political Thought of Joseph Stalin: A Study in Twentieth-Century Revolutionary Patriotism* (London; New York: Routledge Curzon, 2002), pp. 19-20, 129-135.

authority and legitimacy are derived from the ideological notion of Utopia. Any form of compromise with the non-totalitarian 'outside' world would thus be a betrayal to the cause and end the legitimacy of the movement.¹² This process of fabricating Utopia is furthermore in principle utterly unconcerned with the practical requirements of the movement itself or with the wishes of individual men. While it may adapt itself to deal with certain necessary constraints imposed upon it due to its own weakness, these considerations are merely temporal. This unconcern for its own life and human life in general is justified by the fact that it is a Utopian movement which aims to 'force men to be free' and to immanentize justice itself.¹³ Thus totalitarian movements can and logically *must* display an extraordinary amount of violence; totalitarian *morality* demands it. This violence is, however, often misunderstood as being aimed at some 'real world' opponents while in fact, in the ideal type of totalitarianism, it is aimed at all those who simply do not follow the movements ideological line. In the eyes of a totalitarian movement, non-compliance *is* active resistance and must be answered by terror in order to secure the 'freedom' of mankind'.¹⁴ However, this is not the essence of totalitarian terror. The subjugation of real opponents is something that is shared by all forms of authoritarian violence, be it the dictatorship, fascism or

¹² "For the Islamic fundamentalists, any *fait social*, that is, any social fact that inconsistent with the imputed 'essence of Islam' as derived from the Holy Text ranks among the endless list of deviations from true Islam." Bassam Tibi, *Islam between Culture and Politics* (Houndmills, Basingstoke, Hampshire; New York: Palgrave, 2001), p. 17.

¹³ The phrase 'force men to be free' is of course the creed of the French revolution, derived from Rousseau's 'Du contract Social'. See for an analysis of the roots of totalitarianism in Rousseau and Robespierre's writings: Maximilien Robespierre and Slavoj Zizek, *Virtue and Terror* (London: Verso, 2007), J. L. Talmon, *The Origins of Totalitarian Democracy* (London: Sphere Books, 1970).

¹⁴ This can lead to what Rosenthal et al. have called 'Catastrophic terrorism'. The dictum of catastrophic terrorism, according to Rosenthal et al. is 'kill thousands, terrorize millions'. U. Rosenthal, "Terrorisme," in *Terrorisme: Studies over Terrorisme En Terrorismebestrijding*, ed. U. Rosenthal E. Muller, R. de Wijk (Deventer: Kluwer, 2008), p. 2.

totalitarianism. What separates totalitarian terror from these other forms of political violence, is that totalitarian terror only truly begins when all real opposition is rendered impossible. With the growth of power, the disparity between the realm of 'real world' facts and the realm of the ideology which guides the actions of the totalitarian movements becomes increasingly clear. Utopia will not be fabricated and the more the real world is transformed into the ideological fantasy world, the more it will become obvious that the theory of the totalitarian movement is flawed. Admitting that the ideology is wrong would amount to admitting that the foundations of that ideology too are not capable of explaining and ordering the world.

Why is this important? This fundamental inability of totalitarian movements to account for the discrepancy between the facts of the real world and the predicted Utopia of the ideology can only be explained in one way, namely through the concept of what I call: *existential enemies*. It is this concept of existential enemies that underlies the way in which totalitarian movements operate and think. The thinking of Islamists such as Qutb, Khomeini and al-Zawahiri and the terror which they inspired can only be understood in these terms. It underlies the fundamental position that you cannot negotiate or appease totalitarian movements. Existential enemies are classes of enemies which *must* exist in order for the ideology to remain valid. They bear no relation to any real world crimes or grievances and exist only in the worldview of the ideology. Concepts of guilt and innocence require that there are static laws that define what is permissible and what is not. However, faced with an increasing discrepancy between the real world and the ideological fantasy world that cannot be created, the ideology constantly *needs* to invent new categories of enemies to account for this discrepancy. A never ending invention of new categories of 'saboteurs', 'counter-revolutionaries' and 'foreign agents' is required in order to legitimize the draconian stranglehold of the totalitarian movement. Since the movement *is* the representative of the transcendent truth, all flaws in this process of transforming the world in Utopia must be found outside of the movement: in mankind

itself. This process, which is uniquely totalitarian, thus necessitates an ever increasing need for terror.¹⁵ It is precisely because man has the inborn constitution by which he thinks and chooses for himself that every birth poses a new obstacle to the totalitarian mission. Hence, terror can never cease. Mankind is perpetually engulfed in a whirlwind of forceful reshaping, fabrication and the identification and elimination of new categories of enemies. A process in which it has no say, and in which it is stripped of all its rights until nothing remains of it but the raw material out of which a Utopia must be build that will never come. Hannah Arendt thus defined totalitarianism as: 'a system of government whose essence is terror and whose principal of action is the logicity of ideological thinking'.¹⁶

Does this mean that totalitarianism is an exaggerated form of fascism or dictatorship? This is a common misinterpretation of the boundaries which separate these different types of political organization. The type of legal and political theory I have just summarized is typical of totalitarian movements and it is not seen in fascist or dictatorial regimes. These forms of political organization and legal-political philosophy lack the combination of ideology and terror. It is even fair to say, as I will show in part one of this research, that fascism has no legal-political philosophy and is very much an anti-philosophical movement. Moreover, their form of terror is aimed at stifling *real* political opposition whilst totalitarian terror is ultimately a war against utterly imaginary opponents that only starts when all real opponents have been annihilated. The great terror of the Nazi's, Stalin, Mao and Pol Pot all targeted people who were essentially powerless to form any sort of opposition but who were nevertheless targeted because the respective ideologies dictated that they were enemies.

¹⁵ Juan J. Linz, *Totalitarian and Authoritarian Regimes* (Boulder, CO: Lynne Rienner Publishers, 2000), p. 112.

¹⁶ Hannah Arendt, *The Origins of Totalitarianism*, 1st ed. (New York: Harcourt, 1951), p. 474.

A note on totalitarian ideologies and religious doctrine

The picture I have just painted of totalitarian movements is one of the most radical denial of freedom and the total negation of individual autonomy and human rights. The question which now presents itself is the following: how does this relate to religion? As I will show in the next paragraphs, secular totalitarian thought, such as Nazism and Stalinism, has a number of elements that are derived from religious thought. In turn, Islamism, as a religious movement, incorporates elements of secular totalitarian thought. There appears to be a link between both religious and totalitarian thinking. Does that mean that every religion can serve as the stepping stone of totalitarian thought? The short answer is; no. Much in the same way as there exist a vast difference between ideals and ideologies, so too is there a river to cross before a religious idea or ideal can become an ideology. In some ways it is easier for a religion to serve as the foundation of a totalitarian movement, and in some other ways it may form its biggest obstacle. I will expand on this shortly.

Secular, man-made ideologies such as race theory or Marxist-Leninism have a number of features which make them both more suited and less suited for a totalitarian interpretation than religious doctrines do. What makes them more suited is that they, especially in their formative phase, can be designed from scratch; one is not reliant on a pre-existing divinely revealed text that cannot be altered. This is of particular importance when it comes to the legitimation of terror and the invention of new enemies. By not being bound to fundamental restrictions of any sort as they appear in religious texts, the secular totalitarian movement in essence has a *carte blanche* through which anything is possible. On the other hand, because they are invented, they can be discredited as human interpretations of transcendence; their legitimacy is constantly at stake. As spectacular as the rise of Nazism and Stalinism may have been, equally spectacular is the speed at which they have been discredited. No one today, barred from the most radical of figures, would ever seriously contemplate reliving this episode of our history. Nazism and Stalinism are generally seen and

rejected as the most miserable and debased attempts at human social-engineering; the host of human rights treaties which followed the Holocaust and the Gulag attest to the widely held rejection of their legacy. Religions, however, do have a vastly larger claim to transcendent legitimacy since they are held to be the direct results of revelation by their adherents.¹⁷ For the religious person, the revealed texts are not manmade, and thus fallible, but originate from God, and rejecting his word is of a different magnitude than rejecting the word of another man. The Islamists, as we shall see, make this argument through their opposition to all manmade systems such as democracy or monarchy which they term 'the rule of men over other men'. Instead, seeing that only Allah knows what is best and just, any other form of government must be a form of tyranny which denies man his true rights. The religious text as a concept of the direct expression of the word of God makes such a claim to some ultimate truth far more credible than a manmade doctrine could ever hope to achieve. This increases the totalitarian potential right from the start. However, these same religious texts also *bind* the follower to its rules and edicts in a way that is unheard of in secular forms of totalitarian thought. The flexibility of interpretation that one can find in secular ideologies, although very limited, is decreased in texts which cannot be re-written, such as revelations. Moreover, when these texts explicitly emphasize, if not dictate, the need for forgiveness, compassion, non-violence or feature prohibitions on murder, then a totalitarian

¹⁷ For the political problem of religion which flows from this direct link to transcendence see chapter two of: P. B. Cliteur, *The Secular Outlook: In Defense of Moral and Political Secularism* (Chichester, West Sussex; Malden, MA: Wiley-Blackwell, 2010). In addition, see: Afshin Ellian, "The Legal Order of Political Religion: A Comparative Study of Political Islam and Political Christendom," in *Terrorism: Ideology, Law, Policy*, ed. Geliijn Molier, Afshin Ellian, and David Suurland (Dordrecht: Republic of Letters, 2011), ———, "Is De Religie Vijand Van De Politiek? Het Monotheïsme Als Politiek Probleem," in *Religie Als Bron Van De Sociale Cohesie in De Democratische Rechtsstaat?*, ed. Bart Labuschagne (Nijmegen Ars Aequi, 2004), pp. 173-211, P. B. Cliteur, *Moreel Esperanto : Naar Een Autonome Ethiek* (Amsterdam: De Arbeiderspers, 2007). Part I.

interpretation quickly becomes increasingly difficult if not impossible. The problem is that these texts as a whole are seldom unequivocal, feature contradicting passages and it can be unclear if their edicts are restricted in time, place and jurisdiction. Oftentimes, the texts themselves will not solve this problem and one has to look at the corpus of exegeses, the reception of those texts by the different scholars and the actual implementation or non-implementation of those edicts over time. To make a comparison: one can take a single article out of the Dutch civil code and read it as it is. However, a jurist knows that in order to fully understand that text as it applies to civil law in practice, he has to read that article in the context larger context of the law, he has to invoke case law on that article and take into account the different mechanisms of interpretation and the consensus of the jurists and the limits of that consensus. Only in this whole constellation does the text acquire a meaning from which one can derive arguments that can be assumed to carry weight in a court of law. If this were not the case than anyone who could read could rightfully be called a jurist who could make authoritative statements about Dutch civil law. We all accept that this is not so, so why would it be any different in religious matters? I argue that religion is therefore similarly not to be solely located in the text, although it is founded upon it and bound to it, but ought to be found in the reception of that text, its implementation or non-implementation and the various points of view of the scholars. Bassam Tibi, himself a Muslim reformer, argues that Islamism has a wrong interpretation of Islam *but* does rely for its argument on Islam.¹⁸ Likewise, as I will demonstrate in Part Two, Islamist Muslims make the same claim against reformers. My point being; religious texts are highly susceptible to different interpretations. However, whilst every

¹⁸ "Obwohl aus den bisherigen Ausführungen hervorgeht, dass der djihadistische Islamismus aus meiner Perspektive eine Fehlinterpretation des Islam ist, liegt doch in beiden Fällen (meinem liberalen Islam und dem totalitären Islamismus) eine Position vor, die den Islam als Grundlage für sich in Anspruch nimmt. Anders formuliert: Beide berufen sich auf den Islam." Tibi, *Der Neue Totalitarismus: "Heiliger Krieg" Und Westliche Sicherheit*, p. 6.

individual *believer* might have his own interpretation, there are limits to the bandwidth of interpretation a text will allow. A religious edict to ‘kill the unbeliever’, for instance, can hardly be turned into a divine recommendation for unbelief. To make things even more complex; what if a religious text on the one hand commands to ‘kill the unbeliever’, and on the other hand states ‘thou shalt not kill’? What if the edict to kill does exist, but has never been the practice of the religious community? In addition, what if the consensus of the scholars is that the term ‘to kill’ is merely an indication of the severity of the crime but something which ultimately can only be judged and punished by God and not by men? Who decides what the religious actually message is? As a jurist I must on the one hand argue that the law is the totality of the text, the case law, the consensus of the commentators and thus very much a living breathing entity that is ever evolving. On the other hand, I must also argue that as long as the fundamental underlying texts are not altered, the bandwidth will always be limited and there are limits that cannot be crossed lest they become nonsensical. Within this spectrum there are those who would argue that the law is only what the texts say it is; in the most extreme case this would amount to a mechanical literalist positivistic approach. On the other hand there are those who argue that the object of positive law is to be found in its underlying ratio of serving the higher un-codifiable cause of justice as an *ius naturale*. This debate is equally alive in all major religions and I do not expect that debate to ever end. It is, however, of pivotal importance that we recognize that this debate is as much a part of religious thinking as it is a part of legal thinking. The scale in which the one or the other dominates may depend on the religion in question, but invariably this debate will oscillate between these two poles.

So why is this important? What do these questions add to this research? This study is not about religion. It does not research or even comment upon the totalitarian nature of religion in general or Islam in particular. The object of this study is to see if Islamism is totalitarian. As I have stated, totalitarian ideological thinking requires that there

are no internal contradictions in the premises on which the ideology is built. The whole construct of the totalitarian ideology is one of drawing the underlying logic of the idea to its most extreme consequences; it *has* to be logically coherent and devoid of contradictions if it is to claim the right to domination in the name of world salvation. In order to ascertain if the Islamists' arguments are internally coherent one must first and foremost analyze their legal-political vocabulary; this vocabulary is firmly rooted in Islamic legal-political vocabulary and theory. Recognizing the different streams of religious thought, and the different answers to the literalist and rational traditions in Islam, this study is built upon a six year study into the nature of the legal-political aspects of Islamic theology and law, the corpus of exegeses and its application in practice. It is my conviction that one needs to understand the legal-political tradition from which Islamism originates if one is to understand the Islamist phenomenon. This also gives an idea of the consensus or lack thereof on the issues addressed by the Islamists as it was voiced by authoritative Islamic scholars. This in turn enables us to understand whether or not Islamism is an obvious deviation from Islamic law or if it actually concurs with the consensus on these issues. In the latter case, the appeal of the Islamist narratives on Muslims can be expected to be far greater than if we are dealing with an interpretation of Islam which is heterodox.

I underscore that the whole question of an authentic or disingenuous interpretation of Islam, of what Islam is or is not, is something I will leave to Muslims and Islamic scholars as much as possible. Answering such questions is well beyond the scope of this study. However, when we turn to the issue of Islamists' interpretation of the laws of jihad, a standard part of the Islamic legal-political vocabulary, I will contrast their position with that of the orthodoxy in order to understand its compliance or deviance with orthodoxy.

What is the link between religion, modernity and totalitarianism?

Having thus briefly explained the basic features of the totalitarian phenomenon and my approach to religion in this study, the next question is whether or not the totalitarian paradigm, which has always been seen as a non-religious form of political organization, can be applied to a religious movement. A second question would be whether a form of political organization which is closely linked to western modernity will hold any value for forms of political organization that come from Islamic societies.

With respect to the first question; Olivier Roy, amongst others, maintains that the legal-political philosophical nature of Islam is such that certain unsurpassable boundaries exist which would prevent the formation of an Islamic form of totalitarianism. Roy thus maintains that 'Islamic totalitarianism is impossible' due to Islamic societies' 'respect for the family and lack of interest in the social sphere'.¹⁹ I will show how this observation is founded upon, on the one hand, a profound misunderstanding of the totalitarian way of thinking, and on the other hand, on a failure to incorporate the many Islamic rules pertaining to the establishment of an Islamic social, legal and political order. As I will demonstrate in this study, Islam does have a profound interest in the social sphere which is such that it seeks to monopolize that sphere to further the cause of world salvation. Islamists draw these divine edicts to their most logical conclusion rather than inventing any new doctrine. They seek to purge Islam and Islamic law of all elements that signify compromise between divine edict and the demands of historical reality in Islamic societies. What matters is not whether religious or on-religious thought forms the basis of the totalitarian movement, but if there is a logic of ideological thinking that is being applied to that thought.²⁰

Nazism and Communism were nothing alike in terms of the content of their founding ideas; race theory and Marxism-Leninism have very little, if anything, in common and are in many respects each other's

¹⁹ Roy, *The Failure of Political Islam*, pp. 10, 197.

²⁰ Arendt, *The Origins of Totalitarianism*, p. 469.

opposites. What makes Nazism and Communism different branches of the same tree is the way in which their respective ideologies dictated a very specific course of action aimed at forcefully fabricating Utopia, and the fact that these movements did not hesitate to implement their policies to their utmost logical conclusion. This question of religion and totalitarianism is, however, not an entirely new one. The earliest writers on totalitarianism already mentioned the close relationship between the two. As I will show, however, their work was mainly focused on explaining the adoption of religious concepts by non-religious totalitarian movements. What I am proposing is the reverse, or rather, coming full circle: the adoption of the totalitarian way of thinking by a religious movement, creating a fully *religious* form of totalitarianism.

A great deal of research has already been carried out regarding the essential role of religious concepts in the formation of non-religious totalitarian thought. Eric Voegelin (1901-1985), Carl Schmidt (1888-1985), Roger Griffin (b. 1948), Robert Paxton (b. 1932) and Emilio Gentile (b. 1946), among others, have already written extensively about certain elements of religion and of religiosity which made up much of the non-religious totalitarian conceptual and operational framework.²¹ Eric Voegelin for instance, was one of the first intellectuals to coin the concepts of *Ersatzreligionen*, substitute religions, and *Politische Religionen*, political religions, to emphasize

²¹ For analyses on the incorporation of religious concepts and rituals in both fascism and totalitarianism for instance: Eric Voegelin and Manfred Henningsen, *Modernity without Restraint* (Columbia ; London: University of Missouri Press, 2000), Carl Schmitt, *The Concept of the Political*, Expanded ed. (Chicago: University of Chicago Press, 2007), Barend Labuschagne and Reinhard Sonnenschmidt, eds., *Religion, Politics and Law: Philosophical Reflections on the Sources of Normative Order in Society* (Leiden; Boston: Brill, 2009), Roger Griffin, *Fascism*, Oxford Readers (Oxford; New York: Oxford University Press, 1995), ———, *Modernism and Fascism: The Sense of a Beginning under Mussolini and Hitler* (Basingstoke: Palgrave Macmillan, 2007), Robert O. Paxton, *The Anatomy of Fascism* (London: Allen Lane, 2004), Emilio Gentile, *Politics as Religion* (Princeton: Princeton University Press, 2006).

the similarities between non-religious totalitarian movements and the symbolic language of religions.²² The vast majority of research on totalitarianism, however, has for the most part been focused on the non-religious forms of totalitarianism and their ‘perversion’ of religious concepts. This is not surprising seeing that most of the major works on totalitarianism stem from an era in which Islamist and political Islamic movements were still in the embryonic stages of development and were largely unheard of outside of the Islamic world. Furthermore, for the earliest researcher on totalitarianism such as Eric Voegelin, Franz Borkenau (1900-1957), Friedrich von Hayek (1899-1992), Karl Popper (1902-1994) and Hannah Arendt, Nazism and Communism were very much acute political problems.²³ Later writers such as Eric Hoffer (1902-1983), Carl Friedrich (1901-1984), Zbigniew Brzezinski (b. 1928), Walter Laqueur (b. 1921), Merleau-Ponty (1908-1961), Claude Lefort (1942-2010), Claus-Ekkehard Bärsch (b. 1939), Juan Linz (b. 1926) and Erik van Ree (b. 1953) still found themselves preoccupied with the Cold War era Communist phenomena or with explaining the nature of Nazism’s brand of totalitarianism.²⁴ Alternative forms of totalitarianism did not

²² According to Arendt, Voegelin in the development of his idea of the ‘political religion’, named as his only intellectual predecessor Alexander Ular. See: ‘*Religion and Politics*’ in Hannah Arendt, *Essays in Understanding 1930-1954: Formation, Exile, and Totalitarianism*, ed. Jerome Kohn (New York: Schocken Books, 2005), p. 387 footnote 310.

²³ These earliest researchers of totalitarianism published their writings before, during or very shortly after the occurrence of the Second World War. Voegelin’s *Die Politischen Religionen* was first published in 1938. See also: Franz Borkenau, *The Communist International* (London: Faber and Faber limited, 1938), ———, *The Totalitarian Enemy* (London: Faber and Faber limited, 1940), Friedrich A. von Hayek, *The Road to Serfdom* (London: G. Routledge & sons, 1944), Karl R. Popper, *The Open Society and Its Enemies* (London: G. Routledge & sons, 1945).

²⁴ Popper, *The Open Society and Its Enemies*. Eric Hoffer, *The True Believer; Thoughts on the Nature of Mass Movements* (New York: Harper, 1951), Carl J. Friedrich and Zbigniew Brzezinski, *Totalitarian Dictatorship and Autocracy*, 2nd ed. (New York; London: Praeger, 1966), Zbigniew Brzezinski, *Ideology and Power in Soviet Politics*, Rev. ed ed. (New York: Praeger, 1967), Walter

appear to be visible on the horizon of that era. Thus, while much had been written about the symbolic references to religion and religiosity in totalitarian movements, the notion of a thoroughly *religious* totalitarianism had largely been ignored. The pivotal works of researchers on totalitarianism such as Arendt or Voegelin do not address this question explicitly but implicitly seem to state that such a novel form of totalitarianism would not be possible. Arendt for instance maintains that totalitarianism's use of the symbolism of transcendence, as proposed in Voegelin's idea of substitute religions or political religions, is a false notion. She rejects the notion of such a 'secular religion' and argues that 'there is no substitute for God in the totalitarian ideologies'. The use of the symbolic language of religion or religiosity by totalitarian movements is a 'necessary concession' made by the totalitarian movements to the masses in their march towards total control. Arendt maintains that at the core of the totalitarian movement's ideology, the 'metaphysical place for God has remained empty'.²⁵ Totalitarianism in that sense is the antithesis of religion. It is wholly immanent. Voegelin argues that these movements, while being 'immanentized heresies', rely on an 'inner worldly' form of religiosity, a *realissimum*, which is wholly separated from any transcendence while it retains a 'religiosity experienced by the collective body'. The rise of such a wholly immanent political religion

Laqueur, George L. Mosse, and Gilbert D. Allardyce, *International Fascism, 1920-1945* (New York: Harper & Row, 1966), Walter Laqueur, *Fascism: A Reader's Guide: Analyses, Interpretations, Bibliography* (London: Wildwood House, 1976), Maurice Merleau-Ponty, *Humanism and Terror: An Essay on the Communist Problem* (Westport, Conn.: Greenwood Press, 1980), Claude Lefort and John B. Thompson, eds., *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism* (Cambridge: Polity, 1986), Claus-Ekkehard Bärsch, *Die Politische Religion Des Nationalsozialismus: Die Religiöse Dimension Der Ns-Ideologie in Den Schriften Von Dieter Eckart, Joseph Goebbels, Alfred Rosenberg Und Adolf Hitler* (München: W. Fink., 1998), Linz, *Totalitarian and Authoritarian Regimes*, Ree, *The Political Thought of Joseph Stalin: A Study in Twentieth-Century Revolutionary Patriotism*.

²⁵ 'A reply to Eric Voegelin' in Arendt, *Essays in Understanding 1930-1954: Formation, Exile, and Totalitarianism*, p. 406.

does however necessitate the 'decapitation' and 'death of God'.²⁶ Both Arendt and Voegelin thus emphasize that the forms of totalitarianism which they have described are completely immanent. The place of the truly transcendent, the metaphysical or of God has been abolished and necessarily *has* to be abolished in order for a wholly immanent order of being to be able to arise. The totalitarian claim of possessing total knowledge of past, present and future events, and the claim to be the exclusive representative of a formula for self and world salvation which legitimizes its project of fabricating mankind into the image of some supposed eschatological Utopia thus relies on the elimination of the notion of the metaphysical transcendent. For if a realm of 'power, law or knowledge' would exist outside of the domain of the totalitarian movement then the totalitarian paradigm could be falsified and its claims of total dominion over humanity would lack legitimacy.²⁷ Religion in that sense is a competitor and a threat to the exclusivist claims of the totalitarian movement. With respects to the term political religion or substitute religion Voegelin maintains that this totalitarian reference to the symbolic language of religion and religiosity is maintained but that the place of the transcendent has become and must become wholly immanentized, God needs to be 'decapitated'. Arendt, who does not subscribe to the notion of symbolic references to religion or transcendence, argues that these references are merely necessary 'concessions' to the pragmatic demands of organizing a mass movement. In summary: Insofar as the debate within the circles of totalitarianism theories dealt with the question of religion and totalitarianism, this debate seemed to be focused more on the question whether or not the term 'political religion' was a legitimate

²⁶ Voegelin and Henningsen, *Modernity without Restraint*, pp. 8-9.

²⁷ Lefort and Thompson, eds., *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, p. 306.

term for describing Nazism and Communism, it did not deal with the possibility of a truly religious form of totalitarianism.²⁸

Thus the following question must be formulated: is it possible to have a truly *religious* form of totalitarianism in which the realm of God or the transcendent is not only left intact but also actually functions as the foundation and driving engine of a totalitarian movement? Can a totalitarian movement come into existence in which the symbolic language is not a 'perversion' of religion designed to accommodate an inner worldly *realissimum*, or a 'concession' to real world demands, but in which the language being employed expresses a sincere desire to dissolve the boundaries between the transcendent and the immanent? This question has gained particular momentum with the advent of political Islam and Islamist movements in the latter half of the 20th century. The rise of Islamist movements to the forefront of the world stage can be attributed to two main factors. The first of these is the fact that the end of the cold war in a way marked the end of history for the two main totalitarian movements of the 20th century, Nazism and Communism. While the Cold War was still ongoing, Communism enjoyed the academic attention as a living form of totalitarianism while Nazism conversely had already been relegated to the realm of historical academic research. After the Cold War ended, Communism too became a thing of the past; albeit that an exception can be made for Cuba as a post-totalitarian dictatorship and Stalinist North-Korea.²⁹ These two

²⁸ Arendt's essay *Religion and politics*, deals with the question of religion and totalitarianism, but with a reference to the question whether or not Communism is a religion. It does not answer any questions about the possibility of a totalitarianism that *does* refer to a transcendent God. Hannah Arendt, "Religion and Politics," in *Essays in Understanding 1930-1954: Formation, Exile, and Totalitarianism*, ed. Jerome Kohn (New York: Schocken Books, 2005), pp. 368-391.

²⁹ I have excluded China from the model of a post-totalitarian bureaucracy since the capitalist experiments have moved China more and more into the corner of a one-party dictatorship that only in its official language, but not policy, reminds us of its Communist legacy.

countries, however, are but minor players on the world stage compared to the former USSR and thus the gaze of academics became free to look for other forms of totalitarianism. The second factor is closely related to the first and is formed by the increased visibility of Islamist movements on the world stage whose ascendance ran parallel to Communism's demise. The events of 9/11 in particular have drawn a tremendous amount of attention to the phenomenon of Islamist movements. While the ancestry of these movements can easily be traced back to the second half of the 19th century, if not further, the advent of an interdisciplinary investigation focused on the totalitarian aspects of these political Islamic movements seems to be a rather novel phenomenon.

The development of the application of totalitarianism studies to Islamist phenomenon

I will briefly outline the development of the interdisciplinary study of the Islamist and totalitarian phenomenon in order to underscore its novelty, and to give an impression of the place this research aims to occupy within it.

One of the earliest mentions of Islamist movements as a possible form of totalitarianism came from an essay by Bernard Lewis (b. 1916) in 1954.³⁰ It does seem, however, that judging by the body of literature on the subject of political Islamic movements that has been written since that essay, that the analysis of these movements as possible forms of totalitarianism did not enjoy much academic attention until after the fall of Communism in 1989. Bernard Lewis's early appeal in that sense seems to have been somewhat of an oddity. Since the fall of Communism authors such as John Esposito (b. 1940), Olivier Roy (b. 1949), Barry Cooper (b. 1943), Hamid Enayat (1932-1980), Afshin Ellian (b.1966), and Bassam Tibi, amongst others, have started to comment on the potential totalitarian nature of political Islam, and

³⁰ Bernard Lewis, "Communism and Islam," *Royal Institute of International Affairs* vol. 30 no. 1 (1954), Arendt, "Religion and Politics," pp. 368-391.

this list of authors is ever increasing.³¹ Three problems exist, in my view, with this growing body of work. The first is that they are mostly written by academics which come from an Islamic studies background and whose understanding of the totalitarianism phenomenon is open to discussion. They seem to suffer from what Arendt described as the use of a term which is 'no longer understood with its particular historical background thus resulting in a generalization in which the words themselves lose all meaning.'³² Esposito for instance argues that totalitarianism is constituted when 'no one can regard any field of his affairs as personal or private' whilst Roy claims that an 'excess of state' and 'an absorption of the entirety of the social realm into the political realm' is constitutive of totalitarianism. Both views are not incorrect but they merely present some of the elements and symptoms emanating from an underlying system of political thought. If we are to understand the totalitarianism as a phenomenon and use it to analyze Islamist movements, then we need to be acquainted with all of those 'elements' as Arendt calls them, that make up its foundations, and not merely its symptoms. Cooper, Ellian and Tibi conversely utilize a much more useful approach in their analyses of political Islam through the application of Claude Lefort's, Eric Voegelin's or Hannah Arendt's theories of totalitarianism.

³¹ John L. Esposito, *Islam and Politics*, 4th ed., Contemporary Issues in the Middle East (Syracuse, N.Y.: Syracuse University Press, 1998), Arendt, "Religion and Politics," pp. 368-391, Roy, *The Failure of Political Islam*, p. 13, Barry Cooper, *New Political Religions, or, an Analysis of Modern Terrorism*, Eric Voegelin Institute Series in Political Philosophy (Columbia: University of Missouri Press, 2004), Hamid Enayat, *Modern Islamic Political Thought* (London: I.B. Tauris, 2008), Geliijn Molier, Afshin Ellian, and Suurland, eds., *Terrorism: Ideology, Law, Policy*, Tibi, *Der Neue Totalitarismus: "Heiliger Krieg" Und Westliche Sicherheit*, Afshin Ellian in chapter 23 of U. Rosenthal E. Muller, R. de Wijk, ed., *Terrorisme: Studies over Terrorisme En Terrorismebestrijding* (Deventer: Kluwer, 2008).

³² Hannah Arendt, "Understanding and Politics," in *Essays in Understanding 1930-1954: Formation, Exile, and Totalitarianism*, ed. Jerome Kohn (New York: Schocken Books, 2005), p. 306.

A second problem occurs when the notions of totalitarianism being employed by writers on the subject of Islamist movements are of the empirical state-centered variety. Thus, they ignore the earlier stages of development of the totalitarian movement which elude the empirical theories. Since most Islamist movements never reached the status of a full blown totalitarian society in which the state is appropriated by the movement, this approach could not be expected to yield valuable results or insights. The mainstays of Islamist movements are movements of opposition, often operating under heavy state repression and thus an empirical state centered theory is of little use; the Islamic republic of Iran being a possible exception.

A third and very common misconception is the use of the terms totalitarianism and fascism as if they were interchangeable. As I will explain in Part One, they in fact represent two very different and irreconcilable forms of authoritarian political organization.³³ Fascists, for instance, have a nationalistic, pragmatic and non-ideological agenda, which focuses on the sacrilization of the nation-state. Totalitarianisms on the other hand are transnational movements which aim to subordinate the state to the party, are driven not by practical concerns of the here and now but rather by the eschatological edicts of their ideology, and are aimed at the fabrication of a new order of being and a new type of 'totalitarian man' to be achieved at some future point in time. As we shall see, different Islamist movements appeal to different elements of these descriptions of fascism and totalitarianism. Some are pragmatic nationalistic movements of resistance to dictatorship or western influences related to modernity under the banner of Islam, whilst

³³ Nazism for instance is often times referred to as a fascist regime. Whilst this is not inaccurate for the earliest parts of its history, it certainly cannot be applied to its existence from 1934 onwards. The goals and means of the Nazi movement changed drastically in its transformation from a fascist to a totalitarian movement and this difference has to be acknowledged when we apply these terms to Islamist movements. I will elaborate on this in the first part of this research.

others genuinely aspire to transform the world entire into their envisioned model of the new 'Islamic man'. Labeling such a latter movement as being 'fascist' would thus be a misnomer and instead of clarifying matters would only obscure them.

I have already explained some of the core elements of totalitarianism and some of the problems encountered in its use in the study of Islamist movements. This research has been written in response to the need for a clear definition of and demarcation between the boundaries of fascism and totalitarianism on the one hand, and the application of a unified theory of totalitarianism to the realm of Islamism research on the other. I will now briefly explain the way in which I have come to a harmonized model of totalitarianism which can be applied to Islamist ideologies and movements.

What is the methodology of part one of this research?

The first part of this research is dedicated to the question of defining totalitarianism. I have gone about answering this question by painting a very broad picture of authoritarian forms of political organization, of which totalitarianism, strictly speaking, is a sub-type. As such I aim to show how totalitarianism has borrowed from and as the same time is radically opposed to non-totalitarian forms of authoritarianism. I begin my research by giving an overview of classical forms of authoritarianism such as the monarchy, tyranny and dictatorship, albeit very briefly. I then proceed to summarize some of the elements of the Enlightenment, counter Enlightenment and modernity which have played a key role in forming fascist and totalitarian legal and political theory. This is also of interest to the study of Islamism since many of the elements of modernity that have sparked fascist and totalitarian political-legal thought have also sparked an Islamists response against modernity. This is followed by a more elaborate explanation of the different theories on fascism since it is here that we see the first elements of totalitarianism come to the forefront. While fascism is notoriously difficult to explain, and is mostly defined by what it is not, I have used a number of normative and empirical

theories to come to a working definition. This is of particular relevance to the study of Islamist movements since many of those Islamist movements adopt key features of fascism in their early stages of development. Finally I come to the subject of totalitarianism. In this section of the first part of my research, I summarize and evaluate the usefulness of the different existing empirical and normative theories of totalitarianism. In the end I will conclude that Arendt's formula of 'a system of governance whose essence is terror, and whose principle of action is the logicity of ideological thinking' is the most appropriate. However, in order to understand this rather unclear definition I will augment it with the normative theories of Claude Lefort and Eric Voegelin. Voegelin in his theory of totalitarianism as a Gnostic speculation has developed a schematic representation through which the individual components of what Arendt calls an 'ideology' become apparent. This schematic representation is centered on six points: 1) The Gnostic is dissatisfied with his situation. 2) The belief that the drawbacks of the situation can be attributed to the fact that the world is intrinsically poorly organized. 3) The belief that salvation from the evil of the world is possible. 4) The belief that the order of being will have to be changed in a historical process. 5) The belief that this salvational act is possible through man's own effort. 6) The belief that it is the task of the Gnostic to seek out the prescription for such a change in the order of being and discover the formula for self and world salvation.³⁴

However, these six points alone do not make an ideology totalitarian. What is needed is the additional component of terror, and the *willingness* to use it in order to fabricate Utopia. Voegelin's schematic representation of the Gnostic speculation is ideally suited for interpreting the writings of both religious and non-religious ideologues. Thus I have chosen his schematic as the blueprint for

³⁴ Eric Voegelin, "Ersatz Religion," in *Modernity without Restraint*, ed. Manfred Henningsen (Columbia; London: University of Missouri Press, 2000), p. 298.

analyzing the writings of the Islamist ideologues I named earlier. Given the fact that most Islamist movements are movements of opposition I will not give much attention to the empirical theories on totalitarianism, although they will return when analyzing Iran after the founding of the Islamic republic.

Applying the totalitarianism paradigm to religious movements

I can now answer the second part of my initial question: what is totalitarianism, and can the totalitarianism paradigm be applied to non-Western or religious movements? As I will show in Part One, the issue of the applicability of the totalitarianism paradigm to religious movements and to non-Western movements is resolved by seeing totalitarianism as a system of legal and political thought based on the logicity of ideological thinking. Whereas Roy argues that Islamic societies do not allow for any infringement on family life and thus ‘prevent the formation of totalitarianism’, Arendt would argue that such constraint in reality matters very little. The formation of a totalitarian movement is a process which moves in small increments from within its culture of origin. At every step of the way the movement also transforms the social, legal and political climate in which it operates, only to show its true totalitarian face when the movement is at the height of its power and the all previous cultural norms and restraints have been superseded.³⁵ I would argue that in my view the discrepancy between the secular nature of totalitarianism and the religious nature of Islam and Islamism is quite irrelevant. The aim of this research is to ascertain whether or not the

³⁵It is a “[...] curious fact that Nazi Germany and Soviet Russia started from historical, economic, ideological and cultural circumstances in many respects almost diametrically opposed, yet still arrived at certain results which are structurally identical. This is easily overlooked because these identical structures reveal themselves only in fully developed totalitarian rule.” Hannah Arendt, “On the Nature of Totalitarianism: An Essay in Understanding,” in *Essays in Understanding 1930-1954: Formation, Exile, and Totalitarianism*, ed. Jerome Kohn (New York: Schocken Books, 2005), p. 347.

ideologies of Islamism can be described in the same way as we have described the ideologies of secular totalitarianism. I am merely interested in whether or not a given formula for self and world salvation exists, and to what degree the 'believer' is willing to enforce this path to salvation. In other words, this research is concerned with the relevance of these ideas to political action and organization, or to put it in Arendt's terminology, to investigate if there is a logicity of ideological thinking which forms the principle of political action. Whether or not the *source* of these ideas can be defined as divine becomes of interest when we discuss counter-terrorism policies, for if the ideologies of Islamist movements form part and parcel of divine revelation, then the appeal it will have on the masses increases dramatically. The weakness of all secular forms of totalitarian ideologies, as both Arendt and Islamist thinkers point out time and again, is that they are man-made and thus fallible. A recipe for self and world salvation that has God as its author, on the other hand, is hard to resist or refute.

An added benefit of Voegelin's schematic representation of the Gnostic Speculation is that it in a way depicts the six components of non-religious totalitarian thinking as if they were derived from theology. I have re-written this schematic as follows to make the relevance for the study of Islamism clearer. Since the formula for self and world salvation is a given for Islamist movements, namely Islam, I start with that point.

- 1) Islam is the formula for self and world salvation
- 2) The observation that the world is in disorder: the fall from Eden
- 3) The reasons for the fall from Eden: the abandonment of the edicts of religion and the existence of existential enemies
- 4) The belief that salvation from the evil of the world and a return to Eden is possible
- 5) Changing the order of being in a historical process: manufacturing mankind according to the edicts of the religious order
- 6) The belief that this salvational act is not only a possibility but an existential requirement imposed upon mankind by the religious order.

In so doing I hope to make it clear how the different elements of totalitarian thought appear in the writings of Islamist ideologues. These changes do not affect the underlying conceptual matrix as they have been postulated by Arendt, Voegelin or Lefort.

How to apply the totalitarianism paradigm to Islamism?

The second part of this research is concerned with explaining the Islamist phenomenon. It deals with questions such as its relation to the religion of Islam and its relation to the totalitarian phenomenon. I approach these questions from the bottom up. With this is meant that I will begin by shedding some light on its roots in Islam and the Islamic canonical sources. This is needed in order to understand the particular legal and political philosophical vocabulary employed by such movements. This is not to say that I will be making an analysis of the totalitarianism of Islam, Muslims or of Islamic cultures. This is far beyond the scope of this study and more importantly, it is an impossible task. Socialism in itself was not totalitarian, nor was race theory. Bolshevism and Nazism are the totalitarian end products of a process of ideological thinking applied to a certain conception of socialism and race theory. What makes ideas totalitarian, what makes them 'ideologies' is not their content or their sources, but the *interpretation* of those ideas in the form of strict logical deduction, and its actualization in society.³⁶ It is inescapable that Islamist movements to varying degrees legitimize themselves through references to the canonical sources of Islam. This in itself says nothing about Islam itself. While it is true that any given text lends itself easier to one interpretation than another does, it is only in the mind of an

³⁶ "This stringent logicity as a guide to action permeates the whole structure of totalitarian movements and governments. It is exclusively the work of Hitler and Stalin who, although they did not add a single new thought to the ideas and propaganda slogans of their movements, for this reason alone must be considered ideologists of the greatest importance." Arendt, *The Origins of Totalitarianism*, p. 472.

ideologue that one interpretation is the *only* universally valid interpretation. Tibi similarly argues that:

Obwohl aus den bisherigen Ausführungen hervorgeht, dass der djihadistische Islamismus aus meiner Perspektive eine Fehlinterpretation des Islam ist, liegt doch in beiden Fällen (meinem liberalen Islam und dem totalitären Islamismus) eine Position vor, die den Islam als Grundlage für sich in Anspruch nimmt. Anders formuliert: Beide berufen sich auf den Islam.³⁷

What is Islamism?

Before I move on to explaining the relationship between Islamist ideologues and the canonical sources which they use to legitimize their political and legal theories, it is important that we have an understanding of the concept of Islamism. In the body of literature on the subject of Islamist movements a dizzying variety of definitions and terms is employed.³⁸ I have summarized some of the most often heard definitions here. Olivier Roy, as most other authors I will mention here, defines Islamism as a desire towards the 'unification of the religious and the political'. Islamism claims to 're-create a true Islamic society, not simply by imposing *Shari'ah*, but by establishing first an Islamic state through political action. Islamists see Islam not as a mere religion, but as a political ideology that should replace all aspects of society'.³⁹ Peter Mandaville (b. 1953) in his analyses of the different Islamist movements describes Islamism as 'forms of political theory and practice that have as their goal the establishment of an Islamic political order in the sense of a state whose principles, institutions, and legal system derive directly from the Shari'ah. In the

³⁷ Tibi, *Der Neue Totalitarismus: "Heiliger Krieg" Und Westliche Sicherheit*, p. 6.

³⁸ See for instance the analyses of Mehdi Mozaffari, "What Is Islamism? History and Definition of a Concept," *Totalitarian Movements and Political Religions*, Vol. 8, no. 1 (2007), William E. Sheppard., "Islam and Ideology: Towards a Typology," *International Journal of Middle East Studies* 19, no. 3 (1987).

³⁹ Roy, *The Failure of Political Islam*, pp. 2, 8.

eyes of those who advocate Islamist' solutions religion is generally viewed as a holistic, totalizing system whose prescriptions permeate every aspect of daily life.⁴⁰ The former Oxford professor Hamid Enayat in his analysis of modern Islamic political thought describes it as 'The total integration of the religious and political under the aegis of the Shari'ah.'⁴¹ Afshin Ellian, in his political and legal philosophical analysis of the political Islamic phenomenon elaborates on this unification of the religious and political as follows: "Political Islam brought the transcendent, religious, and metaphysic principles to earth, in this immanent world. All became one. Conflict was legitimized with a call to previously transcendental concepts. Struggles even took place to give the transcendental world a place in this immanent world. The oneness was complete. [...]all aspects of the culture – education, science, and even literature – were to be considered and viewed from the position of Islam".⁴² Gilles Kepel (b. 1955) reiterates the Islamist's desire to establish an Islamic state on the basis of the Shari'ah and emphasizes in addition that this desire stems in part from a reaction against modernity and the ensuing secular nationalist movements, while at the same time being opposed to the traditional Islamic position which relegated the actual implementation of the Shari'ah through political combat to 'a secondary concern'.⁴³ This position is at odds with Bernard Lewis's essay of 1954 in which he commented on the 'authoritarianism, perhaps we may even say the totalitarianism, of the Islamic political tradition'.⁴⁴ The idea of an 'invention of tradition' is also expressed by Bassam Tibi, to whom I will return shortly. A different approach is chosen by Tarek Fatah (b. 1949) who, like Tibi, is a Muslim highly

⁴⁰ Peter G. Mandaville, *Global Political Islam* (New York, NY: Routledge, 2007), p. 57.

⁴¹ Enayat, *Modern Islamic Political Thought*, p. 89.

⁴² Gelijn Molier, Afshin Ellian, and Suurland, eds., *Terrorism: Ideology, Law, Policy*, pp. 162, 169.

⁴³ Gilles Kepel, *Jihad: The Trail of Political Islam* (Cambridge, Mass.: Harvard University Press, 2002), p. 23.

⁴⁴ Lewis, "Communism and Islam."

critical of the Islamist phenomenon. Fatah offers an explanation of Islamism which is akin to Hoffer's depiction of the mindset of the non-religious 'true believer' and which emphasizes the negative attitudes of Islamism; the 'urge to eradicate, crush and purge lies at the heart of their obsession'. "For these people who treat Islam as a brand name, not a religion, it seems their motivation is one of revenge, or an outburst on seeing themselves as unable to compete in or contribute to a globalized world. [...] They would like to see both Muslim and non-Muslim collectively submit to their fascist ideology of hate and supremacy where instead of life, death is to be celebrated."⁴⁵ Quite apart from most authors on this subject, Fatah does assume that Islamist movements abuse Islam as a 'political tool to further their goals.'⁴⁶ This position is reiterated by Tibi, who states that while in the worldview of the Islamic fundamentalist his actions are derived from Islam, he is in fact 'a political man with a political outlook'. This is closely related to Tibi's understanding of Islam as being a non-political, ethical and normative order and is opposed by the Islamist enterprise of 'politicizing Islam and Shari'ah law': "The reformist view that Islam is a religion and not a political legitimacy [...] is now strongly rejected. The new call for *al-nizam al-islami*, for the political order of Islam is the hallmark of the present time."⁴⁷ This attempt at the politicization of Islam, according to Tibi, has no foundation in the canonical sources or 'the authoritative scriptures of the ulama (the legal scholars of Islam D.S.)', and thus the Islamist project is not a matter of re-Islamizing the Muslim masses, but of an 'invention of tradition'. The re-Islamization thesis is thus, according to Tibi, 'wrong and definitely not an adequate formula for depicting political Islam'.⁴⁸ "The packaging and language are traditional but the substance is new, and this is precisely what makes this return of tradition not merely a

⁴⁵ Tarek Fatah, *Chasing a Mirage: The Tragic Illusion of an Islamic State* (Mississauga, Ont.: J. Wiley & Sons Canada, 2008), pp. 8, 271-272.

⁴⁶ *Ibid.*, p. xvii.

⁴⁷ Tibi, *Islam between Culture and Politics*, p. 120.

⁴⁸ *Ibid.*, p. 118.

revival, but a reinvention.”⁴⁹ This is underscored by the lack of references in the Islamists literature ‘about restoring the traditional Islamic caliphate’.⁵⁰ The true meaning of the term ‘re-Islamization’ should therefore not be the restoration of traditional Islam, which has ‘forfeited none of its influence as a cultural-normative orientation determining the worldview of its believers’, but the reshaping of the Muslim masses into the image of the Islamists’ politicized and to a degree, ‘highly selective views’ on Islam.⁵¹

Als »gläubig« in einer vom Geist des Islamismus durchdrungenen Welt des Islam wird heutzutage nur noch derjenige eingestuft, der den Islam schriftgläubig interpretiert und an der konstruierten Einheit von Staat und Religion sowie an der *Schari'a* festhält, ohne sie zu hinterfragen. »Ungläubig« soll dagegen jeder Muslim sein, der seine Religion entpolitisiert und sie als Ethik versteht sowie bei dem Erlangen

⁴⁹ Bassam Tibi, *Political Islam, World Politics and Europe: Democratic Peace and Euro-Islam Versus Global Jihad* (London; New York: Routledge, 2008), p. 4.

⁵⁰ Tibi, *Islam between Culture and Politics*, p. 127.

⁵¹ “I am not concerned here with a ‘re-Islamization’ of the Muslim countries, but rather with the interplay between the cultural, that is, religious and social, constraints of change. [...] It is wrong and definitely not an adequate formula for depicting political Islam. The term ‘re-Islamization’ presupposed from the semantic point of view- that Islam was once suppressed and that a return to it is now taking place. Those familiar with the Islamic civilization will know that Islam as a system of belief has never lost significance for its adherents. However a process of political supersedence of Islam did take place following the decline of Islamic modernism. [...] In the course of this process, Islam, as a political legitimacy of political rule, has had to quit the field in favour of secular ideologies, such as nationalism and socialism. But Islam nevertheless forfeited none of its influence as a cultural normative orientation determining the worldview of its believers and affecting the related meaning for their life, as well as their actions in daily life. The notion of the current re-emergence of Islam is confined to the field of political ideology and therefore cannot be properly referred to as a re-Islamization. It is rather a process of political revitalisation, or a *re-politicisation of the sacred*.” Ibid., pp. 118, 126.

von Wissen vom Primat der Vernunft – nicht der Offenbarung – ausgeht. Diese Gut/Böse-Dichotomie im Islam verleugnet alle großen islamischen Geister besserer Zeiten von al-Farabi bis Ibn Ruschd und Ibn Khaldun, also alle islamischen Rationalisten.

The problem, Tibi argues, is not the ethical normative system of Islam, but the politicization of Islam and of Islamic law.⁵² Nonetheless, it can be said that the Islamist project of re-Islamization is not a re-Islamization of Muslims into the Muslims of earlier periods, whoever they might have been, but rather a fabrication of Muslims into 'new Muslims' created in the image of the Islamist movement. While I, unlike Tibi, will not go so far as to say that Islamists are 'political men with a political outlook', I take them at face value when they say they are not, I do subscribe to Tibi's view that the Islamist project is not about re-Islamization but rather about the invention of tradition. Re-Islamization in that sense is the fabrication of a *new* Islamic man.

Islam, Islamism and the politicization of Islamic law

As is clear from this small inventory of the different definitions and conceptions of Islamism, there are numerous dimensions at work that make a single unified definition hard to achieve. In addition, one of those dimensions that play a role in the background of this search for a unified definition is the question of Islam and Islamism. I do not wish to enter into the theological heart of this debate for that is beyond the scope of this work. Furthermore, I do not feel that it is necessary. For the purpose of this research I need to know whether or not the Islamist ideas can be seen as totalitarian ideologies, and whether or not the movements they inspired can be seen as totalitarian movements. I reiterate that the whole question of an authentic or disingenuous interpretation of Islam, of what Islam is or is not, is something I will leave to Muslims and Islamic scholars as much as possible. It does not play a part in this res

⁵² ———, *Der Neue Totalitarismus: "Heiliger Krieg" Und Westliche Sicherheit*, p. 26.

earch outside of the question of the potential appeal of the Islamist narrative on the Muslim masses. Since a part of this research is to serve as a warning to both Islamic and non-Islamic societies about the dangers of a totalitarian Islamist movement, I must pay some attention to a debate that lies at the core of the Islamist and counter-Islamist discourse, the issue of Islamic law and jurisprudence. It seems that I too cannot escape saying at least something about the relationship between Islamism and Islam.

As I have shown Tibi already argued that while he disagrees with the Islamist narrative and the Islamist interpretation of Islam, he also states that their foundations lie in Islam itself. Inescapably linked to any investigation into Islamism therefore, is an investigation into Islam itself.⁵³ While the Quranic revelations and the hadith form the basis of the Islamic religion, these texts need to be interpreted. Whether one chooses the rationalist interpretation of intellectuals such as Tibi, the historical interpretation of Taha (1909-1985), or the rather literalist interpretation of Ibn Abdul al-Wahhab (1703-1792), is inconsequential for the fact that interpretation is unavoidable.⁵⁴ The canonical sources need to be commented, explained and expressed through a system of thought which is much akin to the legal exercise of giving commentary on laws through jurisprudence and case law. Islam in that respect is a highly juristic religion. The system of commentary, case law and jurisprudence that flows from these simple

⁵³“only research into sources can provide an adequate understanding of Islam” ———, *Islam between Culture and Politics*, p. 117.

⁵⁴ See: Bassam Tibi, *The Challenge of Fundamentalism: Political Islam and the New World Disorder*, Comparative Studies in Religion and Society; 9 (Berkeley: University of California Press, 1998)., Muhammad Taha, *The Second Message of Islam*, 1st ed., Contemporary Issues in the Middle East (Syracuse, N.Y.: Syracuse University Press, 1987), Muhammad ibn Abd al-Wahhab, ed., *An Explanation of Muhammad Ibn Abd Al-Wahhab's Four Principles of Shirk* (Birmingham, UK: Al-Hidaayah, 2002), Hamid Algar, *Wahhabism: A Critical Essay* (Oneonta, N.Y.: Islamic Publications International, 2002).

articulations of faith is known as the Shari'ah which, in the words of the eminent scholar Joseph Schacht (1902-1969) is:

[..] the epitome of Islamic thought, the most typical manifestation of the Islamic way of life, the core and kernel of Islam itself. [...] Theology has never been able to achieve a comparable importance in Islam [...] it is impossible to understand Islam without understanding Islamic law.⁵⁵

Tibi underscores Schacht's opinion and states that 'in Islamic law legal concepts are fused with religious meaning. Revealed Koranic truth is the standard; it is regarded in Islam as eternal and immutable; its jurisdiction is unlimited. The Islamic law derived from this truth claims to embrace all spheres of life and is therefore organic in Character. [...] Here we encounter the unity of religion and law. [...] This explains why *fiqh* (jurisprudence D.S.) is central to Islam'.⁵⁶ These statements are of relevance to the issue at hand: the question of the *potential appeal* of the Islamist narrative on the Muslim masses. Tibi's argument is that *fiqh* is 'lawmaking by human beings' and 'definitely not revealed by God', and thus 'related to historical conditions that no longer pertain in modern times'. If this is true, and *that* is up to Muslims to decide for themselves, then the appeal of the Islamist narrative could be reduced drastically. He proceeds to indicate a very important feature of Islamic law and of the main characteristics of the Islamist narrative.

Clearly, the behaviour of people who believe in an immutable dogma must in the course of centuries deviate from that dogma, if it is not newly formulated and adapted to suit new conditions. But because that dogma claims not to be historically conditioned and because it conceives of itself as eternally valid, a rethinking of it would contradict its essence and runs the risk of being involved in

⁵⁵ Joseph Schacht, *An Introduction to Islamic Law* (Oxford [Oxfordshire]; New York: Clarendon Press, 1982), p. 1.

⁵⁶ Tibi, *Islam between Culture and Politics*, pp. 154, 157.

a heresy. This is the substance of the great centuries old gulf between legal philosophy and practice in the history of Islam.⁵⁷

This culminates in Tibi's appeal for 'a reform of Islamic law. Such reform will not be promising if it is limited to a renewed exegesis of handed-down law.'⁵⁸ Islamists on the other hand display an extraordinary amount of adherence to the canonical sources and the Shari'ah and *fiqh* which flow from them. Ayman al-Zawahiri, for instance, explains the legal theory of al-Qaeda simply as: "do not imitate anyone or accept his sayings except on the strength of a Shari'ah proof."⁵⁹ Far from a mere ethical normative system of belief, Islamists elevate the canonical sources, Shari'ah law, and *fiqh* to a legal-political manifesto for the creation of a *new order of being*. As I will show in the second part of this research, the activities of al-Qaeda in particular are all legitimized with an appeal to these sources. Moreover, their interpretation of those sources is highly casuistic and on the whole lacks general principles. Thus if one wants to know what opinion al-Qaeda has regarding say, the rules of war with respect to the Shari'ah and *fiqh* then one must find out by distilling it from a case by case basis until slowly a more general picture emerges. What differentiates for instance some mystical Islamic orders from Zawahiri is that the former reject Shari'ah and *fiqh* as part of divine revelation, and do not see a legitimation in the Shari'ah for constituting a political order, let alone a divine political order. The latter on the other hand sees the Shari'ah and *fiqh* as natural outgrowths of revelation that guides the community of Muslims. While interpretation, *ijtihad* is allowed, the bandwidth of this interpretation, as I will show, is very limited. The totality of revelation, Shari'ah and *fiqh* thus form for these Islamists the *religious* foundation for a remaking of the world along the lines of their interpretation of those sources into an order of being which is wholly subservient to the sovereignty of Allah.

⁵⁷ *Ibid.*, p. 156.

⁵⁸ *Ibid.*, pp. 158-159.

⁵⁹ Ayman al-Zawahiri, "Exoneration," (2009), <http://www.fas.org/irp/dni/osc/exoneration.pdf>, p. 58.

The point of all of this is the following: While I will not go into the accuracy of either the mystic's or Zawahiri's position regarding these sources, the case in point is that Muslims probably will. The Islamist narrative thus is able to strike a sensitive cord in the heart of all believers. Especially when combined with the propaganda of victimization and frustration, which is exemplary of al-Qaeda's propaganda, or when targeted by their more rigid and honest indoctrination narrative; Muslims who are susceptible to their messages might be persuaded to view those messages as being authentically Islamic. It is therefore essential to have a counter-narrative to the Islamist narrative. Tibi has already offered one in the form of a rationalist and 'topical' interpretation of Islamic law.⁶⁰ Muhammad Taha has offered another approach in his historical reading of certain sections of the Quran, particularly those dealing with Medina. In that respect, I should not fail to mention the "Secular Islam Summit" held in Florida in 2007 where just such a group of so-called 'secular Muslims' came together to issue a declaration of principles which came to be known as the "St. Petersburg declaration". Some of the points on which they agreed were the calls to:

reject sharia law, fatwa courts, clerical rule, and state - sanctioned religion in all their forms; oppose all penalties for blasphemy and apostasy, in accordance with Article 18 of the Universal Declaration of Human rights; We demand the release of Islam from its captivity to the totalitarian ambitions of power - hungry men and the rigid strictures of orthodoxy. We enjoin academics and thinkers everywhere to embark on a fearless examination of the origins and sources of Islam, and to promulgate the ideals of free scientific and spiritual inquiry through cross - cultural translation, publishing, and the mass

⁶⁰ Tibi, *Islam between Culture and Politics*, p. 159.

media. We say to Muslim believers: there is a noble future for Islam as a personal faith, not a political doctrine.⁶¹

Whichever narrative Muslims decide to choose, the reformist, the traditional, the Islamists, or any other for that matter is up to them. The appeal that the Islamist narrative can exert, however, is undeniable. There is, as with every religion, a great divide between the religious-political-legal implications of the canonical texts, and the religious, if not spiritual experience of the everyday person. When I began debates about Islam and Islamic law, Shari'ah, with my Muslim students I found a general and severe lack of knowledge, but a deep identification with Islam as the founding principle of their identity and the object of their loyalty.⁶² Perhaps this is due to their experience as migrants, but research indicates this is a universal element in Muslim attitudes towards religion.⁶³ I have no doubt that many people who identify themselves as Muslim in reality have little appetite for living under Shari'ah rule if they knew what it truly entailed.⁶⁴ This probably applies to all forms of religious law. To many it seems that 'being a Muslim' has more to do with their family, their traditions and customs of their country of origin than with Islam as a belief system. From my own experience with people who call themselves 'religious', their religion is, highly symbolic. God is the symbolic representation of 'the good' which they strive for in their own lives and environment. More often than not, the 'religious' person becomes the author of the

⁶¹ Quoted from the very informative analysis of the debate about reform in Islam in: Cliteur, *The Secular Outlook: In Defense of Moral and Political Secularism*, pp. 276-277.

⁶² When compared to for instance their country.

⁶³ Esposito and Mogahed, *Who Speaks for Islam? What a Billion Muslims Really Think*, pp. 1-6.,

⁶⁴ I abhor the oft used phrase "a majority of Muslims" since quite often, upon closer examination that majority leaves much to be desired. A 2006 poll conducted by the UK based polling firm 'GFK group' indicated that 30% of Muslims in the UK preferred to live under Shari'ah law. GFK group, "Muslims in Britain," (2006),

http://www.gfknop.com/imperia/md/content/gfk_nop/newsandpressinformation/muslims_in_britain_aug__06.pdf.

‘religion’ he proclaims to adhere to. This is frequently indicated by a lack of knowledge of fundamental scriptural sources, thus causing a hyperinflation of the denominator ‘religious’. Religiosity in that respect is a better term. In short, the self-identification as being religious is more often than not a spiritual quality through which a ‘religion’ is invented by the religious person rather than an adherence to a body of canonical texts, laws and provisions. With regard to Islam and Muslims then, the question is whether or not these people are truly aware of the requirements posed on them and their societies by Shari’ah law. As the writer Sam Harris stated:

Religious moderation is the product of secular knowledge and scriptural ignorance.⁶⁵

The question which then follows is: what constitutes a Muslim? Is the Catholic who performs the minimal level of religious duties but goes about his daily business without bothering with religious dogma truly a Catholic? I would say no. Rather, I’d say they experience a catholic inspired form of religiosity. More importantly, the Islamic writers, jurists and ideologues we will be discussing disagree as well and much of their wrath is aimed at those whom they consider to be weak Muslims.

Islamism as totalitarianism

Having commented on the wide range of definitions of Islamism and the multiple dimensions that are involved in capturing all the aspects in play, the question is now which definition of Islamism I will use in this study. I centre my definition around the concept of the logicity of ideological thinking. Islamist ideologues consistently refer to the Quran, the example of the prophet, *hadith*, the Islamic jurists, *ulama*, and their jurisprudence, *fiqh*. In that sense the Islamist narrative is firmly based on the same sources as the reformist or liberal Islamic discourse. Therefore, in order to ascertain the logicity of the Islamist

⁶⁵ Sam Harris, *The End of Faith: Religion, Terror, and the Future of Reason*, 1st Norton pbk. ed. (New York: W.W. Norton & Co., 2005), p. 21.

ideological thinking, we need to be acquainted with those sources and jurisprudence which they use in their writings. Nevertheless, reading these primary sources themselves is not enough. As with my research into totalitarianism, attention must be given to the socio-political and cultural circumstances that led to the arrival at the scene of this type of legal political theories.⁶⁶

For this reason I will start my investigation into the nature of the Islamist phenomenon with a very broad definition of Islamism:

Islamism is a palingenetic ideological movement whose principle of action is derived from the application of the logicity of ideological to the canonical sources of Islam. The resulting principle of action dictates and proscribes the fabrication, if necessary by force, of an Islamist order of being, a global Utopian society, in which all of mankind is submitted to what they perceive to be the laws of the divine, the Shari'ah, and in which all are to be transformed into the living embodiment of a 'perfect' Muslim.

I will expand on this definition in the course of my analyses of the writings of Sayyid Qutb, Ayatollah Khomeini and Ayman al-Zawahiri. What one can notice in this definition is that it does not explicitly mention force or violence. As I will show, the concept of *jihad* is the pivotal concept used to refer to the conquest of the world for Islam.⁶⁷

⁶⁶ "The understanding of Islam by a sociologist who only knows the social facts is as much wanting as the understanding of the subject by a traditional orientalist, who is only familiar with the scripture. The scholar needs to be familiar with both the texts and the socio-structural reality that corresponds to them in order to achieve an adequate understanding of how that socio-cultural system functions." Tibi, *Islam between Culture and Politics*, p. 117.

⁶⁷ Tibi himself explains this definition of jihad as follows: „Bereits im Vorwort habe ich von den Täuschern, die sich »Islam-Kenner« nennen, gesprochen, die uns unentwegt erzählen, dass Djihad im Islam nur »friedliche Anstrengung«, ja nur Selbstzähmung (gegen das Selbst und die eigenen niederen Triebe) bedeutet. Dies ist die rein philologische und dazu unvollständige Bedeutung von Djihad im Korantext, die die Verbindung des

Jihad, however, can be both non-violent and violent. Oftentimes, the non-violent jihad is overlooked by law- and policymakers, but it is an inseparable part of the effort at remaking the world into the Islamists' new order of being. Moreover, whilst violent jihad is the exception, non-violent jihad is the driving force which prepares the political, social and logistical infrastructure and ideological backbone of violent jihadist movements. The actual occurrence of violence is therefore but the crest of a much larger wave. In order to understand all the various aspects of jihad I will therefore start with the basis of the concept of jihad in the canonical sources and the commentaries on those sources by Islamic scholars and jurists of the classical and medieval periods. One of these commentators, Ibn Qayyim, made the all important distinction between the various types of jihad. He distinguished between a number of possible forms of jihad, ranging from a jihad against the self, the greater jihad, to the smaller jihad for Islam by word and wealth, *da'wa*, or by one's self. It is only the latter form that is connected to acts of violence and physical fighting, *qital*. The other forms might, and according to Islamists *must*, be used to support or prepare for physical forms of jihad and thus should also be included in counter-terrorist considerations. Tibi differentiates between these forms of jihad as institutional Islamism and jihadism.⁶⁸

Djihad mit einem anderen koranischen Begriff, nämlich »*Qital*/Kampf« wegzaubert. Richtig ist: Auch der klassische Djihad schließt Gewaltanwendung ein, wenn diese der Verbreitung des Islam dient. Daraus gingen die klassischen Djihad-Kriege hervor, die Muslime »*Futuh*/Öffnung« nennen. Damit ist die Öffnung der Welt für den Islam durch Krieg gemeint. Das übergeordnete Djihad-Ziel ist die Islamisierung der Welt. Diese Djihad-Kriege dauerten vom 7. bis zum 17. Jahrhundert an“. — — —, *Der Neue Totalitarismus: "Heiliger Krieg" Und Westliche Sicherheit*, p. 20.

⁶⁸ It is also worthy to note that Tibi does not deny the link between the classical concept of Jihad and the Islamist concept of jihad: "Es ist deshalb falsch zu behaupten, der islamistische Djihadismus habe nichts mit dem Islam zu tun, um dann ebenso falsch zu folgern, hierüber zu sprechen, sei ein Beitrag zur Verbreitung eines »Feindbild Islam«. Ein Beispiel: Der klassische Djihad ist nicht der heutige Djihadismus. Aber aus dieser Aussage

Due to these multiple forms of Islamist jihad I have not explicitly referred to violence in my definition of Islamism.

Changes in the concept of jihad and the confrontation with modernity

After having charted the basic elements that make up the Islamists' political and legal vocabulary, I will briefly describe how these elements have undergone changes with the influence of modernity. Special emphasis will be given to the role played by Ibn Taymiyyah and his attempts to make the worldly powers subservient to the ulama, and the ensuing debate about the future of Islamic societies between the modernists and the early Islamists. The authors I will be discussing such as Sayyid Qutb could not have come to the forefront without these social, religious, political and historical developments. This also applies to the rise of fascism and totalitarianism which are equally products of modernity. This part of the research is somewhat brief since my primary focus is addressing the question of whether these ideologues employ the logicity of ideological thinking, which is the hallmark of totalitarianism. While I acknowledge that all of the elements of modernity and the reactionary forces against it have played a pivotal role in forming Islamists' political and legal thought, this research is not primarily occupied with charting those developments. Those would require a separate study. I therefore limit myself to the main lines of those developments although they do come to the fore during my analyses of the different individual works of the ideologues I will be discussing.

Applying Voegelin's schematic to the main works of three Islamist ideologues

In the latter half of Part Two of this study, the conclusions from Part One will be applied to the works of three iconic ideologues of

zu schlussfolgern, der Djihadismus der Islamisten habe mit dem Islam gar nichts zu tun, ist purer Unsinn, denn es handelt sich dabei um eine neue von islamistisch gesinnten Muslimen gepflegte Interpretation." Ibid., pp. 8, 39.

Islamism. These three have been chosen as they are representative of the Sunni, Sayyid Qutb (1906-1966), al-Zawahiri (b. 1951), and Shi'a, Khomeini, world (1902-1989). In addition they represent three different forms of Islamism.

The Sunni Muslim Sayyid Qutb, one of the chief ideologues of the Muslim Brotherhood, has been considered by many as the grandfather of the Islamist movement. His book *Milestones* explains his theory of jihad and the implementation of the Islamic system, *nizam Islam*.⁶⁹ It is one of the first articulations of the Islamist system of legal and political thought in the language of modernity and has laid the foundations for a myriad of Islamist movements. The network of Qutbian vanguard movements which were formed on the basis of this model by and large remained movements of opposition and have never attained state power. Khomeini's *Guardianship of the jurists* on the other hand mirrors most of Qutb's theories and applies them to a Shi'a population.⁷⁰ Unlike Qutb, Khomeini did manage to turn this program of political action into practice and thus laid the foundation of the Islamic republic of Iran. The reins on power of this Islamist movement have not weakened much since the death of Khomeini and thus his writings pose an interesting alternate view on Islamist theory and practice and its relation to both the normative and empirical theories of totalitarianism. The third author is the Sunni Ayman al-Zawahiri, the current number one and chief ideologue of al-Qaeda. I have chosen two of his works to express the political and legal theory of al-Qaeda. The first is *Knights under the prophet's banner* which is a historical overview of the growth, demise, and reoccurrence of Qutbian Islamist movements over the last 30 odd years.⁷¹ As with Qutb, al-Qaeda has not been able to make the shift from a movement

⁶⁹ Sayyid Qutb, *Milestones* (New Delhi: Islamic book service, 2001).

⁷⁰ R Khomeini, *Velayat-E Faqeeh, Governance of the Jurist*, trans. Hamid Algar (Tehran: The institute for Compilation and Publication of Imam Khomeini's works, 1970).

⁷¹ Translated in: Laura Mansfield, ed., *His Own Words, a Translation of the Writings of Dr. Ayman Al Zawahiri* (TLG publications, 2006).

of opposition to state power. What is important to note is that al-Qaeda rejected the anarchic bottom-up approach of Qutb, which focussed on education, *da'wa*, and purification of the self, and left the call for jihad largely vague and undefined. Al-Qaeda instead opted for a coordinated transnational top-down approach. With this I mean to indicate that al-Qaeda aims at the toppling of existing regimes and replacing them with Islamist regimes. The Islamization of the population would then, in an overgeneralization of his thoughts, trickle down from this centre of power. We thus see three different approaches. The last book is Zawahiri's *Exoneration*, this book is a reply to an accusation by his former mentor Sayyid Imam (b. 1950) against the methods and Islamic legitimacy of the methods of al-Qaeda.⁷² Styled in an accusation-defence setting, Zawahiri answer Sayyid Imam's accusations of violating Islam commandments and crossing the boundaries of Islamic law and jurisprudence. Unlike *Milestones* and *Guardianship of the jurists*, which are both political normative manifestos for an Islamic order, the *Exoneration* is a work of *fiqh*. It thus offers an unprecedented insight into al-Qaeda's adherence to Shari'ah law and its interpretation of canonical and legal sources.

I will analyze all of these four works by means of Voegelin's schema for the Gnostic speculation, albeit, as I have stated, with some small adaptations.

The formula for self and world salvation

Whereas the Gnostic in the case of non-religious totalitarianism had to find the formula for self and world salvation by himself, in the case of Islamist movements this formula is a given: Islam. The first order of business is therefore to describe the specific definition that these ideologues give to Islam. In all cases this is the definition of *nizam al-Islam*, an Islamic order which should permeate all facets of life and which calls for the establishment of a political order, *Hakimiyyat*

⁷² al-Zawahiri, "Exoneration."

Allah, which can enforce it. The path to the realization of this goal is jihad in both its violent and non-violent form. There is no general disqualification of violence, and more often than not, violence is unavoidable if not proscribed. The legitimacy of the universal ambition for *hakimiyyat Allah* is given by the fact that all men are born Muslims and they can only live in harmony with the universe if they live according to their own inborn nature, *fitrah*, in submission, *ubudiyyah*, to laws of Allah. This entails the abandonment of everything which is not Islamic, *jahiliyaah*, and thus constitutes the founding of a new *order of being*. This new order of being must become the exclusive order of being, a goal which can be achieved either through da'wa or violent jihad. In either case, the existence of a non-Islamic order of being is perceived as tyranny against one's fellow man and it is the duty of the Islamists to come to their aid, and if necessary, 'force them to be free'. Thus, my earlier point, Islamists movements are not movements of reaction, of defence, but of offense. The language of grievance is merely propaganda designed to increase the sense of alienation, impotence and need of rescue in the hearts of those who are still waiting to be mobilized for the Islamists cause. Whilst the masses that are being addressed by this language of grievances might actually experience these grievances as true, the motive of the Islamist movement is not to address these issues directly; they need them as a source of mobilization. If these grievances do not exist, then they will act in such ways as to exacerbate them. For the Islamists, their ideology demands that all non-Muslims act in opposition to Islam. If this is not happening in the real world, then they will need to create such aggression since it drives their attempt at mobilization and proves the ideology right. The attacks of 9/11 were not only a display of strength, but also a means of exacerbating a conflict with the non-Islamic world which would force Muslims to take sides whether they wanted to or not.

The observation that the world is in disorder; the fall from Eden

The second point of the adapted schema is the observation of chaos. All authors agree that Islam is in a state of decline, despair and impotence. Faced with encroaching western powers and influence and an Islam which is alive only in name, these ideologues aim to seek out the root causes of this decline and offer a remedy.

The reasons for the fall from Eden: Internal and External

Existential Enemies

The third point is the identification of the causes of disorder. All of the ideologues I will discuss attribute the weakness of the Islamic world to existential enemies, that is, enemies which could be either real or imaginary but in either case *must* exist in order to substantiate and legitimize the claim to power of the Islamist movements. This category knows two subdivisions: the internal and the external enemy. The internal enemy is by far the most important one and the references to the internal enemies are often rife with fascist concepts such as the disdain for weakness, the sacralisation of the community, the purity of the trenches and the glorification of sacrifice. The concept of the internal enemy addresses first and foremost those Muslims who are deemed to be of weak faith, the corrupt leaders, *taghut*, and the *imams of defeat*, those imams who legitimize rulers that do not uphold or implement the Shari'ah. It is here that the question of re-Islamization appears. While Tibi argued that Islam as a normative cultural system was never absent from the Islamic world, Islamists would argue that the Muslims are in fact not *true* Muslims. *True* Islam has been sullied and polluted by a deviation from pure Islamic teachings, *shirk*, and unlawful innovations, *bid'a*. According to some sects of *Salafiyaah* teachings, this deviation occurred almost immediately after the death of the third generation of Muslims. The model of the earliest generations of Muslims functions as the *palingenetic* symbol of rebirth, albeit mostly symbolically given the fact that this model is not able to deal with living in a modern society. This nevertheless does not mean that this model of a pure Islamic society, unsullied by non-Islamic innovations can exert a strong

attraction to those Muslims who feel disgruntled, rejected or otherwise alienated in the modern world. Examples of such innovations could be democracy, monarchy, *mulk*, certain human rights and all other things which deviate from what the Islamist perceive to be the pure sources of Islam. These accusations border on and sometimes cross the line of declaring those who are guilty of such acts as apostates, *takfir*. The re-Islamization project is thus not about turning unbelievers into Muslims *again*, but about turning Muslims into *Islamist* Muslims, it is a project of purification and fabrication. Those that do not voluntarily agree to this transformation thereby automatically declare their animosity towards Islam and thereby become 'objective enemies' who may be fought and killed if necessary. The Nazi's imposition of the death penalty on those who violated the race laws, or the Stalinist accusations of counter-revolutionary thinking are comparisons which easily come to mind. The category of the internal enemy in essence makes the Islamist movement an enemy of all Muslims who do not subscribe to their point of view, or their interpretation of Islam. The object of this purge is not political power, but purification of weak Muslims, and the fabrication of a 'true Muslim', in the name of a *bona fides* perceived religious obligation. An obligation of servitude, *ubudiyah*, to the sovereignty, *hakimiyyat*, of Allah, one rarely hears about this objective in the propaganda of the Islamist movements, perhaps because it is a message which can only be disseminated amongst those who are ready to hear it after having received the necessary ideological re-education. Al-Zawahiri explains: "we must not throw the masses – scant in knowledge- into the sea before we teach them to swim."⁷³

The second category is that of the external enemy. It is here that the more often heard propagandistic slogans find their origins. The external enemies are those elements of humanity which do not

⁷³ Letter from al-Zawahiri to al-Zarqawi, October 11, 2005, translated in Mansfield, ed., *His Own Words, a Translation of the Writings of Dr. Ayman Al Zawahiri*. al-Tabari, *Al-Tabari's Book of Jihad, a Translation from the Original Arabic*, trans. Yasir Ibrahim (Lewiston: The Edwin Mellen Press, 2007), p. 259.

belong to the realm of Islam. This is the domain of ignorance, *jahiliyaah*. Foremost amongst these are the Jews who, with an appeal to canonical sources and Quranic exegesis, are deemed to be the true *eternal* enemies of Islam. The feverish anti-Semitism of Islamists is sometimes covered by references to Israeli aggression against fellow Muslims, but this is the propagandistic front which serves to obscure the true underlying ideological-theological foundation of Islamist anti-Semitism. The same applies to the Christians and the 'West' in general. A host of grievances is brought to the fore, but often times what underlies these grievances is not some actual injustice, but rather a deep-seated hatred of anything not Islamic, vocalized in a mixture of romantic, occidentalist and Marxist-Leninist vocabulary.⁷⁴

Does this mean that the grievances of Muslims are not genuine? That they are merely inventions of the Islamist movements? The short answer is, no. The framing of a world in chaos as a direct result of external meddling in internal Muslim affairs would have little currency if there were no actual grievances to talk about. This only works in fully grown totalitarian movements who have a monopoly on all forms of communication. Even though Islamist thinking is wrought with conspiracy theories, it cannot be ignored that some of these grievances actually have a foundation in real world events. Whether or not these grievances have any relevance to the validity of the Islamist narrative is a very different matter. As we saw in the beginning of this introduction, John Esposito argued that "There are 1.3 billion Muslims today worldwide. If the 7% (91 million) of the politically radicalized continue to feel politically dominated, occupied, and disrespected, the West will have little, if any, chance of changing

⁷⁴ Ian Buruma and Avishai Margalit, *Occidentalism: The West in the Eyes of Its Enemies* (New York: Penguin Press, 2004), Kainza, "Radical Islamism and Totalitarian Ideology: A Comparison of Sayyid Qutb's Islamism with Marxism and National Socialism ", Emerson Vermaat, *Nazi's, Communisten En Islamisten. Opmerkelijke Allianties Tussen Extremisten* (Soesterberg: Aspekt, 2008).

their minds.”⁷⁵ Bassam Tibi conversely argues that: “Allerdings betone ich: Weder die USA noch Israel sind die Verursacher des neuen Totalitarismus.”⁷⁶ It is thus imperative that we differentiate between indoctrination and propaganda. Propaganda uses experienced grievances to legitimize its own existence; it does not offer, nor is it interested in actually giving valid explanations of those grievances; rather, propaganda facilitates the mobilization of the masses for the Islamist cause. It is therefore comparable to the function of Sorel’s *Political Myth*.⁷⁷ Only when people have been drawn into the movement through propaganda, can the veil of propaganda be lifted to reveal the true nature of the Islamist message; ideological indoctrination then replaces opportunistic propaganda.

I reiterate that the existential need for enemies derives mainly from the totalitarian paradox in which the greater the power of the movement, the more it will be forced to concede that its ideology and reality are not compatible. The fantasy realm of the ideology never really becomes transposed upon reality. This dichotomy then can only be explained by admitting that there is a fault in the ideology, which will not happen, or by attributing the failure of the revolution to the workings of saboteurs and an ever repeating invention of new classes of enemies. As long as there are enemies, the movement cannot be held accountable for the fact that Utopia is not yet fabricated. This dichotomy between fantasy and reality in the end cannot be resolved and this explains why in some cases totalitarian movements engage in campaigns of genocide and systematic terror while others revert to what is called a post-totalitarian bureaucratic phase. In this phase, some of the elements of totalitarian mass-control remain, but the ideology that once fueled and directed its actions has been for the

⁷⁵ Esposito and Mogahed, *Who Speaks for Islam? What a Billion Muslims Really Think*, p. 97.

⁷⁶ Tibi, *Der Neue Totalitarismus: "Heiliger Krieg" Und Westliche Sicherheit*, p. 37.

⁷⁷ See: Georges Sorel, *Reflections on Violence* (Mineola, NY: Dover Publications, 2004).

most part been abandoned, China and Vietnam being cases in point. Islamist movements, however, are still in the early stages of the life-cycle of totalitarian movements and I do not expect them to lose any of their ideological fervor anytime soon.

The belief that salvation and a return to Eden is possible

This brings us to the belief that salvation is in fact possible. This point is handled very briefly in the context of Islamism since it is derived from the non-religious Gnostic search for order. Seeing that Islamism, on the basis of their interpretation of Islam is already under the belief that the salvation for mankind is given, this point has become rather moot. In the few instances that it does appear it is in the form of a repetition for the need of jihad in order to purge the world of internal and external enemies. This need for jihad is treated to a far greater extent in the first point of this schema.

Changing the order of being in an historical process

The actual process of changing the order of being, of ensuring that the politicized interpretation of Islam and Shari'ah law are able to obtain political supremacy is very much akin to Lenin's concept of the professional vanguard movement. It stands to reason that Lenin's work *What is to be done?* had a profound influence on Islamist thinkers.⁷⁸ All the ideologues I analyze reiterate the need for a re-education of the Muslim masses along the lines of the Islamist movement's doctrines. This movement itself is populated by those, often self-styled, jurists and scholars who have a 'true' interpretation of Islam, and who are willing to pay the costs of being in the frontlines of the struggle for Islam. The notion of martyrdom, *Shahada*, plays an important part in the depiction of such forerunners as the elite of new order of being. The terminology employed in the respective descriptions of the vanguard movements is rife with fascist concepts and connotations, and it is here that we see how the totalitarian

⁷⁸ Vladimir Ilich Lenin, *What Is to Be Done? Burning Questions of Our Movement*, Little Lenin Library ([London]: Martin Lawrence, 1929).

ideology begins to be transformed into a totalitarian *movement* with the aid of fascist elements of mass-mobilization and organization. Forming around a nucleus of professional dedicated vanguards, an ever-increasing stratum of the society is recruited into the movement through a multitude of educational, humanitarian and social organizations. These 'parallel and subsidiary' organizations act as layers around the nucleus, shielding the nucleus from the outside world behind a wall of ostensibly benign activities, thus eluding law enforcement agencies or the apparatuses of political repression. These organizations are referred to by Tibi as *institutional Islamism*. In short, the model that is being advocated by the Islamist ideologues is the quintessential mode of organization of non-religious forms of totalitarianism. It is devised to infiltrate and undermine civil society in order to slowly but surely gain political momentum and is directed towards offering logistical, financial, social and political support to the vanguard movement. In the next paragraph I will show how the formation of these parallel and subsidiary organizations is part and parcel of the legal aspects of the concept of jihad. The dissemination of the ideology through indoctrination can reach such as state that direct instructions from a hierarchical top-layer are no longer needed. Every part of the organism knows what it needs to do independent of each other. This too, as I will explain in these chapters, is exemplary of a fully functioning totalitarian movement. In the case of Iran the infiltration of society does not stop after the revolution is successful but instead only gains momentum. The end goal is the complete merger of the public and the private, of the religious and the political, of law, ethics, the social and cultural realm and Shari'ah law. As with their Nazi and Stalinist counterparts, the object is the abolition of all division between the different realms of existence until nothing, no realm of reclusion, stands between the individual and the movement. Whether a given Islamist movement complies with this description depends on the stage of development it is in. Iran, in that respect, is much further developed than al-Qaeda, which is still a highly decentralized vanguard movement of opposition. It would, however,

be a grave mistake to judge a movement on the basis of a snapshot of its evolutionary stage. What is important is that it is above all a *movement* towards an ideologically determined goal. One has to be able to grasp the internal dynamics of these movements in order to say something about its totalitarian potential.

The belief that changing the order of being is not only possible, but an existential requirement

My final analysis is devoted to what the Islamist ideologues envision will be the practical implementation of the whole Islamists enterprise. It is here that the specific question of the *totalitarian* character of Islamism and the relevance of that question for counter-terrorism law and policy makers becomes apparent. All ideologues that I discuss agree that jihad is an existential requirement of Islam. It is not merely an aspect of Islam but it is the essence of Islam. Islamists argue that the core of the Islamic message is a gradual transformation of the world entire into an Islamic world. This movement of transformation is what the Islamists seek to accelerate. The process of the accelerated fabrication of this Islamic Utopia *is* jihad. In terms of morality then, jihad is the ultimate expression of a transcendent 'good'. Those who do not engage in jihad are thus automatically opposed to man's ultimate redemption and thereby become the objective enemies of mankind. This ambition to, if need be, forcefully fabricate Utopia is already an indicator of totalitarian thinking. The perceived moral necessity of accelerating this process of fabrication adds to the totalitarian character of Islamism. So does that mean that we hereby have established that Islamism is inherently totalitarian? Not quite. Although the element of 'forcefully' fabricating Utopia is a necessary precondition for any movement to be called totalitarian, it is not a sufficient condition. This element of force needs to be such that it permeates every sphere of existence, leaves no domain untouched and destroys all the barriers that could separate or even protect the individual from the forces emanating from the ideology. Islamism, however, unlike secular totalitarianism, is bound by certain

rules which it cannot set aside. Whereas secular totalitarianism had a *carte blanche* when it came to eliminating all those races or classes it deemed to be antagonistic to the salvation of the world, Islamism is bound to the Shari'ah. Even more so, Shari'ah law is the earthly manifestation of the metaphysical transcendent, it is Allah's word and will, and its uncompromised implementation forms the very *raison d'être* of the Islamist movement. Normally, any system of positive law could only bind the hands of the movement and would be the anti-thesis of totalitarian lawfulness. The question then is whether or not the nature of Shari'ah law is such that it prohibits the formation of an Islamic form of totalitarianism. Roy, as we saw, thinks it does. In the following summary I will give some practical examples that show how Islamist ideologues do not willfully distort the Shari'ah to suit their political needs for power, but quite the contrary, draw the ratio underlying the Shari'ah, as they see it, to its utmost logical conclusion and as a result become a totalitarian movement.

Seeing that jihad, the struggle for making the world Islamic, is one of the foundations on which Islamism is built, and that jihad itself is beset by rules, the following very practical questions come into play. When is an Islamist allowed to fight? When must he fight? Who should fight? Which categories of people are allowed to be killed and which are not? What should happen to those who dissent or oppose? What will be the status of Jews, Christians or unbelievers under Islamic rule? In short, what are the practical implications of jihad in terms of *ius ad bellum* and *ius in bello*, and are these implications such that they prevent the formation of totalitarianism?

The answers to the questions I just posed differ only in detail per ideologue. Some such as Khomeini remain rather vague, whilst Zawahiri is extremely explicit. The argumentation given for these different answers may vary, but I will discuss them in the chapters to come. What is agreed upon between these ideologues is that jihad is morally and religiously obligatory and the focal point of an Islamic life. So the question at hand is this: how do the laws of the Shari'ah relate

to the fabrication of an Islamist Utopia? Is the Islamist concept of jihad such that it allows for total control over every aspect of life and the unrestrained fabrication of Utopia, or does the Shari'ah erect boundaries of protection that the Islamists movements cannot cross?

This question is at its heart about the totalitarian concept of 'lawfulness'. As I mentioned earlier, in totalitarian legal thinking all transcendent laws supersede positive laws since positive laws can only hamper the accelerated fabrication of Utopia. Even the most tyrannical positive laws establish a relatively stable realm in which men can move freely to a certain degree. Moreover, whenever a totalitarian movement is bound by its own positive laws, it ceases to be a movement capable of transforming society according to the edicts of the 'law of Nature or History', and instead becomes bogged down in a system in which individuals or groups can hold the movement accountable for its operations on the basis of positive laws. Such a concept of law is the direct opposite of the essential characteristic of totalitarianism. Totalitarian transcendent laws seek to stabilize and freeze *men* in their place, so that the totalitarian 'law of movement' can move freely throughout mankind. The mere fact that Islamic law has a corpus of rules concerning *ius ad bellum* and *ius in bello* does, however, not mean that an Islamic form of totalitarianism is therefore automatically impossible. It all depends on the ratio behind those laws and whether or not this ratio lends itself to a totalitarian interpretation along the lines of the 'logicality of ideological thinking'. I will explain this by demonstrating how the Islamists, instead of being hampered by these rules, draw its underlying ratio to the utmost logical conclusion and thus arrive at their distinctive ideologies.

As stated earlier, the classical, orthodox concept of jihad has two different categories of enemies and two different forms of engagement. I must explain this to demonstrate how the foundations of the *Islamist* worldview are derived from those of orthodox Islam,

and how they are the result of a process of strict logical deduction applied to those sources of orthodox Islam.

First, I will discuss the concept of the enemy in both orthodox and Islamist Islam. This concept is divided into two categories: the internal enemy, weak Muslims which harm the cause of Islam, and external enemies that are either factually opposed to Islam, or are deemed enemies because Islam defines them as such. In orthodox Islam the internal enemies are, in short, hypocrites (*al-munafiqun*) and those who commit acts of apostasy (*ridda*). *Islamist* Islam continues this line of thinking and draws it to its most logical conclusion by stating that all those who are not *Islamist* Muslims are either hypocrites or apostates, and thus enemies. This brandishing of Muslims as non-Muslims is called *takfir* and is highly controversial in orthodox circles. The principle, however, is not contested; even in orthodox Islam one can become an apostate by committing certain acts of unbelief which in orthodox Islamic law is punishable by death. The question is not on this principle, but on the requirements that need to be met before one can deem another Muslim an apostate. It is therefore not a matter of principle but price in which the orthodoxy differs from Islamists. In orthodox Islam only the gravest sins against religion can validate the claim of apostasy. This claim in turn can only be made by those educated enough to warrant such a condemnation. This has historical, social, economic and political reasons which are closely related to the need of the ummah and the ruler to live in a stable and safe realm, *maslaha*, and the need to avoid infighting, *fitna*. Islamists eschew such worldly considerations and seek to purify Shari'ah law from such innovations. The only Shari'ah that is valid for Islamists is the one that conforms to the Quran, prophetic example and the ratio of Islam as the Islamists see it. Human needs can therefore never abrogate or supplant Shari'ah law. The prohibition on infighting and the need for a safe and stable realm are therefore concepts that are only valid because they serve the cause of Islam, *not* because they serve the interest of men. In the Islamist view, those who hold un-Islamist views *are* the cause of infighting and the cause of instability

and instead of a prohibition on fighting them and takfir, they must be fought and declared apostates. Islam, they argue, can therefore only be *Islamist* Islam. A true Muslim must be an Islamist Muslim. Classical Islam in that regard is definitely not as binary as Islamist Islam. The external enemy in classical Islam is, in very general terms, identified as the polytheists (*al-mushrikun*), those who after being invited to Islam do not accept Islam and do not belong to either the Jewish or the Christian faith, and, in varying degrees, Jews and Christians themselves. Jews and Christians do, however, enjoy some level of legal protection as they are considered people of the book, (*ahl al-kitab*, or *ahl al-dhimmah*). Moreover, classical Islamic law allows for treaties (*hudna*) to be made with non-Islamic nations as long as this benefits the ummah and these treaties do not extend the period of 10 years. Although in practice, these treaties have been renewed continuously thus forming the foundations of an Islamic form of international law and peaceful co-existence with non-Islamic nations. In Islamist Islam, however, anyone who does not accept Islam is by definition an enemy. Factual opposition towards Islam is inconsequential since the mere act of not submitting oneself to Islam is seen as an act of war preventing the salvation of mankind and obedience to Allah. Thus a treaty cannot be made since the continuing refusal to submit would violate the treaty as soon as it is enacted. At best a treaty can be signed if the ummah is too weak to defeat the enemy, but this may not exceed the 10 year limit and cannot be renewed with the exception of continued weakness in military terms.⁷⁹ Thus, exceptions to this picture of a global war

⁷⁹ The truce offered by the Islamist Hamas to Israel in 2006 can be seen as an example of such a concept of *hudna*. Rather than being a sincere recognition of Israel as a state and a desire to seek peace, which would be impossible in the Islamist ideological worldview, it was a *hudna* necessitated by weakness and only permissible due to prophetic example. When victory is impossible a *hudna* is allowed, although the ten year term should be used to achieve a position in which military success is possible. Ewen MacAskill and Harriet Sherwood, "Hamas Touts 10-Year Ceasefire to Break Deadlock over Israel," *The Guardian*, Wednesday, 1 November 2006, Aḥmad Ibn al-Naqīb al-Misri

between Islamist Muslims and everyone else do exist in the form of the dhimmah and the people with whom the Muslims have a treaty, but in reality they are empty categories. A number of prophetic hadiths label the dhimmah as idol worshippers and thus polytheists, which cannot claim legal protection. In addition, Islamists argue that the whole weakness of the ummah is due to Jewish and Christian crusades against Islam thus nullifying the dhimmi treaties' protection. Non-dhimmi related hudna treaties are interpreted to be necessitated by a state of weakness on the side of Muslims, and are not born out of a genuine recognition to live in peaceful co-existence. In so doing, the Islamists have defined the internal enemy as all those who are not Islamist Muslims, and the external enemy as all non-Muslims, thus creating a strictly binary division between Islamists and existential enemies. They are enemies which *must* be defeated and with whom one cannot live in peaceful co-existence. It is pivotal to notice that this definition of the enemy solely within the confines of the ideology which is the result of ideological thinking as it is applied to the canonical sources. It is not based on, or susceptible to any real world events.

Through this highly summarized overview of the differences in classical Islamic and Islamist concepts of the enemy, we can now look at how the categories of *ius ad bellum* and *ius in bello* are implemented by Islamists. The question at hand is whether or not these laws hamper the formulation of an Islamic totalitarianism or if they rather aid their formation?

I will indicate the logic underlying Islamist legal-political theory through the following examples. The first pertains to *ius ad bellum*. When can one engage in a defensive or offensive jihad? Orthodox Islam requires that a ruler sanctions the offensive jihad against external enemies. But what if the ruler himself is unjust, un-Islamic?

and Noah Ha Mim Keller, *Reliance of the Traveller: The Classic Manual of Islamic Sacred Law Umdat Al-Salik*, Rev. ed. (Evanston, IL: Sunna Books, 1994), p. 605.

Not deposing such a ruler would imply that offensive jihad, and thus submitting the world to Islam, is no longer possible. Moreover, it would imply that Islam itself would decay at the hands of an un-Islamic ruler. Can this ruler be deposed in order to save Islam and continue to strive for world salvation? If not, can Islamist still engage in offensive jihad without the backing of a ruler? Can they purge their own societies as a form of jihad? I will explain this by way of the debate between orthodox and Islamist Islam concerning the questions of deposing of an unjust ruler and the purging of the internal enemy. The second questions pertain to *ius in bello* and deals with the legal restrictions on violent action.

Islamist *ius ad bellum* and the internal enemy

To start with the first question: classical Islamic rules pertaining to *ius ad bellum* dictate that an unjust ruler can generally not be deposed and that an offensive jihad can only be fought on the instigation of the ruler. This would mean that all forms of jihad must be halted and the Muslims would have to resign themselves to being ruled by an un-Islamic tyrant.⁸⁰ Unlike offensive jihad, a defensive jihad is individually binding upon all Muslims and does not require prior approval by the ruler. It is automatically called into life when the lands of Islam are invaded. Defensive jihad, however, is in classical Islam reserved to those cases in which an un-Islamic force enters Islamic lands and does not allow the Islamist movement to fight against corrupt rulers or weak Muslims. At best it allows them to repel Americans in Iraq or Afghanistan or Jews in Israel. The Islamists, however, argue that unjust rulers are a form of tyrannical government imposed upon Muslims. In other words, the unjust ruler *is* the invading enemy of Islam, thus legitimizing a defensive jihad. The same goes for weak Muslims who by their reluctance to accept *Islamist* Islam only aid the forces of tyranny, thus again, necessitating a defensive jihad. How does this relate to classical and medieval opinions on the

⁸⁰ This is the position of amongst others, the 'reformed' radical Sayyed Imam, which I detail in chapter five of Part Two.

permissibility of fighting the ruler and weak fellow Muslims? First and foremost, Islamic law prohibits the fight against unjust rulers unless they have committed grave sins against Islam. But the burden of proof is set very high due to Islam's fear of chaos and infighting, *fitna*.

Evidence of this is given in the following hadith:

The Prophet said, "Whoever notices something which he dislikes done by his ruler, then he should be patient, for whoever becomes separate from the company of the Muslims even for a span and then dies, he will die as those who died in the Pre-Islamic period of Ignorance (as rebellious sinners).⁸¹

The common line of legal reasoning employed by the Islamists is that these rulers have become part of *jahiliyaah* because they refuse to implement the Shari'ah, and to judge by the Shari'ah alone.⁸² Here the 'invention of tradition' becomes clear since no Islamic ruler since Muhammad has ever ruled solely on the basis of the Shari'ah. Rather the political history of Islamic civilizations has been one of 'oscillation between culture and politics'.⁸³ However, the Islamists argue that the Shari'ah is itself the sole source of authority, sovereignty and legitimacy and that anything that is not in accordance with it is an assault on Islam. Since Islam requires of every Muslim that he 'enforces the good and forbids the wrong', any opposition to the actualization of this imperative is construed as an attack on Islam which warrants a *defensive* jihad for the protection of the ummah and Islam itself. In so doing, the Islamist create a worldview in which everyone is either an Islamist Muslims, or an enemy. This extends to

⁸¹ Bukhari, *Shahih Bukhari*, trans. Dr. Muhammad Mushin Kham, 9 vols. (Riyahd: Darussalam, 1997). Volume 9, Book 88, Number 177

⁸² Muhammad Abd al-Salam Faraj, *The Neglected Duty: The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East*, ed. Johannes J. G. Jansen, trans. Johannes J. G. Jansen (New York: Macmillan, 1986).

⁸³ Tibi, *Islam between Culture and Politics*, p. 132. See also: W. Montgomery Watt, *Islamic Political Thought* (Edinburgh: Edinburgh University press; reprint, 2007), Patricia Crone, *Medieval Islamic Political Thought*, New ed., The New Edinburgh Islamic Surveys. (Edinburgh: Edinburgh University Press, 2005).

the ruler which now no longer needs to commit grave sins in order to be deemed a tyrant, any deviation from *Islamist* Islam will do. There are strong arguments that can be made for this line of reasoning and it is certainly not alien to classical Islamic legal theory. There are, however, also impediments against such a view in classical law such as the earlier mentioned disdain of fitna and the very controversial concept of brandishing other Muslims unbelievers, *takfir*. Islamists, however, maintain that non-Islamist rule is precisely that which Islam seeks to abolish. Everything that is un-Islamic is a cause of fitna and must thus be fought. Thus, whilst classical Islamic law raises boundaries which seek to protect a stable social-political sphere from all too zealous endeavors, Islamists argue that the object of political action is not the creation of a stable social-political sphere, but the implementation of Shari'ah law. The ruler, who does not implement the Shari'ah in its purest form, the Islamists argue, thereby becomes an enemy of Islam and of Muslims in general and must be fought. This extends to non-Islamist Muslims as well through the earlier mentioned principle of *takfir*. This is one of the biggest divides between orthodox and Islamist Islam and can be summarized as follows: in this particular question of the unjust ruler, orthodox Islam sees transcendent law, the Shari'ah, as the means by which a stable and just society can be attained; Shari'ah in a way serves mankind and for that reason resists itself to all too strict and zealous literal interpretations and implementations. Islamists, conversely, insist that mankind's sole purpose is to submit itself to the Shari'ah as an act of obedience to Allah. In that perspective, the Shari'ah cannot be adapted to suit the needs of mankind, but mankind must be adapted to suit the needs of the Shari'ah. As such, every action at every level of society becomes either a lawful action indicating support for the Islamist cause, or an unlawful act of aggression against it, thereby constituting a perpetual defensive war in which every Muslim *must* participate. Here we can see that the particular concept of 'totalitarian lawfulness' is intimately linked to terror and violence. In totalitarian ideologies the world is constantly engaged in a violent

process of purification and conquest, not by choice, but as the necessary consequence of its ideological principles of action. In other words, it cannot act in any other way lest it would betray its very foundation, in this case, the Islamist concept of Islam itself.

In this example I indicated how the *ius ad bellum* for a jihad against the *internal* enemy is constituted in Islamist legal theory. The final word on the legality of this construction in light of the larger realm of Islam and Islamic law has not been written. One could argue that the Islamists take the legal edicts of Shari'ah law to their most extreme but logically consistent consequence. Conversely one might also argue that Shari'ah law itself is either man-made, or is overruled by canonical maxims which preach patience and moderation in the face of tyranny. This legal debate is one of the core issues of the clash between orthodox Muslims and Islamist Muslims insofar as it concerns the internal enemy. I will not answer this debate but it is imperative that one understands the nature of the Islamist narrative in light of the larger realm of Islamic legal-political theory and that one understands that the particular form of Islamist ideological thinking is firmly based on Islamic legal-political theory.

Islamist *ius ad bellum* and the external enemy

I now turn to the issue of *ius ad bellum* where it concerns the external enemy. The problem faced by Islamist bent on purifying the world stems from the classical and medieval prohibition on engaging in an offensive jihad without the presence of a Caliph (Sunni *fiqh*) or when the hidden Imam, the Mahdi, is still in occultation (Shi'a *fiqh*). Whilst one could, in theory, attempt to replace the unjust ruler by a just one, history has shown that Islamist movements have almost always failed in this ambition.⁸⁴ This problem too, is circumvented by a rather

⁸⁴ Al-Zawahiri in his piece 'Knights under the prophet's banner' explains in depth how the advent of Islamist movements never led to the successful establishment of an Islamic emirate. This bitter experience led Zawahiri and others to formulate a new theory of jihad which would allow for a quasi-offensive jihad to be fought in the absence of a caliph or emir. I detail this

ingenious form of legal argumentation. Whilst it is true that one needs the Caliph's or Mahdi's permission to engage in *offensive* jihad, the same is not true of *defensive* jihad. Thus, these Islamist ideologues in effect aim to construe every jihad as defensive. This has the added bonus of obliging all that can fight to join the fight. The offensive jihad is only a communal obligation, meaning, that if a few participate, the whole community is deemed to have fulfilled its obligation. Defensive jihad, however, is individually binding and thus mobilizes the entire ummah. This line of argumentation thus states that everything that goes against Islam, anywhere in the world, is an assault on Islam, which sparks a defensive jihad. When Islamists use the oft heard phrase 'War against Islam', they do not imply any real attack on Islam, but the very existence of a realm which is not Islamic. By construing a thoroughly totalitarian dichotomy between the forces of 'good', Islamist Islam, and the forces of evil, everyone else, the Islamist can claim that the world entire is engaged in a perpetual battle in which they have to defend 'true' Islam, thus constituting a perpetual defensive jihad. The orthodox requirement of obtaining permission of a Caliph or Mahdi is no longer required and the Islamist movement becomes the coordinating body that seeks to mobilize Muslims anywhere for the worldwide attack against all perceived internal or external enemies. As I will show in chapter six of Part Two which deals with al-Zawahiri's legal theory, this 'assault on Islam' can be constituted when a Muslim living in the UK is confronted with the separation of state and church, when he has to pay taxes, when he is obliged to abide by man-made laws and so forth. In practice this means that *any* order of being that is not in accordance with the Islamists' order of being, is a declaration of war against Islam. The legal details involved in the construction of this theory are an impressive example of the legal theory of al-Qaeda. In short, I should mention that al-Zawahiri's detailed account of this *new* theory of

history of Islamist movements and the formulation of Zawahiri's theory in chapters five and six of Part Two. Mansfield, ed., *His Own Words, a Translation of the Writings of Dr. Ayman Al Zawahiri*.

defensive jihad has already been devised by Qutb and Khomeini. Unlike these two, al-Zawahiri diverts from the global broad outlines of their theories and actually deals with the Shari'ah and fiqh foundations that underlie these broader theories. In so doing, he reminds us that the roots of his theory are in actuality not all that far removed from the classical legal theory.

The means of Islamist jihad: non-violent da'wa and violent jihad

In the above paragraphs I have shown that the Islamist jihad is basically a one sided declaration of a global defensive war. This is of course a contradiction in terms, but a contradiction which is typical of totalitarian thinking. It does not matter that there is no *actual* war against Islam. Of course there are conflicts between Islamic and non-Islamic societies, but these exist due to a variety of very earthly and temporal reasons, and none of them can validate the assumption that there is an eternal, global and existential conflict between the two. Only in the fantasy realm of Islamist ideological thinking does such a war on Islam exist, but unfortunately, it has the consequence of spawning a real world jihad against everything that is not Islamist. Seeing that Islamist ideologies function along the same lines as their secular totalitarian counterparts, the following question needs to be answered: Do the Islamist movements implement their ideology in such a way that it corresponds to the model of totalitarian movements? This question can be broken down in a number of elements: are they truly mass movements that seek universal mobilization, leaving individuals only the binary choice of adherence or opposition? Are all actions of individuals judged on their compliance with the ideology and punished if found to be in opposition, i.e. do they seek to abolish plurality of opinion and action? Are there any fundamental obstacles, inherent to the ideology, which would restrict the *forceful* fabrication a unified mass movement and of Utopia?

I will begin with the questions of mass mobilization and the desire to abolish plurality. I have already stated that jihad is normally divided into two general categories: physical violence, *qital*, and non-violent jihad, *da'wa*. *Da'wa* in the classical Islamic sense can be understood as struggling for the cause of Allah through any non-violent means. In its most benign form this can include preaching, charity for the poor and the mosque, and seeking conversion of non-Muslims by non-violent persuasion or by leading an exemplary life. In orthodox Islam *da'wa* can therefore, in general terms, be seen as resembling Christian missionary work. Offensive jihad, meaning fighting to establish religion, is reserved to the authority of the Caliph or Mahdi much in the same way as only the sovereign head of state can declare a war. What results is a divide between the non-violent spreading of religion as the activity for ordinary Muslims, *da'wa*, and the offensive, violent jihad as the prerogative of the Caliph. This is the classical subdivision between *da'wa* and violent jihad. The overarching idea is that Islam must, eventually, come to dominate the world, but in the actual practical history of Islamic societies this idea has not been implemented to its fullest capacity. This is mainly so for reasons of a political, economic and social nature and the demands of realism which often tends to plague those who actually bare responsibility. Orthodox Islamic law is definitely not devoid compromises between religious edict and the necessities of reality. In fact, one can find extensive treaties on how to balance these two interests among the literature produced by classical, medieval and contemporary ulama. However, the overarching concept of 'purifying religion for Allah', that is submitting mankind to Islam, has not and cannot be abandoned. This is where the Islamists depart from orthodoxy and accuse the later of having betrayed this mission. Before any *truly* Islamic, that is *islamists*, society can once again take up this mission, that society has to be a reality; it has to be fabricated. This is where the Islamist notion of *da'wa* and jihad part ways with that of the orthodoxy. Islamist *da'wa* has as its core motif the fabrication of that society which is uniform in thought and action, which has a minimum amount of

pluralism and is imbued, at every level of existence, with the Islamist conception of Islam. Only such a society can be able to take up the sword of offensive jihad and carry out the mission the Islamists believe is imposed upon them by Allah. This objective of fabricating such a society begins with the figure of the Islamic sovereign, the Caliph.⁸⁵

The difference between the modern concept of the sovereign and the Islamic concept of the Caliph is that the act of declaring war must be for the cause of spreading or consolidating Islam; it is above all a religious *duty* entrusted to a religious figure who is expected to be the guardian of Islam and the ummah. Since part and parcel of Islam is the mission to spread Islam, by force if necessary, the neglecting of this duty would amount to abandoning Islam itself.⁸⁶ All non-religious matters of state are secondary. This is the common point of view amongst orthodox Sunni Islamic scholars and the reason why many have claimed that since the demise of the Ottoman Empire, there has been no true Islamic state. The Shi'a position is slightly different, but I will forgo that discussion at this point. The Islamists, as I have shown earlier, argue that Islam has for a long time been in decline, it has been sullied by non-Islamic influences, corrupted by worldly considerations, and what is left of Islam has not been implemented. The persons entrusted with protecting and implementing Islam, have therefore done the exact opposite of what they should have done and therefore have committed a grave sin which has put them beyond the otherwise strict boundaries of protection accorded to the Caliph. As such, it is warranted that they be removed: the earlier mentioned defensive jihad against the internal enemy. Here too, the Islamists do not deviate from the foundations of orthodox Sunni law. If anything, it can be said that the ulama for the most part of Islamic societies'

⁸⁵ Shi'a Islam does not have the figure of the Caliph but of the Imamate and the Mahdi. I will forgo on debating the differences in this summary of the study.

⁸⁶ See for the orthodox, non Islamist, Sunni position: Ibn al-Naqib al-Misri and Keller, *Reliance of the Traveller: The Classic Manual of Islamic Sacred Law Umdat Al-Salik*, pp. 566–605, 638.

history have chosen, for a variety of reasons which I detail in the second part of my study, to forgo on all too strict implementations of the Shari'ah. In so doing, they have allowed for a Caliph to be protected even when he did not live up to his responsibilities and even acted contrary to the interests of Islam and the ummah. Islamists on the other hand, seek to draw the logic and the ratio of the sources of Shari'ah law to their most unsullied consequence and thus claim that the Caliph or head of state in modern times no longer enjoys the protection that would otherwise be accorded to him by divine right. In the absence of a truly righteous Caliph it is the task of the *ummah* itself to fulfill this role. It is the ummah which must purify Islam from every form of corruption, it is the ummah which must implement Islam in every facet of life, and it is the ummah which must produce a new Caliph who can perform the duty of offensive jihad. The Islamist movement is the coordinating body, the vanguard that will safeguard the interests and religious task of the ummah.

Building upon the orthodox Islamic notion of 'enjoining the good and forbidding the wrong' which essentially makes everyone the guardian of another Muslims correct Islamic behavior, the Islamist argue that all Muslims must strive in their daily lives to ensure that all other Muslims conform to the image of the 'Islamist Muslim'. Here too Islamist do not invent a new phenomenon, orthodox Islamic law is extremely rich in detailed laws which define what type of behavior and even private thoughts are permissible and impermissible. Some of these breaches would amount to apostasy and thus the death penalty. Combined with the obligation of Muslims to protect one's fellow Muslims from committing such sins, and to protect the implementation of Islam as the Islamist see it, a system of widespread decentralized thought control is easily envisioned. Seeing that the failure to protect Islam and its full implementation would lead to apostasy, it is not difficult to imagine that what results from this mode of thinking is a truly totalitarian society in which not even one's private thoughts are beyond the reach of moral judgment and real consequences.

What the Islamists, through this logical deduction applied to the ratio which they see as underlying orthodox Islamic law, are in fact creating is a society in which all individuals are either in compliance with *Islamist* Islam, or in defiance of it. Transgressions amount to apostasy or breaches of faith that threaten Islam itself and thus warrant persecution for the protection of the faith and the well being of the ummah. In so doing, the entire society is mobilized to enforce a doctrine of Islam and an 'Islamic life' which in practice abolished plurality and sees every sign of deviation from that doctrine as an attack on Islam and the ummah, *necessitating* a defensive jihad against internal enemies.⁸⁷

This is why Islamism is *primarily* a threat to Muslims worldwide and only secondarily a threat to non-Islamic societies. Moreover, this is also why Roy's observation that orthodox Islamic respect for family life and a disinterest in the social sphere would prevent the formation of an Islamic form of totalitarianism is simply not true. Islamist seek to protect Islamist family life, and in order to do so they build upon the orthodox notions of protecting Islam and protecting one's fellow men from committing acts that would put them beyond the boundaries of Islam. Whereas orthodox Islamic law has incorporated rules and leniencies that seek to avoid infighting, fitna, and which allowed for a

⁸⁷Claude Lefort in his analysis of totalitarianism defined the totalitarian society as follows: "[...] is a form of society, that form in which all activities are immediately linked to one another, deliberately presented as modalities of a single world; that form in which a system of values predominates absolutely, such that every individual or collective undertaking must necessarily find in it a coefficient of reality; that form in which, lastly, the dominant model exercises a total physical and spiritual constraint on the behavior of private individuals. [...] Every activity, from the most modest to the most important is actualized and presented as a moment of a collective project. Not only do individuals seem to lose in the party the status that differentiates them in civil life, thus becoming, 'comrades', social beings, but they are also called upon to share their experience, to expose their activity and that of their milieu to a collective judgment that gives them meaning." Lefort and Thompson, eds., *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, p. 81.

certain level of privacy and pluralism, Islamist argue that these rules themselves are the cause of fitna and the demise of Islam, Islamic family life and the just order of being as devised by Allah. In their view, Islamic law was never revealed so that man would be allowed to go astray; it was revealed so that man might worship and serve Allah as Allah has intended it. Allowing people to go astray is betraying *their* best interest and betraying Allah's demands. There can be no plurality, freedom of religion, freedom of thought or freedom of expression or any action which contravenes this purpose. In so doing the Islamist ideology is truly a totalitarian ideology. But the question which I seek to answer is how this all relates to the *practice* of Islamist movements. How does this total mobilization translate into practice and how does it relate to the concepts of da'wa and violent jihad?

Whereas orthodox Islam, in the view of Islamist, has allowed for a separation between Islam and the people, has created boundaries which allow for un-Islamic behavior, Islamist seek to tear down these boundaries. Da'wa is the non-violent form in which this is achieved. It is no longer the missionary work which it is under orthodox Islamic law, but becomes a means by which a jihad against internal *and* external enemies can take shape. Meaning; preaching becomes spreading and enforcing the Islamist ideology, charity to the poor and the mosque becomes setting up financial aid to the *true* protector of the weak and the *true* representative of Islam, i.e. the Islamist movement, and leading by example is epitomized in the Islamist jihadist vanguard movement. Thus, in the Islamist conceptual vocabulary, da'wa is understood as the preparatory and contributory aspect of violent jihad, they cannot be separated because they serve the same goal. Da'wa is a means of fabricating the monolithic, true *Islamist* society so that that society can go on to perform jihad. Since we already saw how Islamists construe every action that does not conform to their ideology as an assault on Islam, this means that Islamist societies are above all permanently engaged in acts of self-purification. Da'wa therefore entails not only providing non-violent support for the defensive jihad against external enemies; it is also the

means by which internal enemies are identified and brought to account

Offensive jihad, which was the prerogative of the Caliph, has to a degree been decentralized or 'democratized' by the Islamist ideology. Since no Caliph worthy of the title exists, and since the duty for offensive jihad is still part and parcel of Islam, the Islamists argue that anyone can engage in offensive jihad albeit with sanction of a local emir. Moreover, offensive jihad never was an individually binding obligation. If some participated in it, then it was held that the whole ummah performed this religious obligation. However, as I've shown, Islamists see any action that is not in accordance with Islamist Islam as an assault on Islam necessitating a defensive jihad which *is* individually binding; no one can escape this obligation to defend Islam. This defensive jihad is what Islamist movements such as al-Qaeda, Hamas or Hizbullah claim to perform.

Seeing that the physical act of fighting in jihadist theatres such as Iraq, Afghanistan, Gaza or Somalia is something most people would not eagerly engage in, the Islamist ideologues have devised a system, based upon classical Islamic precedent, in which the individual *obligation* of a Muslim anywhere in the world to engage in a defensive jihad can be said to be fulfilled by participating in Islamist da'wa activities. Thus the individual is freed from an otherwise binding obligation to physically go to war against those forces that threaten Islam and instead can fulfil his duty by supporting those Islamist vanguard movements that do take on this mission. In so doing, a morally binding system is created in which all can and must participate. Those who cannot engage in violent jihad due to their age, health or responsibilities towards the family are thus enabled to still contribute by supporting that jihad through non-violent da'wa related activities. Those who do not want to engage in jihad because they fear it are absolved of their shortcomings, bordering on apostasy, by fulfilling at least this moral duty. The Islamist ideologues

thus seek to ensure that the entire ummah is mobilized in some form or another towards aiding the cause of Islamist jihad.

In practice this means that if a person is not able to participate in violent jihad then he is obligated to make preparations for jihad or support those who do actually fight. In the Islamists' vocabulary, this preparation entails the obligation to engage in the dissemination of the Islamist ideology, mobilizing Muslims into the Islamist movement, shielding the Islamist movement from the non-Islamist outside world and most importantly, raising funds, personnel, and rallying legal, political and logistical support for violent Islamist groups in the forefront of jihad. In effect, the pyramid of jihad has as its pinnacle the violent terroristic acts which we are all familiar with. What most people do not realize, however, is that its base is formed by da'wa related activities. In this study I will often refer to this principle by saying that violent jihad is but the crest of a wave. A counter-terrorism policy that merely focuses on the symptoms, i.e. jihadist terrorist actions, would thereby miss those factors that enable these activities to occur in the first place. It would treat the symptoms, but not the disease. Islamist jihad relies at its core on the successful implementation of Islamist da'wa both in Islamic and non-Islamic societies; it forms the backbone of all jihadist operations.

What I have sought to establish so far is that Islamist ideologies are totalitarian in nature. Islamist movements construe the world as being engaged in an eschatological existential war which can leave no realm of existence untouched. Since it is an existential struggle it is also a war of defense which mobilizes the entire ummah. Those who do not conform to the Islamist conception of Islam thereby declare their animosity and are also targeted for this 'war of defense'. Through the dual wielding sword of da'wa and jihad, Islamic societies are purged from all non-Islamist influences and transformed, forcefully if need be, into the mirror image of the Islamist concept of the 'Islamist man'. Non-Islamic societies are targeted by da'wa in order to facilitate, by any means possible, the war of defense which is

being carried out by the Islamist vanguard movement. All of these concepts and practices have been pioneered by the secular totalitarian movements which preceded Islamism. As such, I can only conclude that Islamist movements in these aspects are thoroughly totalitarian. This brings us to the last question: are there any rules inherent in Islam which might prevent the full implementation of the Islamist totalitarian ideology?

Islamist ius in bello

This question primarily pertains to the amount of violence that is allowed. There is a rather concise orthodox corpus of Islamic *ius in bello*, to which the Islamists seek to conform. These rules include rules pertaining to actual armed combat against non-Muslims, but also rules pertaining to the amount of force an Islamic government could use against its own citizens. The latter category is of course relevant when it comes to the Islamist concept of the internal enemy. To start with the latter; many quintessentially modern liberties which would delineate a line which a government could not cross, such as freedom of religion, of thought, expression and organization do not exist or are severely limited under orthodox Islamic law. The object of Islamic law is to safeguard the *Islamic* society, not to safeguard the rights of the individual to think, speak or act in opposition to such a society, let alone in opposition to the religion which lies at the foundation of such a society.⁸⁸

⁸⁸ The Cairo Declaration on Human rights in Islam (CDHRI), which was drafted by the Organisation of the Islamic Cooperation (OIC) in 1990, stipulates the following provisions: as to the freedom of religion: "article 10: Islam is the religion of true unspoiled nature. It is prohibited to exercise any form of pressure on man or to exploit his poverty or ignorance in order to force him to change his religion to another religion or to atheism." As to the freedom of expression: article 22 (a): "Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari'ah. (B) Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari'ah. (c) Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities

When it comes to the rules pertaining to armed conflict, the rules are quite explicit. The rules set out by the Shari'ah do not describe the idea of fighting against unbelievers to spread Islam as being unjustified. On the contrary, classical, medieval and contemporary orthodox Islam concur that spreading Islam by way of force is legitimate and indeed proscribed.⁸⁹ These rules, however, are of two

and the dignity of Prophets, undermine moral and ethical Values or disintegrate, corrupt or harm society or weaken its faith." Articles 23 and 24 furthermore stipulate that all rights, freedoms and prohibitions on governmental use of force are to be explained and interpreted only by way of the Shari'ah. When read in conjunction with the manuals of orthodox Islamic law, it soon becomes apparent that the Islamic state is the guardian of an Islamic society and not of individual rights as conceived by the Universal Declaration of Human Rights or the European Convention on Human Rights. Eva Brems thus concludes: "The crucial element is the submission of all rights to the shari'a [...] the CDHRI conveys the message that human rights are valid only to the extent that they do not affect Islamic rules". E. Brems, *Human Rights: Universality and Diversity* (Leiden: Martinus Nijhoff, 2001), p. 266. See for more background information on the often strenuous relationship between modern concepts of human rights and Shari'ah law, and the formulation of those rights in Shari'ah law: Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics*, 4th ed. (Boulder, Colo.: Westview Press, 2007), Imran Ahsan Khan Nyazee Burhan al-Din al-Farghani al-Marghinani, *Al-Hidayah: The Guidance, a Classical Manual of Hanafi Law* trans. Imran Ahsan Khan Nyazee (Bristol: Amal Press, 2008), Ibn al-Naqib al-Misri and Keller, *Reliance of the Traveller: The Classic Manual of Islamic Sacred Law Umdat Al-Salik*, Ahmad ibn Muhammad Quduri and Abia Afsar Siddiqui, *The Mukhtasar Al-Quduri: A Manual of Islamic Law According to the Hanafi School*, trans. Tahir Mahmood Kiani (London: Ta-Ha Publishers Ltd, 2010), Bassam Tibi, *Islam's Predicament with Modernity: Religious Reform and Cultural Change* (London; New York: Routledge, 2009), *Case of Refah Partisi (the Welfare Party) and Others V. Turkey*, European Court of Human Rights (2003).

⁸⁹See for an overview of the classical ulama's positions: al-Tabari, *Al-Tabari's Book of Jihad, a Translation from the Original Arabic*. Debates about the different medieval positions can be found, amongst others in: Ahmad Ibn Taymiyyah, *The Political Shariyah on Reforming the Ruler and the Ruled* (London: dar al fiqh 2010), Reuven Firestone, *Jihad: The Origin of Holy War in Islam* (New York: Oxford University Press, 1999), Andrew G. Bostom, ed., *The*

sorts: on the one hand they reiterate the Quranic and Sunna rules that obligate the ummah to engage in both offensive jihad and defensive jihad, whilst at the other hand the ensuing legislation for such conflicts is highly casuistic; what they do not feature are general principles. In general the corpus of *ius in bello* is surprisingly small. One of the biggest obstacles faced by Islamism is that there exist several categories of people that Islamic law and jurisprudence, *fiqh*, will not allow to be killed, such as women, old people, children, Muslims or those who have given a pledge of safe passage, *aman*, to a Muslim. Many anti-terrorism fatwa's condemn jihadist actions on the basis of a presumed transgression of these rules. However, these categories all pertain to the *intentional* killing of those persons; not to the collateral *unintentional* killing. It has always been the Shari'ah position that the unintentional killing of persons of the forbidden categories is not a transgression of Shari'ah law. At best, it can become the source of a legal obligation to provide compensation. Here too, the Islamists are aware of these rules and seek to comply with them. al-Zawahiri in his extensive legal defense of al-Qaeda's actions, even goes so far as to offer such compensation to those who are entitled to it on the basis of Shari'ah law. More importantly, however, is the fact that Muhammad himself set the example which laid the foundation of Islamic *ius in bello*. Al-Zawahiri rightfully states the following in that respect:

Legacy of Jihad: Islamic Holy War and the Fate of Non-Muslims (Amherst, N.Y.: Prometheus Books, 2005), Rudolph Peters, *Jihad in Classical and Modern Islam : A Reader*, 2nd ed., Princeton Series on the Middle East (Princeton: Markus Wiener, 2008). More contemporary orthodox views are represented in the earlier cited: Ibn al-Naqib al-Misri and Keller, *Reliance of the Traveller: The Classic Manual of Islamic Sacred Law Umdat Al-Salik*, Burhan al-Din al-Farghani al-Marghinani, *Al-Hidayah: The Guidance, a Classical Manual of Hanafi Law*, Quduri and Siddiqui, *The Mukhtasar Al-Quduri: A Manual of Islamic Law According to the Hanafi School*, Malik ibn Anas, *Al-Muwatta of Imam Malik Ibn Anas*, trans. Aisha Abdurrahman Bewley (Inverness: Madinah press, 2001).

Those who claim that killing innocent persons is absolutely forbidden are in a position of accusing the prophet, may God's peace and prayers be upon him, his companions, and the generation following them that they were killers of innocent persons, as they see it. The prophet used catapults in his war on Al-Ta'if and you know that catapults cannot distinguish between the innocent and guilty.⁹⁰ The prophet killed all the males of the Jewish Banu-Qurayzah tribe and made no distinction between one person and another. Ibn-Hazm commented thus: On the Banu-Qurayzah day I was with the prophet when he killed every male among them. He left none of them, no merchants, tillers, or old men. Ibn-al-Qayyim, may he rest in peace, narrated: The prophet, may God's prayers and peace be upon him, if he made a truce or a peace agreement with a tribe or a community and some of them endorsed it while others violated it, he invaded everyone and considered them all violators just as he did with Banu-Qurayzah, Banu-al-Nadir, and Banu-Qunayqa and just as he did with the people of Mecca. That was his policy with those who abrogated or violated the peace."⁹¹

Thus Islamic *ius in bello* acknowledges on prophetic example the permissibility of collective punishment and the permissibility of

⁹⁰ The battle of Ta'if was an act of offensive jihad. It is of prime importance since it legitimized offensive jihad and the killing by weapons which do not discriminate between both individual guilt and innocence, and between people of the lawful and forbidden categories. The basis for this collective punishment lies in Ta'if's failure to submit to Islam. Islamic *ius in bello* essentially deals with collectives, not individuals and draws upon a number of prophetic examples, amongst which the following hadith: "Narrated As-Sab bin Jaththama: The Prophet passed by me at a place called Al-Abwa or Waddan, and was asked whether it was permissible to attack the pagan warriors at night with the probability of exposing their women and children to danger. The Prophet replied, "They (i.e. women and children) are from them (i.e. pagans)." Bukhari, *Shahih Bukhari*. volume 4, book 56, number 3012

⁹¹ al-Zawahiri, "Exoneration," p. 42.

unintentionally killing people of the forbidden categories in the cause of jihad. Seeing that the Islamists make no difference between internal and external enemies, both have no rights in the face of jihad, it becomes apparent that their 'defensive' jihad amounts to a near total war in which almost anything is permitted. Whilst it remains true that one cannot *intentionally* kill people from the forbidden categories, this concept is rather void in the light of the permissibility of the collective punishment for attacking Islam. As I have shown, the concept of 'attacking Islam' in Islamist literature can be constituted by such elementary things as drawing cartoons which insult the prophet, paying taxes to a government engaged in fighting Islamists or that endorse un-Islamic values such as democracy, separation of state and religion and a myriad of other things that are essential to the democratic way of life. In other words, the criteria which constitute a 'war against Islam' can only be avoided if one becomes an Islamist Muslim. Anything short of that will automatically lead to a defensive jihad in which almost anything is permitted. Even the people of the forbidden categories engage in this 'war against Islam' by the very fact that they are not Islamist Muslims. Thus, even their protection is nullified. The only category that can truly be said to remain intact is that of infants or the senile that have no will of their own. Their lives are in principle protected against intentional killing, but not against unintentional killing or collective punishment and are therefore rather empty categories. I will discuss the various legal positions and issues in chapter six of Part Two.

Lastly, it should be understood that if any non Islamist way of life is construed as an assault on Islam, then killing these persons is not an option but a religious duty. Whether or not all of this is actually in compliance with orthodox Islam is not important. What matters is that in the *Islamist* interpretation, it is in full compliance with Shari'ah law and to divert from this law would mean apostasy. Islamists cannot, will not, and must not be expected to divert from these doctrines.

Since this study seeks to understand the Islamist logicity of ideological thinking, I cannot escape the necessity of understanding whether or not Islamists are inventing doctrines to suit their needs, or whether they are operating along the lines of logical deduction from Shari'ah principles. I will show, by comparing Islamist and non-Islamist legal-political doctrines, that there is actually a great degree of consensus amongst the classical, medieval en Islamist ulama on this subject. Once again, the Islamists have the benefit of at least *appearing* to represent orthodox Shari'ah law when it comes to both *ius ad bellum* and *ius in bello*.

Conclusion

As a concluding remark, it seems legitimate to claim that the ideologies of Islamism, as voiced by Sayyid Qutb, ayatollah Khomeini and al-Zawahiri represent all the hallmarks of totalitarian thought and action: a system of governance whose essence is terror and whose principle of action is the logicity of ideological thinking. Both in its theory and its practical application of that theory, Islamist movements comply with all the characteristics of totalitarianism. I conclude my study by giving some general policy recommendations that consist of extending the limits of counter-terrorism policies and laws beyond the mere physical acts of terror, and to include all those organizations that are actively engaged in Islamist da'wa, i.e. promoting the Islamist narrative through charitable, educational, religious, or other activities and supporting violent jihadist organizations through financial, personnel and logistical means. In that sense, this study finds no reason to make a distinction between National-socialist, Communist or Islamist organizations. Islamism is best understood as a new addition to the family of totalitarian movements, and it should be treated as such. The only difference is that Islamism is a thoroughly religious phenomenon. In that sense, my recommendations are at odds with the freedom of religion, congregation, and speech as enshrined in the various modern constitutions and human rights treaties. Seeing, however, what dangers and threats emanate from Islamist movements to Islamic and non-Islamic societies alike, and

seeing the historical precedent of non-religious totalitarian movements, I would urge the adoption of the ‘Militant Democracy’ model as instituted by Turkey and Indonesia.⁹² The European Court of Human Rights has already spoken of the margin of appreciation when it comes to the protection of these fundamental freedoms in the case of *Refah vs. Turkey*. In this case, the court judged that the specific historical circumstances of Turkey, combined with the nature of Shari’ah law allowed its constitutional court to disband the Refah party, an Islamist party.⁹³ It is hoped that this study will contribute in widening the application of this decision to include those countries that do not have these specific Kemalist-Ottoman historical connotations. This would allow any country to combat Islamist organizations, violent and non-violent alike, even if the specific Turkish historical circumstances quoted by the court do not apply in that country. In so doing, the rights of Muslims who do not adhere to the totalitarian Islamist narrative would be safeguarded while at the same time enabling governments to take the appropriate measures in combating *both* violent and non-violent forms of jihad.

⁹² See Giora Eliraz’s and Amos Guiora’s contribution in: Geliijn Molier, Afshin Ellian, and Suurland, eds., *Terrorism: Ideology, Law, Policy*.

⁹³“The Court considers that sharia, which faithfully reflects the dogmas and divine rules laid down by religion, is stable and invariable. Principles such as pluralism in the political sphere or the constant evolution of public freedoms have no place in it. [...] It is difficult to declare one’s respect for democracy and human rights while at the same time supporting a regime based on sharia, which clearly diverges from Convention values, particularly with regard to its criminal law and criminal procedure, its rules on the legal status of women and the way it intervenes in all spheres of private and public life in accordance with religious precepts.” *Case of Refah Partisi (the Welfare Party) and Others V. Turkey*, paragraph 123.