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CHAPTER VII: GENERAL CONCLUSION

Is Islamism a novel form of totalitarianism? This was the question with which this study began. In order to find an answer to this question I have made an inventory of the theories of totalitarianism and analyzed their validity by cross referencing it with the practice of secular totalitarian movements. I have charted their development from pre-totalitarian strains of political and legal philosophical thought in correlation with the developments in their respective societies in order to understand how and why they led to the appearance of totalitarianism on the political scene of Europe and Asia in the 20th century. I came to the conclusion that totalitarianism is best understood as Arendt's description of a system of governance whose essence is terror and whose principal of action is the logicity of ideological thinking. I explained the different elements of her definition by referencing them with the works of normative theories on totalitarianism by Claude Lefort and Eric Voegelin and the empirical theories of Juan Linz and Zbigniew Brzezinski. This resulted in a schematic representation of totalitarianism with which Islamist ideologies could be tested on their potential totalitarian character. In addition I made an inventory of the different stages which the highly transformative totalitarian movement may go through, in order to asses in which point of its development a certain totalitarian movement fount itself.

In the second part of the book I followed the schematic of Voegelin's Gnostic speculation as devised in part I, by beginning with the formulation of the formula of self and world salvation; Islam. I explained some of the foundations of Islamic legal-political thought that were relevant to the study of Islamist thought, through an analyses and summary of the canonical sources and the interpretations thereof by the classical Islamic jurists. I charted how

these foundations were received and developed by medieval Islamic jurists and what historical, intellectual and political developments occurred after that period that could explain the rise of Islamism. Thus, after defining the formula for self and world salvation, and the observation of disorder, I analyzed three different iconic works of Islamist ideologue that each endeavoured to return mankind to 'the Garden of Eden'. Each of their works has had a special relevance to the rise, growth and real world application of Islamist thought and their respective movements. This approach thus enabled me to compare their ideological framework and their real world applications with those of secular totalitarian movements.

The overarching approach of this whole study, however, was not one of adopting already existing theories on both secular totalitarianism and Islamism, however authoritative they might have been, and applying one to the other. Whilst this might have been enough to warrant a study on its own merit, it would fail to address the larger issues of counter-terrorism and the very nature of Islamist phenomenon. Throughout this study, I often mention that both secular totalitarian terror and Islamist Jihadism are merely symptoms of an underlying system of legal-political philosophy; they are the crest of a wave, the pinnacle of a much larger underlying movement. Secular totalitarianism and Islamism themselves too, are but the result of underlying movements in the realm of their particular legal-political philosophical culture. The key to understanding the origins of both secular totalitarianism and Islamism, and trying to predict the latter's future, is thus not located in studying their external most radical appearances but requires us to achieve a thorough holistic understanding of those concepts, historical conditions, and social developments which formed the momentum which gave rise to these totalitarian movements. As Hannah Arendt stated:

the ideologies that are carried out by totalitarian governments with unswerving and unprecedented consistency are not inherently totalitarian and are much older

than the system in which they have found their full expression.¹¹⁵⁴

Hence, I undertook to explain the secular totalitarianism of the National Socialists and Communist by tracing their ancestry back to the Enlightenment, the Counter-Enlightenment and the confrontation of their respective societies with Modernity. I contrasted the totalitarian mode of legal-political thought and organization with more traditional forms of authoritarianism and the transitional model of fascism to arrive at an in depth description of totalitarianism which would do justice the archetypal problem that plagues all research into totalitarianism:

Among the great difficulties in the way of understanding this newest form of domination [...] is that not only are all our political concepts and definitions insufficient for an understanding of totalitarian phenomena, but also all our categories of thought and standards for judgment seem to explode in our hands the instant we apply them there.¹¹⁵⁵

I followed the same holistic approach for Islamists movements. In order to come to an understanding of the nature of Islamism, I charted their origins in Islam's canonical texts, Islamic legal-political thought, some of the basic political developments within the realm of Islamic political thought and finally the influence of Islamic societies' confrontation with modernity. I believe that it is only on this basis that any meaningful understanding of either secular totalitarianism or Islamism can be achieved. Furthermore, if law and policy makers in both Islamic and non-Islamic societies are to gain from this research, it is of pivotal importance that they recognize that Islamism too is but the crest of a much larger wave. The history of secular totalitarianism's emergence, coming of age and eventual demise can only be understood and serve as a warning from history if we adopt

¹¹⁵⁴ ———, "Mankind and Terror," p. 306.

¹¹⁵⁵ *Ibid.*, p. 302.

such a holistic view. Merely focusing on preventing physical acts of terror would create a false sense of security; separating Islamism from its roots in the larger realm of Islamic legal-political thought cannot lead to any meaningful insight. One can only combat the symptoms by addressing the root problems which cause these symptoms. This study therefore aims to provide an understanding of the Islamist phenomenon which does not focus on acts of terrorism, but rather on the underlying system of thought which gives rise to such acts. By contrasting it with the history of secular totalitarian movements it aims to learn from that history and offer advice to law and policymakers and counter-terrorism specialist in both Islamic and non-Islamic societies.

My conclusion with regard to the original research question is thus as follows.

Are Islamist ideologies totalitarian?

Islamist ideologies, as expounded by Sayyid Qutb, Ayatollah Khomeini and Ayman al-Zawahiri comply with the normative theories of totalitarianism. Apart from their religious connotation there are no significant differences between the overarching structures of Islamist and secular totalitarian ideologies. In the following paragraph I will show how the Islamist ideologies, as described in Part Two of this study, comply with the quintessential hallmarks of totalitarian ideologies as described in Part One. I will do so whilst keeping in mind Arendt's explanation about the difficulty of understand totalitarian phenomenon. Concepts such as freedom, justice, equality and brotherhood are used abundantly by Islamist and totalitarian movements, but their meaning is often antithetical to the one a non-totalitarian paradigm would accord to them.

I will deal with this by explaining in this summary not only how Islamism complies with the elements of totalitarianism, but also how we should understand those elements and how we can recognize them in the Islamist discourse.

The main elements that needed to be identified in order to warrant my conclusion were as follows:

- 1: Is there an axiomatic premise for self- and world salvation which cannot be falsified?
- 2: Do Islamists ideologues apply the logicity of ideological thinking to this axiomatic premise?
- 3: Does this application of the logicity of ideological to the axiomatic premise reveal the existence of a law of movement?
- 4: Does this Islamist law of movement indicate the inevitability of the Mankind's salvation through the fabrication of a new order of being?
- 5: Do the Islamist ideologues aim to accelerate this law of movement through the annihilation of the law of movement's axiomatic existential enemies?
- 6: Does the Islamist law of movement result in a principle of action which conforms to the concept of totalitarian lawfulness?
- 7: Does Islamist lawfulness *necessitate* the perpetual application of ideological, not practical, terror?

Only if all of these questions can be answered in the affirmative can we safely conclude that Islamism is a novel form of totalitarianism. As stated, I concluded that such is the case. I will now briefly summarize my findings on these points by referring mainly to the chapter on Zawahiri, since it is there that we find the clearest example of all these factors. The overall conclusion, however, holds true for Qutb and Khomeini equally. For reasons of brevity I will give a descriptive summary of my findings. If a point by point analysis is wanted, I refer to my extensive evaluation of the works of Qutb, Khomeini and Zawahiri in the respective chapters of Part Two.

Islamist ideologies all start with the identification of a general idea which is presumed to govern all realms of existence. This idea is axiomatic and immune to falsification. Any attempt at falsification is considered to be blasphemous and prone to severe sanctions. This complies with Voegelin's definition of a Gnostic speculation and can equally be applied to religious ideas.

The system is justified by the fact of its construction; the possibility of calling into question the construction of systems, as such, is not acknowledged. That the form of science is the system must be assumed as beyond all question.¹¹⁵⁶

To the Islamists, this axiomatic premise consists of Islam, as known through the canonical sources, and in part, of its immanentized representation in Shari'ah law. As such, traditional Islam, liberal Islam and Islamism all rely on the same sources:

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.¹¹⁵⁷

What is uniquely totalitarian about the Islamists' *interpretation* of Islam's canonical sources is that it takes these sources as the *only* source of information about any experience derived from existence. All events that can occur in reality are already encapsulated within this premise and can only be explained from within the confines of ideological thinking. Therefore the only way to understand reality is to do so through the lens of the premise, anything other would amount

¹¹⁵⁶ Voegelin and Henningsen, *Modernity without Restraint*, p. 247.

¹¹⁵⁷ Tibi, *Der Neue Totalitarismus: "Heiliger Krieg" Und Westliche Sicherheit*, p. 6.

to heterodoxy which does not go unpunished.¹¹⁵⁸ This total emancipation from any experience outside of the logicity of the premise is why one cannot understand the Islamist mission by looking at it through anything else than the Islamist lens; one has to look from the inside out. Through the application of the logicity of ideological thinking to this premise, the Islamist movement discovers what Arendt called ‘a law of movement.’

An ideology is quite literally what its name indicates: it is the logic of an idea. Its subject matter is history, to which the “idea” is applied; the result of this application is not a body of statements about something that is but the unfolding of a process which is in constant change. The ideology treats the course of events as though it followed the same “law” as the logical exposition of its “idea”.¹¹⁵⁹

Totalitarian ideologues, therefore, do not see human existence as the materialistic Enlightenment idea of a plethora of individual human beings aimlessly existing as mere biological creatures, but rather sees mankind as a whole as the carrier of a predetermined unfolding sequence of events. This ‘motion’ is inherent in existence itself and impervious to individual or collective human interference. Human actions may be obstacles posed in the unfolding of this motion but

¹¹⁵⁸ “Ideologies always assume that one idea is sufficient to explain everything in the development from the premise, and that no experience can teach anything because everything is comprehended in this consistent process of logical deduction” [...] To an ideology, history does not appear in the light of an idea but as something that is calculated by it. What fits the “idea” into this new role is its own “logic”, that is a movement which is the consequence of the “idea” itself and needs no outside factor to set it in motion. Racism is the belief that there is motion inherent in the very idea of race. The movement of history and the logical process of this notion are supposed to correspond to each other so that whatever happens, happens according to the logic of one “idea”. However, the only possible movement in the realm of logic is the process of deduction from a premise.” [...] “Hence ideological thinking becomes emancipated from the reality [...]” Arendt, *The Origins of Totalitarianism*, pp. 469-471.

¹¹⁵⁹ Ibid.

they cannot chance the fact that this motion is a law derived from existence itself. In other words, justice in the sense of totalitarian justice is everything that accelerates this motion. Injustice is anything that opposes it. The totalitarian ideology therefore consists of the axiomatic premise, the logicity of ideological thinking which is applied to it and the resulting law of movement which the totalitarian movement seeks to accelerate. This acceleration entails the fabrication, if need be by terror, of a new totalitarian order of being. This new order of being is the end-stage of the law of movement; mankind in its most perfected form and for lack of a better term 'the End of History'.

Islamist ideologies function along the same path. According to the Islamist, the canonical sources of Islam logically lead to a law of movement which has an exclusive monopoly on the truth and which dictates the path towards salvation: the Islamist order of being. This necessarily divides mankind into two categories: the Islamists, and all those who oppose salvation, the forces of *jahiliyaah*. This division is not derived from any real world events but *necessarily must be true* due to the confines of ideological thinking, meaning: one cannot negotiate or compromise with it; one can only oppose or submit to it. Any form of compromise in this ideology on the part of the Islamists would necessarily mean the end of the Islamist movement. This in turn would be viewed by the Islamist as betrayal to the Islam itself; apostasy.

In concrete terms, the Islamists envision the fabrication, or reconstruction, of a society which is modelled, as closely as possible, on the normative order of the *Medinan* society. In their particular ideology this is held to be the proverbial Garden of Eden from which mankind has been forced into exile. This perceived fall from Eden is not something which the Islamist invented but which is derived from canonical sources.

The Prophet said, 'The best people are those living in my generation, then those coming after them, and then those coming after (the second generation).'¹¹⁶⁰

Ma'adh Bin-Jabal narrated the following Hadith: I heard the messenger of God saying: "The wheel of Islam will turn. Stick to the book, for when the book and the rulers are separated, you should stick to the book. The time will come when your rulers will serve their own interests, not yours. If you disobey them, they will kill you and if you obey them, they will mislead you."¹¹⁶¹

Hence, seeing that to the Islamists these sources are the *only* source of truth, all of human history has to be interpreted through these sources. Exile exists because mankind no longer follows the path of Islam. This means that in order for mankind to attain salvation, it must return to the book, the canonical sources, and the order of being that was 'best', the era of Muhammad and the *salafiyah*. In other words; all of human history is to be understood as a gradual process of exile and redemption. The Islamist movements seek to accelerate this process and see themselves as the shepherds guiding the herd back to the Garden of Eden along the path proscribed by the ideology.

This law of movement, which is the process of fabricating Utopia, is *jihad*. This law exists as a result of the nature of existence itself, it came into being the very moment mankind itself came into being. It is impervious to human meddling, interference or objection. Its sole function is *not* to establish justice between men for the sake of men, but to return mankind to his inborn nature, *fitrah*, of servitude, *ubdiyyah*, to Allah:

And I did not create the jinn and mankind except to worship Me. Quran, 51:56

¹¹⁶⁰ Bukhari, *Shahih Bukhari*. Volume 3, Book 48, Number 819

¹¹⁶¹ al-Zawahiri, "Exoneration," pp. 43-44.

Thus the Islamist mission can be summarized as follows: Only when mankind exclusively recognizes Allah's authority, *hakimiyyat*, and submits itself unconditionally to this authority, *ubudiyyah*, can his own nature be said to be in accordance with the laws of the divine, *fitrah*. All these concepts are aggregated in the immanentized essence of the metaphysical transcendence of Allah; the Shari'ah. Anything that contravenes or fails to submit to Shari'ah law and its implementation through *jihad* is deemed to be antithetical to the salvation of mankind and must therefore be eliminated.

In the Islamist worldview the period of jahiliyaah which preceded the coming of Muhammad returned after the era of the salafiyaah due to man's ignorance of Islam and his decision to live in disregard of Islam. His continuing voluntary failure to submit to the law of motion caused his un-freedom and his disobedience towards Allah. Therefore, in order to 'force man to be free' the Islamist ideology dictates that Shari'ah law must be imposed in disregard of the individual's willingness to accept it, hence the floodgates of *practical* terror are opened. Only when mankind is submitted to Shari'ah law can the true nature of jihad, *ideological* terror, start to transform reality into the Garden of Eden. While the freedom of the individual to choose his own course of action, his belief and his destiny is the hallmark of the liberal democratic society, it is the anti-thesis of the Islamists' totalitarian concept of freedom which only recognizes the right of man to live in an Islamist society. Any deviation from this ideological Utopia leads to discord, chaos and exile. Islamist freedom, therefore, is only constituted in that society in which no element of human existence is able to pose an obstacle towards the unobstructed transformation of society into the prophesized Medinan Utopia. As long as a non-Islamist order of being exists, the project for the salvation of mankind is not completed. The Islamists project of transforming the non-Islamist order of being into an Islamist one, jihad, is therefore by definition one of *global* and *perpetual* dimensions.

As I have just stated, In the Islamist view, the process of salvation is hampered by the existence of a non-Islamist, jahiliyaah, order of being. In order for the totalitarian program to succeed, this non totalitarian order of being has to be eliminated. This necessarily divides the world into two categories; the category of the Islamist movement and the category of its existential enemies. The latter category falls into two subdivision: internal and external existential enemies. I will return to this shortly. In order for mankind to be able to return to the Garden of Eden, these internal and external enemies have to be annihilated either through persuasion or through practical and ideological terror. This is the essence of the Islamist concept of jihad. It is the Islamist totalitarian vanguard movement which, unlike the masses, understands the revolutionary and necessary course of action needed to accomplish this goal and is therefore the acting agent behind the movement towards world salvation. Their legitimacy is solely based upon their understanding of the canonical sources, something which the masses lack, and their dedication to fulfil the edicts which stem from this understanding. They are thus not movements of opposition, resistance or retribution, but *ideological* movements in the strictest sense.

Having thus summarized how the Islamist ideologies comply with the points stated at the beginning of this paragraph, I must now explain some of the elements that make up their structure with regard to the different forms of political organization mentioned in Part One of this study.

Islamism compared to authoritarianism, fascism and totalitarianism

The Islamist conception of the disorder of the world is mirrored by the fascist and secular totalitarian counterparts. The feelings of disorder, anomie, loneliness and the quest for redemption are prevalent in Islamic societies as they were in pre-fascist Europe during the 19th and early 20th century. It is therefore not surprising to see some common responses to these issues.

Many of the features of authoritarianism as described in chapter two of Part One of this study are completely missing from the Islamist narrative. In the ideal Islamist world, there is no plurality, no necessary division of power, no autonomous interest groups and no responsibility towards those over whom the Islamist movement exercises power. There are, however, some fundamental fascist elements in the Islamist discourse and mentality. The quintessential inequality of mankind which is apparent in fascism's general notion of national strength and weakness and specific in secular totalitarianisms' notions of *volk* or *class* is represented by the Islamist notion of the *Ummah*. It is the ummah which is the chosen part of mankind, the 'best of nations' and which is the only class of people to whom the road to salvation is open. I will return to that shortly.

Whilst the Islamist movement is the guardian and steward of the ummah it does take a special place in it which betrays its commonalities with fascist movements. Within the ummah, a fascist form of the *trenchocracy* or militant aristocracy is prevalent which accords the highest place to the man of action, violence and sacrifice: the *mujahedeen*. The Islamist vocabulary is much akin to the fascist narrative of a rejection of rationalism, intellectualism and modernistic notions such as individual rights and liberal-democracy. The Islamist worldview is one of creative violence and an organic view of mankind to which a religious form of social-Darwinism is applied.

Finally, many of the methods of mass mobilization pioneered by the fascist are adopted by the Islamist. This mainly includes a skilful use of propaganda aimed at mass mobilization through the methods of mass communication. Like the fascists, the Islamist use of propaganda consists of exalting violence, ritual and sacrifice but unlike fascism, Islamist propaganda actually has a point to sell.

Islamism has adopted traits which are only prevalent in totalitarian ideologies and which far transcend the boundaries of either authoritarians or fascism. Islamism does not seek the sacralisation of

the state for no other end than power itself, but seeks to immanentize the transcendent. Unlike fascism, it is a Utopian movement which is utterly unconcerned with the affairs of daily life or the fate of individuals. A most important difference between fascism and Islamism is that the latter requires total power over every single individual in order to annihilate the perpetually resurgent forces of jahiliyaah. This is achieved through a carefully devised and society wide implemented program of indoctrination and ideological terror designed to shield the individual from reality and absorb him into the fantasy realm of the ideology; something which is completely absent from fascist movements. Whilst claiming to save mankind from the perceived feelings of loneliness, anomie and disorder, Islamist movements, like their secular totalitarian counterparts, aim to create a realm of artificial loneliness and impotence as a prerequisite for the unobstructed fabrication of a new order of being. In both secular and Islamist totalitarianism, the precondition for salvation is the elimination of the notion of the individual's capacity for independent thought, judgement, remembrance and thus political action. In the ideal type totalitarian world, salvation requires that one ceases to be human as conceived of in the non-totalitarian order of being.

However, there is a problem when applying the totalitarianism paradigm to Islamism. Secular totalitarianism, due to its capacity to *invent* a Gnostic formula for self- and world salvation, was able to be utterly unconcerned with individual human needs or notions of guilt and innocence; Its violence and terror were limitless and *had* to be limitless for reasons of logical necessity.

Terror exist neither for not against men; it exists to provide the movement of Nature or History with an incomparable instrument of acceleration.¹¹⁶²

¹¹⁶² Arendt, "On the Nature of Totalitarianism: An Essay in Understanding," pp. 334-335.

Traditional Islamic law, however, *is* concerned with these issues. Although man is created in order to worship Allah, Allah has also created rules which govern how humans may and may not treat other humans. This is an obstacle which secular totalitarian ideologies do not know. If one would transgress these boundaries, then one would be acting un-Islamic. It should therefore come as no surprise that many traditional Islamic scholars have accused Islamists of behaving in an un-Islamic fashion. Seeing, however, that Islamists do not claim to invent any new type of Islamic law the question arises: how does Islamism relate to this issue of legal boundaries? Can Islamist movements brush aside all notions of human dignity, guilt, innocence and rights of the individual against the collective body as enshrined in the traditional Shari'ah? Is the existence of the canonical sources the biggest obstacle *against* an Islamist form of totalitarianism? The answer lies in the particular Islamists' view on Shari'ah law and the Islamists' conception of lawfulness.

Islamism and totalitarian lawfulness

As I have shown in my analysis of al-Zawahiri; Islamists are bound in everything they do by Shari'ah law.

The 'jihadist' acts that occurred in America have good and bad sides but the important thing is whether they were according to Shari'ah.¹¹⁶³

The Islamist interpretation of the Shari'ah is, however, not always the same as the traditional, meaning the classical and medieval, one. Whilst Islamists claim to adhere to Shari'ah law they do so only insofar as it is an outgrowth of the two canonical sources: the Quran and prophetic example. Insofar as classical and medieval jurists came to the same conclusions, their consensus, *ijma*, can be a source of Islamist fiqh as well, but in general the jihadist fiqh is an exercise in *ijtihad* and a rejection of the automatic imitation, *taqlid*, of the existing schools of law. The Salafist' methodology of *usul al-fiqh* is

¹¹⁶³ al-Zawahiri, "Exoneration," p. 63.

clearly present in Islamist legal reasoning. This in itself is worrisome since many analysts of Islam have hoped that a revival of *ijtihad* would lead to moderation and adaptation to modernity's values of tolerance and human rights. Whilst this has occurred, in for instance the works of Tibi, Na'im and Taha, it is the effects of Islamists *ijtihad* which have had widespread influence and currently permeate the global security agenda. Moreover, Islamist legal theory is an attempt to purify traditional Shari'ah law from all the innovations and adaptations it has undergone in its bid to accustom religious edicts to the demands of reality. From this attempt follows what some have termed a new *madhab*, a thoroughly new *Islamist* school of law which rejects traditional compromises between worldly and religious demands. Consequently, one has to wonder if a return of *ijtihad by definition* will lead to a more tolerant and peaceful interpretation than traditional Shari'ah law. Perhaps traditional Shari'ah law functioned as a barrier against all too strict interpretations of the classical sources, a barrier which the Islamists see as being illegitimate. This, however, would be the subject of a follow up study.

I return to the issue at hand. The question is whether or not Islamist legal theory is equal to totalitarian lawfulness. I must first call into memory the essence of this concept and its existential relationship towards terror:

Totalitarian rule is "lawless" insofar as it defies positive laws; yet it is not arbitrary insofar as it obeys with strict logic and executes with precise compulsion the laws of History or Nature. [...] it goes straight to the source of authority from which all positive laws derive their legitimacy [...] "Terror, the obedient servant of Nature or History and the omnipresent executioner of their predestined movement, fabricates the oneness of all men by abolishing the boundaries of law which provide the living space for the freedom of each individual. [...] Terror exist neither for not against men; it exists to provide

the movement of Nature or History with an incomparable instrument of acceleration.¹¹⁶⁴

From this formulation it should be clear that totalitarian justice has nothing to do with our non-totalitarian concept of justice. This applies equally to the concepts of equality, brotherhood and freedom. One will often find that Islamists use these concepts when addressing a non-Islamist audience, knowing full well that this audience has no idea that what they are saying actually carries a very different meaning in the Islamist discourse.¹¹⁶⁵

I will first explain the greater structure of Islamist totalitarian lawfulness. I will conclude this section by describing how Islamist legal theory and Islamist jihad works in practice by dividing it into two

¹¹⁶⁴ Arendt, "On the Nature of Totalitarianism: An Essay in Understanding," pp. 340-345.

¹¹⁶⁵ I refer for example to President Ahmadinejad's statement before the General Assembly which was rife with references to the coming of the Mahdi without mentioning the apocalyptic preconditions needed in order to secure his arrival, and without referring to the actual Islamists meanings of the concepts of justice, brotherhood, freedom and 'god's obligation for mankind to live divinely': "Justice is the foundation of the creation of humankind and the whole universe. Justice is tantamount to placing every phenomenon in its own place, and providing humans with opportunities to actualize all their divine capabilities. Without it, the order of the universe will collapse and the opportunity for perfection will fade away [...] A global community filled with justice, friendship, brotherhood and welfare is at hand, as I have elaborated. A community which will tread the path of beauty and love under the rule of the righteous and perfect human being, the One promised by all divine prophets and the One who is the true lover of humanity. [...] Let us, hand in hand, expand the thought of resistance against evil and the minority of those who are ill-wishers. Let's support goodness and the majority of people who are good and the embodiment of absolute good that is the Imam of Time, The Promised One who will come accompanied by Jesus Christ, and accordingly design and implement the just and humanistic mechanisms for regulating the constructive relationships between nations and governments. Oh great Almighty, deliver the savior of nations and put an end to the sufferings of mankind and bring forth justice, beauty, and love. Mahmoud Ahmadinejad, "Statement before the United Nations General Assembly," (New York: United Nations, 2008).

separate elements: the internal and the external enemy. This will be accompanied by a brief summary of the most important counter-Islamist arguments as proposed by a former Islamist jihadist alim.

Islamist ideologues differ on some core issues with classical and medieval Islamic law. Whereas the latter shows how the different ulama have balanced the necessities of daily worldly affairs with the edicts of revelation and prophetic example, the Islamists see such a compromise as thoroughly antithetical to the concept of Islam. To the Islamist the very nature of Islam and the canonical sources of the Quran and the hadith indicate that all of human existence is submitted to a gradual transformation of the non-Islamic order of being, *jahiliyaah*, into an Islamic one.¹¹⁶⁶ Individual men are but actors on this stage and they should be treated according to whether or not they play their part as is expected of them. What is expected of them is that they wholly submit themselves to the movement which is in the process of fabricating Utopia and establishing universal justice. The Islamists mode of thinking is therefore a thoroughly totalitarian mode of ideological thinking. Their specific brand of lawfulness is derived from it.

Totalitarian lawfulness, defying legality and pretending to establish the direct reign of justice on earth, executes the law of history or nature without translating it into standards of

¹¹⁶⁶ Arendt, *The Origins of Totalitarianism*, p. 469. "To an ideology, history does not appear in the light of an idea but as something that is calculated by it. What fits the "idea" into this new role is its own "logic", that is a movement which is the consequence of the "idea" itself and needs no outside factor to set it in motion. Racism is the belief that there is motion inherent in the very idea of race. The movement of history and the logical process of this notion are supposed to correspond to each other so that whatever happens happens according to the logic of one "idea". However, the only possible movement in the realm of logic is the process of deduction from a premise." [...] "Ideologies always assume that one idea is sufficient to explain everything in the development from the premise, and that no experience can teach anything because everything is comprehended in this consistent process of logical deduction."

right and wrong for individual behaviour. It applies the law directly to mankind without bothering with the behaviour of men.¹¹⁶⁷

The Islamist translation of the standards of right and wrong are therefore solely derived from what they see as the inevitable transformation of the jahiliyaah order of being into an Islamist order of being. No worldly deliberations are allowed to interfere with what the Islamists see as the only true source of authority: the Quran and the hadith. These sources form the ultimate source of all legitimacy. The individual cases of right and wrong must therefore, ultimately, be measured against the process of fabricating Utopia inherent in these sources. Anything that contravenes this cause *must* be illegitimate and antithetical to the cause of Islam and world salvation. It stands to reason that classic liberal-democratic freedoms such as the freedom to criticize religion, the freedom not to have any religion at all and the freedom to live in a secular state, are all seen as antithetical to the Islamists cause. If Allah created man to worship him, how could such freedoms be legitimate? Even if traditional Shari'ah *would* allow such freedoms, the Islamists argue, then these are unlawful innovations, which need to be removed from Islamic law.

The logical consequence of this line of thinking is that the Islamists see themselves as the sole representatives of this movement towards salvation. They are the *true* Muslims, Islamist jihadist Muslims. Everyone else be they infidels, Jews, Christians, Hindu's and especially non-Islamist Muslims are enemies of Islam and of mankind's salvation. Islamists argue that *if* they are the true guardians of Islam, the *true* ummah, then they have no alternative then to act upon that knowledge to their best abilities. It is not a matter of choice but of religious necessity. This principle of action is founded, in part, upon the following Quranic edict to command the good and forbid the wrong:

¹¹⁶⁷ *Ibid.*, p. 463.

You are the best of the nations raised up for (the benefit of) men; you enjoin what is right and forbid the wrong and believe in Allah; and if the followers of the Book had believed it would have been better for them; of them (some) are believers and most of them are transgressors. Quran, 3:110

The following prophetic actualizes this need to enjoin what is good and forbid what is wrong:

If one of you sees something improper, let him change it with his hand; if he cannot, then with his tongue, if he cannot, then with his tongue; if he cannot, then with his heart. That is the weakest of faith.¹¹⁶⁸

This is then coupled with the Quranic injunction and prophetic tradition that state the goal of Islam as purifying the world of jahiliyaah:

Fight those who do not believe in Allah or in the Last Day and who do not consider unlawful what Allah and His Messenger have made unlawful and who do not adopt the religion of truth from those who were given the Scripture - [fight] until they give the jizyah willingly while they are humbled" Quran, 9:29

I have been ordered (by Allah) to fight against the people until they testify that [...] none has the right to be worshipped but Allah and that Muhammad is the messenger of Allah, and give Zakat so if they perform all that, then they save their lives and properties from me except for Islamic laws, and their reckoning [...] will be with[...] Allah.¹¹⁶⁹

Whether one agrees with the specific Islamists interpretation of these verses and hadith is irrelevant. What is relevant is that there is logicity to the way in which Islamists interpret them; a logicity

¹¹⁶⁸ Ibn Taymiyyah, *Public Duties in Islam: The Institution of the Hisba*, p. 77.

¹¹⁶⁹ Bukhari, *Shahih Bukhari*. Volume 1, p. 66. Chapter 17

which dictates all their actions. The legitimacy of those actions is derived from that logicity and hence we arrive at the defining characteristic of totalitarian lawfulness.

This Islamists interpret these sources as to mean that *all* Muslims are the guardians of every other Muslim and of mankind's submission to Islam itself. Differently put; it mobilizes all Muslim to become Islamists Muslims and then consequently to 'purify all religion for Allah', meaning 'conquering the world for Islam'. Those that refuse to take part or even subscribe to this view on Islam are not Muslims at all but in fact are antithetical to the mission of Islam itself. Here we see all the elements of the Islamists' legal-political vocabulary come together: If it is in man's nature, *fitrah*, that he be saved from disorder, *jahiliyaah*, and returned to the Garden of Eden in which he will live in submission, *ubudiyah*, to the sole authority of Allah, *hakimiyyat*, then anything that furthers that cause, *jihad*, is lawful and proscribed by the canonical sources of the *Quran* and *hadith*.

One of the prime axioms of jihad, which I just briefly explained, is the Islamist understanding of Islam's mission to 'command the good and forbid the wrong', *hisbah*, for the good of the ummah and indeed mankind, *maslahah*. As I will show, this has led to some confrontations with traditional Islamic law. In chapter two of Part Two, I indicated that most of the classical and medieval ulama have to some degree or another sought to accommodate religious law to the demands of reality. Islamists deem all those ulama who have sought such a compromise and who have rejected the demands which followed from the application of the logicity of ideological thinking to the canonical sources, as enemies of Islam. Their laws and fatwa's are therefore by definition null and void. Islamists lawfulness therefore seeks to purify Shari'ah law and the current state of the Islamic world of everything they deem as un-Islamic innovations, *bid'a*, or forms of unlawful associations, *shirk*. The key element one should understand in order to come to grips with the Islamist phenomenon is that the object of Islamism is not the wellbeing of Muslims or even mankind,

but the subjugation of mankind to what the Islamists believe to be the purest expression of Islam. Therefore, whatever serves the cause of jihad is deemed to be legal. All those elements of traditional Shari'ah law which are not true representations of this conception of Islam are therefore deemed to be unlawful innovations. Since, like modern day reformers, Islamists too argue that Shari'ah law is manmade, they refuse to blindly imitate, *taqlid*, the ulama whose judgment the Islamists do not deem legitimate. The laws which they in so doing promulgate are truly laws of movements; revolutionary laws. Such a concept of lawfulness could be seen in secular forms of totalitarianism as well. In the Communist order of being it was the party which took on the role of the representative of the Communist law of movement.

The formal law is subordinate to the law of the revolution. There might be collisions and discrepancies between the formal commands of laws and those of the proletarian revolution.....This collision must be solved only by the subordination of the formal commands of law to those of party policy.¹¹⁷⁰

The same totalitarian lawfulness appears in Nazism where the leadership was seen as the embodiment of the law of movement:

As long as the police carries out the will of the leadership it is acting legally.¹¹⁷¹{United States. Office of Chief of Counsel for the Prosecution of Axis Criminality., 1946 #34@23}

It is therefore not mankind which needs to be protected against injustice, but the law of salvation, the *true* representative of the divine, jihad, which needs to be protected against un-Islamic influences. This idea too can be found in Nazi and Communist concepts of legality.

¹¹⁷⁰ Linz, *Totalitarian and Authoritarian Regimes*, pp. 104-105.

¹¹⁷¹ United States. Office of Chief of Counsel for the Prosecution of Axis Criminality. et al., *Nazi Conspiracy and Aggression*. Volume 2, 8/9

Not the state in its outward organic appearance but the tasks of the leadership in the sense of the national socialist idea is the object of protection.¹¹⁷²

It is thus not the wellbeing of *individual* Muslims or the *temporary* stability of Islamic societies which decides what is lawful. Rather, the source of all legality is the transformation of the jahiliyaah order of being into the Islamist order of being: the unopposed application of jihad. Thus we arrive at the core of the issue. Islamist lawfulness is totalitarian lawfulness:

Laws were established to be boundaries [...] and to remain static, enabling men to move within them: under totalitarian conditions, on the contrary, every means is taken to “stabilize” men, to make *them* static, in order to prevent any unforeseen, free, or spontaneous acts that might hinder freely racing terror.¹¹⁷³

I now turn to the real world effects of this conception of Islamist totalitarian lawfulness by looking at two distinct areas in which Islamist Jihadism is active: fighting the internal enemy, and fighting the external enemy. I intend to show the inner logical consistency of Zawahiri, the totalitarian lawfulness and its consequential logical *necessity* of terror and the existence of Islamic counter-arguments. I ask the question: is Islamism, like its secular counterparts, able to act with complete impunity, or are there boundaries, essential to Islam itself, which it cannot overstep? Before I do so, I should shed a little light on the overall structure of the anti-jihadist argument as propounded by Sayyed Imam the former mentor and now most outspoken critic of Zawahiri, and by no accounts a moderate. This will shed some light on a different, yet still Islamic, form of legal-theory

¹¹⁷² Ibid.

¹¹⁷³ Arendt, "On the Nature of Totalitarianism: An Essay in Understanding," p. 343. Terror, in the sense that Arendt uses is here, is congruent with the application of jihad in the Islamist order of being.

when it concerns jihad. For an in-depth analysis of the full debate, a vicious exchange between mentor and student would be more accurate, between Imam and Zawahiri I refer to chapter six of Part Two.

The counter Jihadist argument

According to Imam's own *ijtihad* and appeal to *traditional* scholarly consensus, jihad requires:

- 1) An abode of emigration and support or a safe base;
- 2) Equivalence in number and equipment;
- 3) Safeguarding women and children;
- 4) Provision of support;
- 5) A group with which one can side;
- 6) Distinction of ranks.

Imam then sums up six prohibited actions:

- 1) Killing protected individuals on the pretext of shielding oneself;
- 2) Sanctioning burglary and the seizure of funds;
- 3) Treachery and breaking of promises;
- 4) The inability to protect children;
- 5) Serving abroad as a client or mercenary;
- 6) Being forced to take political refuge.

Finally, Imam, convinced that none of the options can be fulfilled and that none of the forbidden actions can be evaded, then offers six options for action.

- 1) emigration; 2) isolation; 3) forgiving; 4) turning aside; 5) patience;
- 6) hiding one's faith.

Sayyed Imam ends his argument with a very pessimistic appraisal of the situation in which Muslims find themselves and concludes that jihad itself best be stopped for the benefit of the Ummah.

Popular movements, including Islamic ones, have never changed the regime in Egypt throughout history. If you come out of the components, you fall into the prohibited things; and if you emerge unscathed from the prohibited things, the options grab you; and if you escape from the options, the impediments prevent you; and if you get by the impediments, it's into the abyss of despair, and so there is no hope for change. After that, dear reader, it is not just jihad about which you need not speak to me, but about any Islamic or popular activity -- and that's the end of the matter.¹¹⁷⁴

Zawahiri, as the most explicit proponent of a fiqh legitimization of Islamism, responds as follows:

Any Muslim zealous over the triumph of Islam cannot accept any call to halt or postpone jihad or turn the Ummah away from it.¹¹⁷⁵

The following paragraphs will not enter into the details of the Imam-Zawahiri debate, for that I refer the reader to chapter six of Part Two, but it will address some of the main issues. I do so in order to prove in this summary that Islamism is marked by a totalitarian concept of lawfulness; is well versed in the interpretation and exegesis of the canonical sources and the body of traditional Shari'ah law; is by no means an irrational movement of nihilistic destruction but rather a fully logical and moral force of Islamic action; and lastly, that Islamism has a tremendous amount of inner consistency displaying its own logicity of ideological thinking. Whilst neither Qutb nor Khomeini go into the level of detail as Zawahiri does, their narrative is essentially the same. Hence I can suffice by the following summary.

¹¹⁷⁴ al-Zawahiri, "Exoneration.", p. 207

¹¹⁷⁵ ———, "Loyalty and Enmity," p. 113.

Legal restrictions on fighting internal enemy

The internal enemy are those Muslims who misinterpret Islam, present a false image of Islam and try to oppose Islam's full reign. They include 'moderate' non-Islamist Muslims, the *imams of defeat* and the corrupted leaders, the *taghut*. Traditional Shari'ah law however, is quite explicit in its rejection of infighting and disobedience to leaders and in its rejection of the notion of *takfir*, branding another Muslim an infidel. These actions were once the hallmark of the *Khawarij* sect, but they have since been outlawed in Shari'ah law; the *Khawarij* are commonly seen as extremists and rejected by most Muslims. The Islamist method of dealing with these categories of 'internal enemies' and the boundaries of traditional Islamic law is as follows. It demonstrates how their professed adherence to Shari'ah law still allows for a totalitarian 'carte blanche' interpretation through an appeal to the overarching law of movement they see as being inherent in their view of the Shari'ah.

Whilst Islamist ideologues are mindful of the prohibition on the practice of *takfir*, they resolve it by the following logic. Islamic societies' are weak and disgraced by the lack of purity of their faith. Through innovations, *bid'a*, and associating partners with Allah, *shirk*, such as democracy, non-Islamic legal norms and such, Islam has become diluted and impotent. All those that work towards the downfall of religion, for instance by refusing the Islamist agenda, are in the first place enemies of Islam. However, traditional Islamic law states that all those who profess the Shahada are by definition Muslim. One is generally not allowed to call his faith into question. This was mostly formulated as a result of the *Khawarij* propensity to deeming other, less strict, Muslims as apostates or infidels. In the best case, all such judgements are left to Allah on judgment day; in the worst case one can deem a Muslim an apostate, but only in very clear cases of contravening classical Shari'ah and Islamic concepts.

The Islamists, however, argue that such a prohibition is manmade. They argue that the mere utterance of the Shahada is no longer

enough to call oneself a Muslim and thus safeguard his life. The Shahada itself must be interpreted, explained and the Muslim who utters it must act upon his testimony of faith. The Islamists do not abide by a mere formal testimony of faith but require a material understanding of and acting upon such a testimony. The legality of which is proven, the Islamists argue, by the concepts of *maslaha*, *hisbah*, and the Quranic edict to command the good and forbid the wrong. If a Muslim truly takes the Quran, hadith and the true Shari'ah principles at heart, then he must be an *Islamist* Muslim. His whole being should be aimed at performing jihad either non-violently, *da'wa*, or violently. Those Muslims who merely pronounce the Shahada but do not fulfil all other obligations that come with it can therefore not be said to ever have truly been Muslims. This extends to all Muslims who pay taxes in a country which fights Muslims or Islam. In reality, according to the Islamists, this means nearly every country in the world barred for the Taliban emirate Afghanistan and scattered basis in Yemen and Somalia. All Muslims who live under non-Islamist rule are obligated to emigrate to an abode of Islam, or in lack thereof, to an 'abode of Islamic fighting', meaning to the centres of jihadist activity. If this is not possible the Muslim has to engage in acts of jihad, be they violent or non-violent, in the countries in which they reside. This means total mobilization. All those who refuse, are deemed enemies of Islam for their reluctance to fight only strengthens the enemies of Islam. This means that all the rules of traditional Shari'ah law that see to it that Muslims don't kill other Muslims have hereby become void. The *non-Islamist* Muslim is an enemy of Islam against whom jihad must be waged. This explains why Islamism is *above all* a movement of internal purification from which ordinary non-Islamist Muslims have more to fear than any other category of people. The actions of al-Qaeda have shown that they are above all directed against non-Islamist Muslims.¹¹⁷⁶

¹¹⁷⁶ Combatting Terrorism Center, "Deadly Vanguard: A Study of Al-Qa'ida's Violence against Muslims."

Sayyed Imam correctly stated that this type of thinking automatically leads to genocide of Muslims:

This doctrine is obviously corrupt and extreme, for implementing it would mean killing millions of Muslims.¹¹⁷⁷

Analogous to the impermissibility of intentionally killing Muslims during combat, Sayyed Imam comments on the permissibility of killing Muslims as such:

There might be Muslims among them, and wrongful intentional killing of a Muslim is a great sin, one of the seven deadly ones. God says: 'And whoso slays a believer willfully, his recompense is Gehenna, therein dwelling forever, and God will be wroth with him and will curse him, and prepare for him a mighty chastisement [Quran 4:93].

Zawahiri, however, replies as follows, and it shows the importance of intent, the importance of differentiating between a Muslim and an Islamists Muslim, and Zawahiri's own willingness to accept the consequences of Shari'ah law:

I say: a. There is no doubt that a Muslim's blood is protected everywhere, whether in the Abode of Islam or in the Abode of Non-Belief -- and not only the blood of a Muslim, but the blood of all whose killing the Shari'ah forbids. The mujahidin must investigate carefully before undertaking any kidnapping.
b. If a Muslim is killed by mistake in one of these operations, his killing is not called intentional, and the verse that the author cited is not to be used as an argument against him. Rather, one uses the verse that precedes it: 'It belongs not to a believer to slay a believer, except it be by error...' [Koranic verse; Al-Nisa' 4:92]. This is one of the ABC's of jurisprudence that the author ignores. Indeed, the writer ignores the fact

¹¹⁷⁷ Imam and McCants, "The Denunciation of the Exoneration." part 6

that the mujahidin only undertook their jihad to defend Muslims, not to kill Muslims. Therefore, if an error takes place at their hands -- and errors usually happen in all battles -- they regret it and accept the verdict of the Shari'ah regarding it. We have already explained what the scholars have said about the duty of someone who kills a Muslim while shooting at non-believers.¹¹⁷⁸

When such Muslims are killed, they are martyrs; and one does not desist from the duty of jihad on account of those who are killed as martyrs. When Muslims fight non-believers, any Muslim who is killed is a martyr.¹¹⁷⁹

In summation of the lengthy argument that underlies these quotes, Zawahiri first of all makes it clear that *only* Islamist Muslims are Muslims, all others are apostates. This argument is only reinforced by Sayyed Imam's desire to halt jihad and his apparent lack of knowledge of traditional Shari'ah law; Zawahiri is right when he says that it is the *intentional* killing of a Muslim which is forbidden. Furthermore, any Muslim who claims that jihad must be halted has committed apostasy and hence deserves to be killed by prophetic example. From this Zawahiri argues that; you may kill Muslims as part of a jihadist operation as long as you don't have the intent to kill them specifically and exclusively; any error in such operations is liable to damages but *never* justifies the halting of jihad since jihad is essential to Islam itself. This debate thus revolves around the question: what is a Muslim, and who gets the final word in that debate? I already mention in my introduction that I share Zawahiri's definition of a 'believer', meaning, I too do not think that a mere symbolical identity is constitutive of any sort of faith. That does not mean that I agree with his conclusion. However, I will not answer and cannot answer this question, which is up to Muslims to decide. I merely intend to

¹¹⁷⁸ al-Zawahiri, "Exoneration," p. 182.

¹¹⁷⁹ *Ibid.*, p. 185.

show the inner logical consistency of Zawahiri, the logical *necessity* of terror and the existence of Islamic counter-arguments.

This purificatory zealotry applies even more so to the *imams of defeat* who through their actions actively aid the cause of jahiliyaah. Their compromises with worldly leaders and with the necessities of daily life over the necessities of religion are all constitutive of their betrayal of Islam. The vitriolic attacks of Zawahiri against his former mentor Sayyid Imam and other imams of defeat always take the shape of the former attacking the latter's compromise seeking attitude. Responding to a Saudi ulama's call for tolerance and peaceful co-existence, Zawahiri responds.

as if one of the foundations of our religion is how to coexist with infidels!!¹¹⁸⁰

In general Zawahiri argues that the imams of defeat are opposed to *true* Islam and thus seek to undermine the concept of jihad in favour of worldly consideration.

Our nation is deprived of jihad. Our nation is weighed down by injustice and treacheries have tied its hands and feet".¹¹⁸¹

"Any Muslim zealous over the triumph of Islam cannot accept any call to halt or postpone jihad or turn the Ummah away from it."¹¹⁸²

The third category of internal enemies consists of those leaders who are deemed to be halting the implementation of Shari'ah law or who persecute Islamists. Most often, these leaders are referred to as *taghut*. Within traditional Islamic law, the fear of infighting and rebellion are such that it is proscribed to be patient, rather than to risk *fitna*. Rebellion against a leader is therefore outlawed as long as

¹¹⁸⁰ Bin Laden, "Moderate Islam Is a Prostration to the West," p. 23.

¹¹⁸¹ al-Zawahiri, "Exoneration," p. 99.

¹¹⁸² ———, "Loyalty and Enmity," p. 113.

he 'upholds the prayer' or is not actively persecuting Muslims. This is where the Islamist interpretation of themselves comes into play.

The Islamists see Islam as meaning one thing only: the imposition of all of mankind to the Shari'ah laws and the transformation of the entire jahiliyaah order of being to an Islamist order of being through jihad. Therefore, any leader that does not allow for the Islamist discourse to proliferate and take effect in society is an agent of Jahiliyyah. In that construction, the Islamic lands are in effect under *occupation* by a non-Muslim thus *necessarily* spawning a defensive jihad. If rebellion is outlawed for the greater good of the ummah, then how can resistance towards an unjust ruler who subverts Islam not be for the greatest good? Is it not in the nature of Islam itself, the Islamists argue, that the leader be a Muslim; an *Islamist* Muslim? Differently stated, the only leader which can be safeguarded from rebellion *must* be an Islamist Muslim for the leader himself is commanded to 'enjoin the good and forbid the wrong'. If he opposes Islamist Islam then he acts in contradiction to this all important edict and thus is no longer a Muslim but an infidel who holds power over Muslims: the defensive jihad then becomes an individual obligation, *fard ayn*. The Islamists argue that all the traditional ulama who have legitimized the rules outlawing rebellion have done so in order to safeguard their own status and income.

In this respect the Islamists have taken what they see as the overarching principles of Shari'ah law to their ultimate most logical conclusion thus ensuring a near perpetual need for purification and infighting. Conversely, traditional Islamic legal interpretation, with its prohibition on takfir and rebellion, has opted for a far more stable compromise model which seeks to avoid fitna. In the end, the critique of non-Islamist ulama is that the ferocity of the Islamists purificatory actions has brought more harm than good to Muslims and is therefore, on the grounds of maslaha alone, to be deemed illegitimate. Islamists in return, argue that it is the cause of jihad itself, as the most pure emanation of Islam, which is to be the criterion that

decides between legality and illegality. Mankind is not the criterion for differentiating between just and unjust, mankind only needs to live in submission towards Allah. Everything that stands in the way of that goal, such as consideration of the lives lost in pursuit of jihad, is antithetical to Islam. Commenting on the battle of Ta'if in which Muhammad was faced with the possibility of killing Muslims who were held as human shields by the enemies of Islam, Zawahiri explains that the continuation of jihad was permissible since:

This is due to the need of the jihad or necessity and because if these things were abandoned due to fear for those whom it is not licit to kill, it would lead to halting the jihad.¹¹⁸³

Legal restrictions on fighting the external enemy

So how do Islamists justify their actions when it comes to the external enemies? This is very much linked to the type of legal exegesis I just described. Some imams have issued fatwas condemning al-Qaeda and declaring their apostasy, which in itself is odd, because al-Qaeda has deliberately killed Muslims and people from the forbidden categories: Women, children, the elderly, monks and so on. I will start with this general principle which applies to the dealings with non-Muslims.

In traditional Islamic law, the rules of war are strictly upheld. There is no 'carte blanche' when it comes to either offensive or defensive jihad in classical and medieval Islamic law. We already saw that in principle a Muslim may not be killed in a jihadist operation but he may be killed if this is done so without the express intention to kill him specifically. This extends to the categories of people that may not be killed in battle. Their *unintentional* killing in the course of jihad is not outlawed, and is legitimized by the necessity for jihad itself.¹¹⁸⁴ It may be that a legally obligatory compensation has to be paid, but the necessity of jihad, according to Islamists, supersedes any other

¹¹⁸³ ———, "Exoneration," p. 169.

¹¹⁸⁴ al-Tabari, *Al-Tabari's Book of Jihad, a Translation from the Original Arabic*, pp. 61, 69, Muhammad ibn Abd al-Wahhab, *Kitab at-Tauhid*.

consideration. It is important to underscore that in this interpretation of Shari'ah law, the Islamist do not see themselves as being at odds with established tradition. Furthermore, the general commandment to 'enforce the good and forbidding the wrong' and its accompanying concept of the *hisbah* are interpreted by the Islamists as meaning that above all jihad *must* be performed. The ultimate good of mankind hangs in the balance, thus outweighing the individual cases of wrongful acts. Islamists concede that there may be cases in which people of the forbidden categories are killed, however, by referencing the hadith on the battle of Ta'if, in which Muhammad himself engaged in such acts for the benefit of jihad, the Islamist legitimize such actions with prophetic example. As detailed in my analyses of 'the Exoneration', Islamists will go through great lengths to assure themselves that their actions are in compliance with Islamic law. It is in the figure of the necessity for jihad that certain breaches of Shari'ah are legitimized but even then, only when prophetic example allows for it. Thus Islamists do not seem to transcend the boundaries of Shari'ah law and the laws of jihad as they interpret them. As long as the cause of salvation is the principle of action, almost anything is allowed. A small exclusion should be made for *intentionally* killing people of the forbidden categories. As stated, *only* when the killing is truly intentional, meaning one has the clear and unequivocal intent to kill a child, can such an action be illegitimate under Shari'ah law. Not even the cause of jihad can justify it. Islamists will go through great lengths to use the principles of *maslaha*, *hisbah*, *ijma* and *qiyas* to stretch the boundaries of *fiqh*, but even they acknowledge that certain boundaries do exist. In the best case this means that they will not engage in such acts. That does not mean however that they are not Islamists bent on fabricating a new order of being. In a 'moderate' case it would mean that the Islamist vanguard movement will offer the prescribed compensation for such an act. Typical for the casuistic nature of *fiqh*, many detailed discussion exist that debate the exact amount of money to be paid in such a case. They will *not* deem the perpetrator an apostate as long as his actions were directed by the

general necessity of jihad. In the worst case, even this prohibition is set aside under the general principle of the need for jihad and world salvation. The wilful slaughter of over 156 children in the 2004 Beslan Massacre in North-Ossetia can be seen as such an extreme example. In that case the operation was justified because, according to the Islamists, the children were used as hostages, which is allowed, and were being used as leverage to safeguard the lives of Muslims in Chechnya; the greater good outweighing the smaller infraction. This interpretation stretches the borders of even Islamists' legal exegesis. This problem also occurs when it comes to the use of WMD's. As I have shown in chapter six of this part, the legitimization for the use of WMD's is found in an analogous interpretation of the hadith detailing the battle of Ta'if. The fact that Muhammad used a catapult to attack a civilian population is used analogously to justify the use of WMD's. As I have stated there, it seems that in such an interpretation the boundaries of *qiyas* are overstretched. However, I will leave this to the Muslims to decide. A second legitimization is given by the Quranic injunction to 'repay harm in kind', but here the Islamists themselves seem to cut corners. The possibility for repaying in kind has always been personal, and never collective. This last point is probably one of the largest points of contention between Islamist and non-Islamist Muslims, but I once again refer to chapter six of Part Two.

On a more general note, the external enemy is compromised of three major factions all of which are non-Muslim. These are: the West, Christians and most importantly the Jews. I'll be short on this matter. The depiction of the western world has strong romantic and occidentalist' elements which seem to be derived from western thought itself. The west is often portrayed as spiritually dead (Qutb), materialistic (Khomeini) and obsessed with chasing after lust (Zawahiri). This occidentalist depiction is augmented by the adoption, mainly in Khomeini's work, of Marxist-Leninist vocabulary. *Velayat e-faqih* is rife with references to 'Western imperialism' and 'the political agents of imperialism and colonialism'. All of these terms are alien to Islam. I have also commented on the strange phenomenon of

imported European-style anti-Semitism. In all Islamist writings, the Jew plays a central role as the architect of anti-Islamic activities. Perpetually engaged in sabotaging the Islamic ummah and the salvation of mankind, the Jew is portrayed as the arch enemy of humanity. On the one hand this image is constructed on Quranic revelations:

You will surely find the most intense of the people in animosity toward the believers [to be] the Jews and those who associate others with Allah; and you will find the nearest of them in affection to the believers those who say, "We are Christians." That is because among them are priests and monks and because they are not arrogant. Quran, 5:82

There are also numerous hadith which expound the evil nature of the Jews and which call for their eventual destruction. The following hadith being infamous for being a part of the charter of Hamas:

[..]Allah's Apostle said, The hour will not be established until you fight against the Jews, and the stone behind which a Jew will be hiding will say, ' O Muslim! There is a Jew hiding behind me, so kill him'.¹¹⁸⁵

However, the image of the Jew as being the arch villain controlling most of the world in opposition to Islam is most definitely not an Islamic concept. It is a decidedly European and Christian depiction which is alien to Islam. Islamic anti-Semitism has always seen the Jew as plotting, but perpetually failing in his attempts to undermine Islam. He is a mostly untrustworthy but weak figure. This new anti-Semitism in which the Jew is portrayed as the potent mastermind of evil which successfully rallies the forces of the world against Islam is an imported one. Nevertheless, this does not mean that the Islamist depiction of

¹¹⁸⁵ Bukhari, *Shahih Bukhari*.vol 4 number 2926, p. 113, see also article 7 of the charter of Hamas.Hamas, "The Covenant of the Islamic Resistance Movement," (1988), http://avalon.law.yale.edu/20th_century/hamas.asp.

the Jews is any less lethal than the Nazi's depiction. In fact, as Lefort stated:

The definition of the enemy is constitutive of the identity of the people [...] The campaign against the enemies of the people is seen as a form of prophylaxis: the integrity of the body depends on the elimination of its enemies.¹¹⁸⁶

To this Arendt would pose the warning:

whoever agreed that there are such things as "dying classes" and did not draw the consequence of killing their members or that the right to live had something to do with race and did not draw the consequence of killing "unfit races", was either plainly stupid or a coward.¹¹⁸⁷

Islamist anti-Semitism is often downplayed and wrongly interpreted as being caused by the Middle-east conflict. Such an interpretation is not only erroneous, it is dangerous. It assumes that this is not a problem which could not be addressed by dialogue and peaceful co-existence. Moreover, it blames the victims of such hatred for, at least in part, causing it. The hatred for Jews amongst Islamists is one of theological and ideological necessity and will only end in the demise of the Jews or the Islamists.

Like the Jews, Christians are amongst the members of the *ahl al-kitab*, people of the book and as such have special privileges which are not accorded to others. The general rule of relationships with non-Muslims is that jihad is obligatory and only leaves open three options:

Thus our talks with the infidel West and our conflict with them ultimately revolve around one issue [...] Does Islam, or does it not, force people by the power of the sword to submit to its authority corporally if not spiritually? Yes. There are only three

¹¹⁸⁶ Lefort and Thompson, eds., *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, pp. 286-287.

¹¹⁸⁷ Arendt, *The Origins of Totalitarianism*, p. 472.

choices in Islam: either willing submission; or payment of the jizyah, thereby physical not spiritual submission to the authority of Islam; or the sword- for it is not right to let him [an infidel] live. The matter is summed up for every person alive: either submit, or live under the suzerainty of Islam or die.¹¹⁸⁸

The Islamists however, based upon the hadith cited earlier, state that the Jews and Christians, due to their allegiance to their rabbi's, monks and the Christian doctrine of the trinity have in fact become polytheists, *mushrikun*. As such they are no longer entitled to the benefits accord to the ahl al-kitab and dhimmi's under traditional Islamic law. Thus there remain only two possibilities: either convert, or be killed.

Here too the Islamists are at odds with the traditional Islamic scholars who felt no need to pursue such a bloodthirsty agenda. Jews and Christians were often part of the Islamic societies' economy and the Ummah, if not the Caliph, stood to benefit more from their existence than by their demise. Islamists hence argue that the interest of trade and wealth won from that of religious necessity.

This leaves us the final issue: in traditional Shari'ah law an *offensive* jihad can only be fought under the guidance of a Caliph. In Shi'a Islam an offensive jihad can *only be waged* under the guidance of the hidden imam, the *Mahdi*. Islamists, however argue that since any attack, anywhere, against Islam or a Muslim amounts to an act of war against Islam, and this is *very* easily achieved, the only legitimate response would be a *defensive* war. Thus all jihadist operations as we see them today are framed in the context of a defensive jihad. According to Zawahiri, drawing a cartoon of Muhammad is an act of war, banning anti-Semitic speech which is based of the Quran is an act of war, having a separation between church and state, a democracy, elections, music, in short everything that is tantamount of being

¹¹⁸⁸ Bin Laden, "Moderate Islam Is a Prostration to the West," p. 42.

representative of the non-Islamist order of being is perceived as an act of war. The need for an offensive jihad is thus no longer even necessary. Insofar as the offensive jihad is concerned, Zawahiri states that there is a Caliph in the form of the Taliban regime in Afghanistan, al-Shahab in Somalia and various small emirates across the world. The Iranian regime does not claim to be fighting an offensive jihad but rather claims to be awaiting the coming of the hidden Imam. This would require the creation of global chaos and a war with the Jews, but it is unclear how the theological and fiqh requirements of this constellation play out. This matter is highly controversial even within Shi'a Islamist circles. Nevertheless, the operations of Iran in Lebanon, Gaza, Iraq and elsewhere are all constructed as defensive jihads.

I have shown how the image of the existential enemy, especially that of the Jew, is composed through logical deduction from an axiomatic premise and how his eventual defeat is inevitable in the eyes of the Islamists. Moreover, their rejection of the status of dhimmi for Jews and Christians is the result of the application of this logic to the canonical sources at hand. Thus the applicability of violence towards the external enemy is near limitless. The only true difficulty in the inner logic of the Islamist ideology I was able to find is situated in the near impossible extension of analogy, qiyas, in the case of the use of WMD's. It would seem to me that using WMD's is as close to intent as one can get without calling it intent. Seeing how true to the Shari'ah Islamists wish to remain, I assume this problem has plagued them as well. Then again, this argument is one of proportion, not of principle.

In general, the restrictions placed upon jihadist operations in traditional interpretations of Shari'ah law are not as humane as they seem. Although some Imams have declared that killing children or civilians is illegal, the Islamists have demonstrated that it is the *intentional* killing that is illegal, but an act which *can* be legitimized if the cause of jihad requires it. As such, they do not divert from traditional Islamic law. Historically speaking, the cause of jihad

withered away when the power of the Islamic caliphates was low and when the benefits of trade and stability were deemed more important than the continuation of jihad. In short, one might say that the overarching principle of classical and medieval law is focussed on keeping order and tries to balance all too rigid explanations of law with the realities of ordinary life and all its requirements. Islamists interpretation of Shari'ah law however is fully devoid of such compromises and claims to take the purified Shari'ah law and its overarching Islamic principles to their most logical extreme conclusion.

In conclusion, the Islamist course of action begins with an act of purification aimed at Shari'ah and fiqh itself. Once these are purified of innovations, the maligning influence of corrupted leaders, and the imams of defeat, this new body of laws functions as the guidebook to the fabrication of an Islamist order of being. This is comparable to the Nazi's attempt at purifying the race, which then became the nursery of the future *übermensch*. On the basis of this new Shari'ah, which leaves quite a bit of the traditional Shari'ah rules of jihad intact, Muslims are divided into either *Islamist* Muslims or existential enemies. There is no room for moderation in the binary world of the Islamists. The fabrication of Utopia relies on the continuing relentless application of jihad, both violent and non-violent, and in so doing is willing to sacrifice the 'specimen for the species'. What matters is not the individual, but the collective, not the here and now, but eternity. As such the divorce from reality is complete. Therefore one cannot possibly hope to enter into any sort of appeasement or peaceful co-existence with such movements. The moment their terror ends is the moment their whole validity and legitimacy cease to be. Terror is not a means to an end, it is a goal unto itself; terror, the process of turning jahiliyaah into the Islamist Utopia *is* the hallmark of Islamism.

This requires a perpetual re-education and re-fabrication of society, since men are born and thus start the non-totalitarian world anew. All defects of the Islamist society are necessarily blamed on internal or

external enemies since the Islamist movement, as the representative Islam itself, cannot possibly be wrong. The divorce from reality is thereby constituted through an unending process of violence and fabrication. Totalitarian morality dictates that all those whom the ideology deems as being an existential enemy are to be removed from existence. Whether this is an individual or a collective group based on race, class or religion is irrelevant. The quintessential hallmark of totalitarianism therefore is the dual wielding sword of ideology and terror. Each of which becomes powerless without the other. In the event the fabrication of Utopia is abandoned in favour of the regimes survival, then totalitarian experiment in total control would cease to and the movement would revert to a phase in its existence which precedes its incline to power or it means that the totalitarian ambition has been abandoned altogether.

The Islamist ideologies I have analyzed in this book all underscore the type of thinking which I have just depicted. As to their actual application I conclude the following.

Are Islamist vanguard movements totalitarian?

Sayyid Qutb's ideology is certainly totalitarian. Whilst it does not offer a clear programme for the implementation of its ideology it does feature the essential connection between ideology and terror. Little can be said about the practical implementation of his type of thinking since Qutb himself did not head a totalitarian vanguard movement but merely wrote the manifesto on which such a movement could be founded. The prime example of the Qutbian vanguard movement is the Muslim Brotherhood. Whilst the Muslim Brotherhood is not a violent organization, its offshoots most certainly are. One can think of Hamas, the Egyptian Islamic jihad and eventually al-Qaeda. Due to the repressive measures of the Egyptian Mubarak regime, the Muslim Brotherhood was forced to abandon its path of outright violent opposition to the ruling regime. This is not to say that they have in any way departed ideologically from the manifesto of Qutb. It is a mere observation of their practical considerations. Where the Muslim

Brotherhood found little opposition to their enterprise was in the Western world. Protected by the fundamental freedoms accorded to them, the Muslim Brotherhood planted its roots in these societies with the express goal of conducting jihad.

The process of settlement is a "Civilization-Jihadist Process" with all the word means. The Ikhwan must understand that their work in America is a kind of grand Jihad in eliminating and destroying the Western civilization from within and "sabotaging" its miserable house by their hands and the hands of the believers so that it is eliminated and God's religion is made victorious over all other religions. [...] It is a Muslim's destiny to perform Jihad and work wherever he is and wherever he lands until the final hour comes, and there is no escape from that destiny except for those who chose to slack. But, would the slackers and the Mujahedeen be equal.¹¹⁸⁹

The fundamental flaw in some counter-terrorism approaches to dealing with jihadist movements is the assertion that *violence* is the hallmark of jihad. It is not. Jihad itself is the expression of the law of movement inherent in Islam. Its ultimate end state is the submission of all creation to the religion of Allah. In other words, Utopia will not be reached until there is no order of being other than Islam. Sayyid Qutb, Khomeini and Zawahiri alike propose therefore that when voluntary conversion does not occur and violent jihad is not possible, every other means of achieving the acceleration of the law of movement must be employed. Thus, a vast network of parallel and front organizations is created with the express goal of spreading the message of Islamism and mobilizing people, funds and material to its cause. Since the pinnacle of Islam is fighting in the cause of Allah, the act of supporting such vanguard activities is held in the highest of regards by the Qutbist vanguard movements and the parallel and

¹¹⁸⁹ Coughlin, "Federal Court: U.S. V Holy Land Foundation Trial: Analysis of Muslim Brotherhood's General Strategic Goals for North America Memorandum."

front organizations are for that reason geared toward supporting a violent jihad which they themselves cannot or don't want to engage in. Thus the Islamic community is divided into two parts: those that aid the law of movement and those that oppose it. Those that oppose it must be eliminated by any means necessary. The same applies to the external enemy who is an enemy not because of his actions but because of his unbelief.

Khomeini adopts the same line of thinking and action but unlike Qutb was indeed capable of heading the revolutionary vanguard movement. As we have seen this vanguard movement did indeed attain a position of uncontested power and in that moment unleashed a terror which was by practical measures wholly unnecessary. The nature of that terror was ideological and sought the root out the internal enemy. The support of the Iranian regime for terrorist organizations outside of its boundaries such as the Taliban or Hizbullah must be understood in its ideological need to annihilate the existential enemy: the west and those Jews who are not dhimmi. I should add that unlike Qutb or Zawahiri, Khomeini still holds that Jews can be dhimmi. With the consolidation of the revolution, a number of measures were adopted that have in a sense created the down going of the totalitarian movement. Elections, responsibility towards the population or the different autonomous interest groups, dissent within the own ranks and the possibility and actual occurrence of popular revolt all indicate that the monopoly of power is not there and that the lack of authority cannot be compensated by violence at this time. For this reason i called the current regime clerical fascism since it comes closest to the fascist ethical state without crossing the boundary into the totalitarian society, that is not to say this is not possible in a future time since the totalitarian ideology as devised by Khomeini is still present.

Zawahiri finally displays the same line of reasoning as Qutb and Khomeini and drives it to its most logical conclusion: the unrestrained application of terror as a means of accelerating the law of movement.

Whereas to most readers, the logical necessity of unrestrained violence which totalitarianism proclaims might seem theoretical and unrealistic, history has proven that this line of thinking is extremely dangerous. The holocaust and the Gulag have proven that it did occur and thus we are robbed of the luxury of thinking that such things are impossible. They are possible and Zawahiri explains the justification of such actions through his appeal to the canonical sources and the classical and medieval jurists, relying on their consent and executing their opinions in the real world. The only differences between Zawahiri's vanguard organizations and totalitarian vanguard organizations are these:

Firstly; unlike secular totalitarian movements which did not rely on a specific body of laws by only on a general idea, Zawahiri is bound by the limits of the Shari'ah. The amount of violence which can be justified by Zawahiri's interpretation of the Shari'ah is extreme enough to warrant the use of WMD's or mass terror attacks. What he cannot do is the intentful killing of singular persons who belong to the forbidden categories such as women or children. They can be killed as part of a larger jihadist operation, but not as singular individuals. This is something which the Nazi's or Stalinists could do without any restraint. What matter however is that Zawahiri seeks to accelerate the law of motion which itself *is* the Shari'ah. Thus there is no inconsistency in this regard. Totalitarianism does not require *unrestrained* terror; it requires terror in the service of the law of movement. Zawahiri does not stray from this path.

Secondly; on the level of the organization, al-Qaeda seems desperate to create a base of operations in which it can assume the same solidity as a totalitarian state and society. At this point in time it has not achieved this ambition and remains a transnational highly decentralized and increasingly fragmented vanguard movement which engages in acts of revolutionary violence and sedition but I do not expect al-Qaeda to have access to a safe physical realm in which it can exercise unopposed jurisdiction any time soon, if ever. As such al-

Qaeda is in what I called the mobilizational phase of the life cycle of totalitarian movements.

Thirdly; first generation totalitarian movements all relied on a single charismatic leader who unified the movement in a single party in a single state. Second generation totalitarian movements, such as al-Qaeda, have no singular leader, are composed of many vanguard movements and are transnational. This remarkable shift in their empirical makeup has not affected the normative qualities one would expect from totalitarian movements. If anything, their transnationalism, their ability to mobilize, indoctrinate and spur new believers into action without the need for an organized totalitarian society is a testament to the appeal of their message and their enduring survivability.

These considerations notwithstanding, al-Qaeda is the quintessential example of the totalitarian vanguard movement. Its theatres of operation in Afghanistan, Iraq and Somalia offer all those who want to a place in which to gather experience, contacts and skills needed to carry out jihadist operation anywhere in the world, if necessary by themselves. Thus the decentralization of the vanguard movement will not lead to a decrease in terrorist operations but rather will enable them to occur anywhere in the world. Thanks in great part to the decentralization of mass communication, any person who has access to the internet can join their vanguard movement in terms of indoctrination and technical preparation for terror attacks without ever having to leave the country. Whilst this movement cannot be stopped, it can be frustrated. This brings me to my recommendations for law and policy makers.

Policy Recommendations

By now it should be clear that no amount of appeasement or concessions could diminish the threat posed by Islamism. Its violence towards its internal and external enemies is dictated by its ideology and not by any real world facts. These facts may be brought to the

fore as a defence of their actions, but in reality this is propaganda and an attempt to gain sympathy for the cause. It has no bearing on their true motives. This is something which these ideologues themselves all too readily admit and something which should be taken into account when being addressed by such propaganda. In that respect I must draw specific attention to the position of Jews in the Islamists' discourse: the parallel with the Nazi depiction of the Jews is one of the most striking elements in the Islamist concept of the external enemy. While this hatred is often attributed to the situation in the Israeli-palestinian conflict, this argument is utterly unfounded when one is acquainted with the Islamist discourse as I have analyzed it in this study. In that discourse, the Israeli-Palestinian conflict is a non-issue. At best it is a means to antagonize and mobilize the masses, but it is not part of the theological-ideological backbone of the Islamists message. The hatred of Jews is a demand of the ideology and theology of the Islamists; it cannot be pacified. To deny this is to display, at best, a severe lack of knowledge on the Islamists' mindset and to deny protection to those whose plight we have collectively vowed to never forget. A mere 70 years after the defeat of Nazi Germany, the Islamists' depiction of the Jews shows that the genocidal spirit of hatred is still alive and seeking ways to translate itself into action. A repetition of history is in the making and law and policy makers must take this into account when dealing with the Islamist phenomenon. The same phenomenon can increasingly be seen when it comes to the depiction of Christians. The forced exodus of Christians at the hands of Islamists which followed the fall of Saddam Hussein has gone by largely unnoticed by the western media but is indicative of the purificatory endeavour of the Islamist enterprise. However, it seems many are reluctant to address these issues out of a fear of being labelled an Islamophobe. Even worse, they accuse those who *do* point out these issues of Islamophobia. Under the banner of the human rights discourse, anti-racism or other lofty values they in fact betray those values by sacrificing the interests of Jews, Christians, non-Muslims and non-Islamist Muslims in order to

safeguard the safety of their own person, their careers or to serve their own political interests in an unholy alliance with the Islamists. To them I would address the following statement made by Generalmajor Herrmann Karl Robert von Tresckow (January 10, 1901 – July 21, 1944) only hours before his suicide. Tresckow was a Major General in the German Wehrmacht who organized German resistance against Adolf Hitler. He attempted to assassinate Hitler in March 1943 and drafted the Valkyrie plan for the failed coup against the German government.

The whole world will vilify us now, but I am still totally convinced that we did the right thing. Hitler is the archenemy not only of Germany but of the world. When, in few hours' time, I go before God to account for what I have done and left undone, I know I will be able to justify what I did in the struggle against Hitler. God promised Abraham that He would not destroy Sodom if just ten righteous men could be found in the city, and so I hope that for our sake God will not destroy Germany. No-one among us can complain about his death, for whoever joined our ranks put on the shirt of Nessus. A man's moral worth is established only at the point where he is ready to give up his life in defense of his convictions.¹¹⁹⁰

With that in mind I now come to my policy recommendations:

The first option is to combat Islamist jihadist movements from the top down by either eliminating or incarcerating their leadership and executives. In so far as this is not possible or legal we should look at the second option.

The second option and this should occur at any rate, is to eliminate those organizations that feed the jihadist vanguard from the bottom up. This means all those organizations who preach their message,

¹¹⁹⁰ Joachim C. Fest, *Plotting Hitler's Death : The Story of the German Resistance*, 1st American ed. (New York: Metropolitan Books., 1996), pp. 289-290.

who raise the funds, indoctrinate people and funnel these logistics to the jihadist theatres of operation. Most of these acts are already illegal in large parts of the world but not all of them. Most importantly of these are the da'wa activities which seek to spread the Islamists religious discourse amongst non-Islamist Muslims. Whilst this is the least violent form of jihad, it is also the backbone of all Islamist movements. As I have argued, many front organizations are protected under the umbrella of fundamental freedoms such as the freedom of speech, congregation and religion. The freedoms on which democratic societies are built thus provide the Islamists with the means for mobilization which they lack in their countries of origin. As Joseph Goebbels stated in 1928:

Our participation in the parliament does not indicate a support, but rather an undermining of the parliamentary system. It does not indicate that we renounce our anti-parliamentarian attitude, but that we are fighting the enemy with his own weapons and that we are fighting for our National Socialist goal from the parliamentary platform [...] We enter parliament in order to supply ourselves, in the arsenal of democracy, with its own weapons. We become members of the Reichstag in order to paralyze the Weimar sentiment with its own assistance. If democracy is so stupid as to give us free tickets [...] that is its own affair. [...] We do not come as friend nor even as neutrals. We come as enemies: As the wolf bursts into the flock, so we come.¹¹⁹¹

The Muslim brotherhood in America voiced this same aspiration when it stated:

The process of settlement is a "Civilization-Jihadist Process" with all the word means. The Ikhwan must understand that

¹¹⁹¹ United States. Office of Chief of Counsel for the Prosecution of Axis Criminality. et al., *Nazi Conspiracy and Aggression*. Volume I chapter 7. Diary entry of April 30, 1928

their work in America is a kind of grand Jihad in eliminating and destroying the Western civilization from within and "sabotaging" its miserable house by their hands and the hands of the believers so that it is eliminated and God's religion is made victorious over all other religions. Without this level of understanding, we are not up to this challenge and have not prepared ourselves for Jihad yet.¹¹⁹²

One must make the distinction between ordinary Islamic da'wa activities and Qutbian da'wa activities. The Qutbist da'wa organizations operate on the basis of Qutb's interpretation of Islam which I have described in great detail. Whether or not one is dealing with a Qutbian da'wa organization can be ascertained by examining their da'wa material, social activities and the content of their sermons and educational programs. This requires a very thorough understanding of the difference between Islam and Islamism. This study seeks to provide in that skill. Seeing that the Qutbist interpretation of Islam is highly political in nature, it stands to reason that their affiliated organizations should be seen as *political* and not, or not exclusively, as *religious* organizations. If they are defined as political organizations then their speeches, congregations and literature can be classified as political activities that do not enjoy the protection of the freedom of religion, religious speech and religious congregation anymore than National Socialist organizations do. This would have the benefit of addressing the jihadist problem from the bottom up and would *not* restrict the religious freedoms of those Islamic organizations who do not agree with the Qutbian totalitarian interpretation of Islam. I should emphasize that in this way, no normative judgment has to be made about Islam *as such* and those Muslims who do *not* subscribe to Qutb's view are still able to enjoy all of the freedoms accorded to other religions. This is the model which has been employed by Indonesia and Turkey amongst others.

¹¹⁹² Coughlin, "Federal Court: U.S. V Holy Land Foundation Trial: Analysis of Muslim Brotherhood's General Strategic Goals for North America Memorandum."

Western countries would do well to follow the example of those countries that have more experience in dealing with the Islamist phenomenon. Whilst democracy and political freedoms are laudable goals; they become self-destructive if the audience to which they cater do not subscribe to those values.

In that respect I should add that the European Convention of Human Rights (ECHR) was written for a post-holocaust European population. It sought to endow rights upon a population which had a common understanding of the background, the essence and the need of those rights. Imparting those rights on a group of people, Islamists, who do not subscribe to these ideals, would be a highly formalistic approach. Democracy rests upon the shoulders of a population imbued with a democratic spirit. The interpretation of the ECHR should in that respect take into account that not all religious movements are equal. Some might have been pacified through the Enlightenment, or might be devoid of political aspirations which run counter to the ECHR altogether, whilst others may be very hostile towards the ECHR. Therefore a material interpretation of the ECHR and other human rights bodies could justify labelling certain types of religious activity as lawful whilst deeming others as illicit forms of political activity. The court itself gave account of this notion when, in the case of *Refah vs. Turkey*, it ruled 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. [...] a political party may promote a change in the law or the

legal and constitutional structures of the State on two conditions: firstly, the means used to that end must be legal and democratic; secondly, the change proposed must itself be compatible with fundamental democratic principles. It necessarily follows that a political party whose leaders incite violence or put forward a policy which fails to respect democracy or which is aimed at the destruction of democracy and the flouting of rights and freedoms recognised in a democracy cannot lay claim to the Convention's protection against penalties imposed on those grounds [...]. The Court accordingly concluded that acts and speeches imputable to the whole of the party "revealed Refah's long-term policy of setting up a regime based on sharia within the framework of a plurality of legal systems and that Refah did not exclude recourse to force in order to implement its policy and keep the system it envisaged in place." In view of the incompatibility of these plans with democracy, and Refah's real opportunities to put them into practice, the Court held that the Turkish Constitutional Court's decision had met a "pressing social need." Nor could the interference be regarded as disproportionate in relation to the aims pursued; in short, Refah's dissolution was "necessary in a democratic society."¹¹⁹³

The European Court of Human Rights thus legitimized the dissolution of the Turkish Islamist party Refah on the grounds of its adherence to Sahri'ah law, its desire to implement Shari'ah law in turkey with violent means if necessary and the specific political-historical circumstances of Turkish society. For now this only applies to Turkey, it would seem to be wise to extend the jurisdiction of this verdict by letting go of the specific Turkish-Ottoman component of this verdict and the element of Refah's

¹¹⁹³ *Case of Refah Partisi (the Welfare Party) and Others V. Turkey.* Paragraphs 126-128, 132-136.

self-professed recourse to violence. Islamist ideologies cannot be separated from recourse to violence; it is not needed that they actually profess their intention to use violence.

The third option deals with the public debate in Islamic and non-Islamic societies. No one is helped by representing Islamism in a way that is not in accordance with its nature. As I have shown, none of the ideologues discussed can in any way shape or form be described as being un-Islamic. One might disagree with their particular form and content of *ijtihad*, and one should be able to show the reasons why this *ijtihad* is wrong, but one cannot deny *a priori* that their arguments are derived from the authoritative sources, the consensus of the jurists and in the end form the Quran and hadith themselves. If we are to stop the wave which feeds the crest then we must address this issue. Pretending to end the debate by claiming that the jihadist are not Islamic without any valid proof will only stop this debate dead in its tracks. Claiming that Islam is nothing but peace and tolerance, and accusing anyone who disagrees of Islamophobia is equally unimpressive and illegitimate. To paraphrase Zawahiri, if those who criticize Islam for having allowed the threat of death to be used in order to convert people, are condemned as being Islamophobic, then these same people must condemn the prophet himself of being Islamophobic. Furthermore, 60% of American *Muslims* in 2011, were concerned when it came to the Islamist phenomenon, I assume one could hardly accuse these people of Islamophobia.¹¹⁹⁴

It must be recognized that men like Zawahiri did not invent their theories but are the inheritor of a far greater tradition which goes back to the sources themselves. This is not to say that there is a consensus on their *ijtihad*; there is not. However, neither is there any consensus on the idea that Islam rejects the positions of Zawahiri. Yusuf al-Qaradawi, the foremost Sunni scholar of this time and praised by John Esposito for his "reformist interpretation of Islam and

¹¹⁹⁴ PEW Global Attitudes Project, "Muslim Americans: No Signs of Growth in Alienation or Support for Extremism," (2011).

its relationship to democracy, pluralism and human rights “ issued a fatwa making it legal to kill pregnant Israeli’s and lauded Hitler for punishing the Jews. In short, there certainly is not a consensus on the peaceful and tolerant nature of Islam. Those who make such statements should be made aware of the body of Islamic legal theory on jihad and the position of the non-Muslims in Islam. Debates about religion have always been painful, it is unavoidable. Nietzsche’s critique on Christianity, Martin Luther’s critique on the Roman Catholic church, the debate about the place of Judaism in Israel or of Islam in Indonesia have and will by definition flare the passions and result in accusations of hatred and intolerance. So be it. This is in itself no argument against their validity. The history of totalitarianism does not give us the luxury of avoiding such a debate because people’s feelings might get hurt or because we are afraid of the repercussions. The price of freedom is that sometimes one must *actually* fight to preserve it. It thus seems strange that an enormous amount of intellectual political and social time and energy is being spent on accusing those who point out these roots of Zawahiri’s thought as Islamophobic instead of using that energy to confront or even get to know Zawahiri and his thoughts. This phenomenon of the fellowtravellers created the social platform on which both Nazism and Bolshevism could thrive. The fellowtravellers of that period, as those of this period cannot, claim innocence purely based on good intentions alone. In particular since the result of their ‘good intentions’ make it impossible to address the issues of the Islamists’ hatred and violence against Jews, Christians and non-Islamist Muslims in both Islamic and non-Islamic societies alike. If this study is trying to accomplish anything it is to instil the notion in academics, politicians, and the general public alike that the debate about the nature of Islamism starts by taking Islamism seriously and investigating its arguments point by point. Maybe the conclusion is that it is truly against Islamic teachings and the consensus of the jurists. Maybe it is the opposite. If any of those conclusion would be reached than this study has served its purpose. Under no

circumstances however should a society concede to avoiding this discussion because it's 'sows civil unrest' or 'offends the feelings of religious people'. A beautiful hadith from the collection of Abu Dawood states: "The best Jihad is saying a word of truth in the court of an unjust ruler". To that I would add the saying of Rabbi Hillel who stated: "those who can protest but do not, become accomplices to the crime."

The same goes for blaming the external enemies of the jihadists for the rise in terrorist violence. This argument is fuelled by the jihadist's propaganda but as they themselves admit quite clearly, has no real foundation in their ideology. It is a tool to misdirect and misinform in order to further their cause. One should not fall in the trap of taking this bait. While it is true that injustices carried out against Muslims might help the recruitment efforts of jihadist vanguard groups one must not forget that they do not form a part of their core ideology. Removing the injustices will *not* stop jihad. It might help in countering the mobilizational efforts, but it will not stop it. The only way in which it really can be stopped in my view is dependant one of the following two possible events;

Firstly, a convincing argument has to be formulated by the ulama whose stature is beyond reproach that the conception of jihad as used by the Islamists is false. Efforts have been made to this effect as I have shown but these are hardly convincing. I refer for example to the 600 page fatwa which claimed al-Qaeda's jihad was unlawful because innocent people were killed and because forbidden categories were killed. Zawahiri replied in a manner which I found to be rather convincing based on prophetic example and the consensus of the jurist, not on my own unqualified *ijtihad*. A second possibility for an Islamic rebuttal of the Islamists can be found in the works of Muslims like Bassam Tibi which argue for a revitalization of the *mutazaliyaah* rationalist approach to *fiqh* and which seek to adapt Shari'ah law to the requirements and insights of modernity. I do believe that such a thing is possible, but it would require a massive undertaking in order

to restructure the whole body of traditional Islamic law and the methods of *usul al-fiqh*. In terms of an Islamic sound solution, I do not think I am overstating that this approach is the most promising and indeed most needed. The anti-terrorism fatwa's in general have not succeeded in formulating a very sound rebuttal to the Islamists' cause. I fear this is in part because of the existing framework of traditional Shari'ah law which is not capable of disproving the basic premises of Islamists fiqh. What is needed is a new interpretation of Islamic law with methods indigenous to Islamic *usul al-fiqh*. The proposed revival of the Hellenistic rational *mutazaliyaah* approach seems to be the only way forward. This study thus proposes that research into this matter be funded by those societies which are able to take an open and objective stance to it.

The role of the western states in promoting this debate is however limited; it *has* to come from within the Islamic world. The only aid which I can foresee to be of service is my previous point of punishing Qutbist groups whilst rewarding non-Qutbist groups and men like Tibi or Na'im. In this way non-Islamic societies can avoid being accused of meddling in Islamic theology and legal interpretation and leave this task to Muslims themselves whilst at the same time, no one who is not already a sympathizer of the Qutbian ideology could accuse them of justly protecting their own lawful interests.

The second possibility is that the jihadist interpretations of the sources are indeed correct and that any attempt at amending them is doomed to fail. In that case, all the non-Islamic societies can do is confront it with all the means necessary and adopt legislation to coincide with these needs much in the same way as the Nazi's and Stalinists were confronted. This would basically amount to intervention and damage control along the lines of the Kirkpatrick doctrine which favoured aiding authoritarian regimes, even dictatorships, above tolerating totalitarian regimes. Even with respect to Islamic societies, this option seems favourable, in terms of lives saved, over the totalitarian alternative. The slaughter in Afghanistan

and Iraq at the hands of the Taliban and al-Qaeda being the obvious example of what that would look like. The problem however is that such operations would fuel the idea of external enemies and internal collaboration. It wouldn't solve anything, just minimize the damage. What is possible however, even if the jihadist position is the legitimate one, is that Muslims themselves would decide that these rules and edicts no longer apply even if this would entail apostasy. My greatest hope rests on the fundamental flaw of all totalitarian systems of thought, namely, the idea that there is something as 'pure good and pure evil'; the idea that there is such as singular thing as the root of all evil which can be fought. Reality is much more tragic than that and common men do not live by such laws. Totalitarian movements therefore have the greatest disdain for common man; common man is something that needs to be abolished and replaced with the revolutionary man. The total divorce of the totalitarian movement's worldview from reality is thus its greatest flaw; it fails to recognize that common people are more interested in having a house, a rewarding job, two kids and two holidays per year. The rise of the social level, as Ortega Y Gasset explained, brought with it drastic changes in the fabric of society, amongst which the emancipation of the individual. What we can witness in Western society is a rapid decrease in the number of people who affiliate themselves with any form of organized religion. Religion has become individualized, tailored to the needs of the person itself. In effect the person has become the author of his religion, something which should be called spirituality, not religion, since in most cases it has lost all connections with the canonical sources to which it symbolically refers. Thus, even if the jihadist's position is legitimate, it is my hope that the rise in wealth, education and the rise in the social level will have the same effect as it had in the western world. This ideological weakness, even ignorance and corruptibility of man, the fundamental attribute of the internal enemy, is something which must be fostered and cherished as the single most important ingredient for the preservation of freedom.

The point which is so important is the basic fact that it is impossible for any man to survey more than a limited field, to be aware of the urgency of more than a limited number of needs. Whether his interests centre round his own physical needs, or whether he takes a warm interest in the welfare of every human being he knows, the ends about which he can be concerned will always be only an infinitesimal fraction of the needs of all men.[..]To direct all our activities according to a single plan presupposes that every one of our needs is given its rank in an order of values which must be complete enough to make it possible to decide between all the different courses between which the planner has to choose, it presupposes, in short, the existence of a complete ethical code in which all the different human values are allotted their due place.¹¹⁹⁵

"L'enfer est plein de bonnes volontés et désirs"

Research recommendations

I close with some recommendations regarding research questions that flow from this study.

First of all, the Islamist vanguard movements are flanked by a myriad of supporting front and parallel organizations. These organizations appear throughout the globe, most often in democratic societies which accommodate a level of political freedom unheard of in Islamic societies. Right now, very little academic research has been done to ascertain their make-up, level of influence, political structure and the specific nature of their connection to Islamist vanguard groups. The research that has been done is mostly the work of journalists and activists and is still in its infancy. In addition, this field of research is often vehemently accused of Islamophobia precisely because this is the field in which the Islamists abuse the freedoms of the open society to undermine that society; it must be kept beyond reproach.

¹¹⁹⁵ Hayek, *The Road to Serfdom*, pp. 60, 62.

The financing of academic research into this subject should therefore be a top priority.

A second recommendation would be to investigate the degree to which Islamist jihadist fiqh finds support in classical Sunni and Shi'a fiqh. This study has indicated that there is ample evidence to suggest that there is a firm basis in the latter for the former and that Islamists are acting upon foundations which can rely on a great deal of authority in the larger Islamic world. However, this study has not focussed on this issue in great detail and I am convinced that such a study is warranted and needed in order to confront the Islamist phenomenon on the basis of knowledge instead of unfounded presumptions. This would entail the large scale translation and publication of those sources which are fundamental to this issue. Especially in the area of fiqh, which is the heart of the matter, western academics are mostly reliant on the little that has been made available. The translation, explanation and interpretation of those sources have until now remained the prerogative of those institutes which have every reason not to fuel criticism of Islamism. This reliance is harmful to critical analysis and debate. I propose that the unlocking of such fiqh handbooks and collections is essential to understanding the legitimacy of the Islamists' discourse in light of the larger body of Islamic texts. This would require an integrated undertaking of translation and publication so that these works can be made available to a much larger, international academic audience. At the moment, this effort has not even begun to take shape. Whilst some argue that knowledge of Arabic is essential to interpreting such handbooks, I would reply that very few Christian theologians are able to read Aramaic, yet no one doubts their ability to analyze the New Testament. Moreover, there are ample academically sound means of dealing with the linguistic elements involved. The Arabic requirement argument strikes me as being a means of undermining critical research, and not a valid argument aimed at ensuring the integrity of such research.

This leads to my third research recommendation. The position of reformers such as Tibi, Na'im or Taha is at the moment very much a minority voice in the larger world of Islamic thought. A minority which has to have real fears with regard to their personal safety as the case of Muhammad Taha has shown. If one wants to counter the appeal of the Islamist discourse on Islamic societies and Muslims, then it is of pivotal importance that a contrasting interpretation of Islam is brought to the fore; a contrasting interpretation which has legitimacy within the realm of Islamic religious, legal and political thought. I sincerely believe that the formulation of an interpretation of Islam that is devoid of jihadist connotations is possible but it would require a very thorough and large scale restricting of *usul al-fiqh*. Seeing that confronting Islamism is most feasible when such an effort is founded upon Islamic canonical sources and Islamic methods of religious, legal and political thought, I would strongly recommend the financing of research into this area.