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# ARCHES QUARTERLY



## WAR, PEACE & RECONCILIATION



مؤسسة قرطبة

*The Cordoba Foundation*  
*Cultures in Dialogue.*

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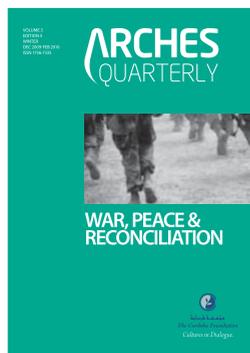
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Westgate House, Level 7, Westgate Road, Ealing, London W5 1YQ  
Tel 020 8991 3372 / Fax 020 8991 3373  
[info@thecordobafoundation.com](mailto:info@thecordobafoundation.com) / [www.thecordobafoundation.com](http://www.thecordobafoundation.com)

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## FROM THE EDITOR

RE-VISITING an age old theme, this edition of *Arches* explores the pressing issues of war, peace and reconciliation. As individuals, groups and societies, we cannot circumvent these as they involve us all in some form or another either through our beliefs, ideals or socio and geo-political circumstances.

### One cannot remain indifferent to the effects of warfare, political violence and instability in what seems to be an increasingly conflict-ridden world.

With the advance in technology and communications, we live in a 'globality', as coined by the sociologist, Roland Robertson, whereby traditional monopolies of power and beliefs are challenged and socio-political issues and developments afar are beamed into our living rooms. Therefore, one cannot remain indifferent to the effects of warfare, political violence and instability in what seems to be an increasingly conflict-ridden world.

George Orwell, dubbed the 20th century's best chronicler of English culture, said "political language is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind". Orwell's description of political language is profound, and can be further observed in the many troubled global hotspots, not least in the thinking, execution and promulgation of the "war on terror". Whilst the menace and threat to peace and security posed by some religious fanatics should not be downplayed,

the language of "war on terrorism" as Richard Jackson in *Writing the War on Terrorism* opines, is a discourse that is carefully crafted to achieve certain political objectives. Essentially, it is an "exercise of power" by normalising and legitimising current counter-terrorism strategies; empowering and shielding governments from criticism; marginalising dissent or protest, and reifying a narrow concept of national identity.

However one interprets the "war on terrorism", it has become a global operation with very limited success. The prevailing public opinion seems strongly opposed to it due to its origin, methodology and the resultant conflicts and distrust brewed which abound us today. As for the intent of wars, there is a class dimension, as according to Orwell, wars are designed to be continuous, they create "a hierarchal society... on the basis of poverty and ignorance". And further adds, "Wars are waged by the ruling group against its subjects, and its object is not victory, but to keep the very structure of society in tact". There are of course, other reasons why people and societies wage wars, suffice to say war breeds war.

Whilst exploring war and peace, some contributors in this issue of *Arches* discuss the Just War Theory, examining how recent wars and occupations by Western democratic governments relate to it. Others discuss recent counter-terrorism strategies, the militarisation of civil life, as well as the interplay between language and physical reality in warfare. In discussing the challenges and prospects for peace and reconciliation, Revd. J. Jayakiran Sebastian from the Theological College, India, warns "peace is in danger of becoming fashionable", implying the interest in it can be superficial with a lack of consistent focus. "Peace has to be an enduring, lasting, acute theme, and that it is the seemingly permanent persistence of the absence of peace and reconciliation that impels us to seek to understand" it, explains Jayakiran.

The absence of real choices on the ground hinders peace, for instance, former Serb soldiers who raped and killed Bosnian

Muslim neighbours work in uniform as police officers in Sarajevo today, knowing full well that their victims or their families recognise them. Bosnian Muslims were killed by Serbs and their body parts buried in different locations so as not to be identified. Today there are Serbs who make it a business to disclose the locations for a hefty fee! In the Congo, the conflict and humanitarian crisis claimed approximately 5.4 million lives since 1998. Such palpable feelings of subjugation, torture and marginalisation pose real challenges to the reconciliation efforts. Swedish writer & filmmaker, Abdi-Noor's stanza about the conflict in Somalia is very relevant here:

*Peace is the soil on which stability grows  
But without justice there shall be no peace*

*I do not know why we expect rain  
When we have no clouds on the sky*

Trying to improve our understanding of the specific conditions and realities on the ground, Arches presents specific case studies – Indonesia, Bosnia, Sri Lanka, Turkey-Kurdish question, Palestine, and Egypt – providing theoretical and practical insights on how to achieve peace and reconciliation, whilst at the same time examining the failures. As religion is often cited for wars, we contrast the competing theological approaches to war and peace from Christianity, Judaism, and Sikhism. A complimentary article on the scholastic views about the bipolar classifications of *Dar al-Islam* (Abode of Islam) and *Dar al-Harb* (Abode of War) is provided.

**Between war and unjust peace [President Alija Izetbegović] gave preference to peace and he did not seek revenge against his political opponents.**

We hope all these prove to be a wholesome reading.

Lastly, with a parting reference to the late President of Bosnia, Alija Izetbegović. According to Imam Nezim Halilovic, a decorated Bosnian war hero, President Izetbegović gave the whole world a lesson in democracy and a route to reconciliation. As the Commander-in-Chief of the Bosnian Army he constantly forbade war crimes and he forbade seeking revenge. Between war and unjust peace he gave preference to peace and he did not seek revenge against his political opponents.

*Thank you.*

**\*Abdullah Faliq**  
MANAGING EDITOR

\*Abdullah Faliq helped set-up The Cordoba Foundation (TCF) and has been its Head of Research since 2005. He edits Arches and in 2009 published a media manual for TCF, *Working with the Media*. In 2001, Faliq helped provide the launching pad for the Grand Mufti of Bosnia Dr Mustafa Cerić's "Declarations of European Muslims." Having studied Arabic in Egypt & Jordan, he has a Masters in Middle East Politics (Durham University), and currently defending a doctorate thesis on British and Arab political Islam (University of London). Faliq holds a number of senior positions with prominent Muslim organisations, including being the Deputy Secretary-General of Islamic Forum of Europe.



## FOREWORD BY THE CHIEF EXECUTIVE

THE theme of peace and war has been a topical one for centuries, but particularly over the past six decades and since the end of the Second World War. The establishment of the United Nations and the opening line in the UN Charter asserted that humanity would seek through all possible means to address the problems, conflicts and disagreements away from war and the use of violence, having witnessed and experienced the horrific impact of a series of wars that claimed tens of millions of lives during the 20th century.

### War and military conflicts are facts of life particularly where borders are breached, economies and interests threatened.

Yet it remains that war and military conflicts are facts of life particularly where borders are breached, economies and interests threatened, policies challenged and ideologies propagated or subjugated.

Sadly, the human race doesn't seem to have agreed to resort to armed conflict only as a last resort either.

It was particularly interesting hearing a US Pentagon official recently defend the Afghanistan war stating that "it is no Iraq war; this is the 'right war'". But is there such a thing as a 'right war', or would it be more effective to argue for a 'right way' to conduct a war since we seem incapable of negotiating our way to a resolution? Indeed is there a moral and ethical way to fight a war? Also, how does one's conduct at a time of peace either bring closer or make more distant the prospect of violent conflict?

These questions become more pressing at a time when the world seems to be engulfed by violence or at least the prospect of violence, and officials promise us all of a prolonged era of the same.

This issue of Arches addresses some of these questions and refers to experiences of war and peace which offer insights of mechanisms, practices and methods of efficiently and effectively increasing the prospects of peaceful resolutions. The ideology and practice of war are also discussed in this issue where once again, we host a number of prominent figures from around the world.

\*Anas Altikriti  
CHIEF EXECUTIVE

\*Anas Altikriti, CEO of The Cordoba Foundation, is an internationally accredited translator and interpreter by profession and a postgraduate lecturer in the same field. He was a leading figure of the British Anti-War movement and Chair of the 2-million Iraq demonstration in February 2003. Altikriti helped successfully negotiate the release of Western Christian peacemakers taken hostage in Iraq in 2005. He is a media commentator and writer in Arabic and English, as well as an advisor and consultant to numerous UK and international organisations on Muslim politics, East-West relations, combating extremism, negotiations, and dialogue. He is former President of the Muslim Association of Britain, a founding member of the British Muslim Initiative and an advisor to the European Muslim Research Centre. Altikriti is also completing a PhD in Political Studies at the University of Westminster, London.



# DIFFERING TRADITIONS OF “JUST WAR” IN THE CONTEMPORARY WORLD

\*PROFESSOR GEORGE JOFFÉ

GIVEN the fact that the basic principles of international law, which today is generally accepted to govern relations between states within the international community, originate from the traditions of “just war”<sup>1</sup> It would be appropriate to see to what extent the basic doctrines of major religions, particularly Christianity and Islam, accord with the principles upon which the “just war” tradition is based. More specifically, it seems to be appropriate to see to what extent these general principles are intrinsic to both traditions, even if it has been Christianity that has most overtly been involved in their evolution.<sup>2</sup> Of course, this assumes that the principles of international law are acceptable to both religious traditions and thus to the states that have evolved within the cultural domains in which they have emerged.

“Just war” in the Christian tradition, has a pedigree ranging back to the early days of the Byzantine Empire, if not back to the Roman Empire itself. It is a concept that has been subject to particular attention in the West since the end of the Cold War, especially after the events of September 11, 2001 and the subsequent invasion of Iraq in 2003. However, Western commentators have been rather less willing to recognise that similar traditions have existed inside the Islamic world ever since the time of the Prophet Mohammed. Similarly, there is little recognition in the West that such traditions are today also subject to intense scrutiny as global security becomes an ever more dominant concern. This paper attempts to examine these traditions in the Christian and Muslim worlds to see to what extent they can really inform us about the nature of contemporary violence and about how it can be shaped so to limit the violence, injury and injustice it may cause.

## THE ORIGINS OF A TRADITION

Ironically enough, although there are – as will be shown – substantial parallels in just war traditions between Christianity and Islam, this was not apparent in their individual origins. Christianity began as a minority sect and it was only with Constantine’s decision to install it as the official religion of the Byzantine Empire that it really had to consider its responses to the moral and political problems faced by states. Islam, although it began as an increasingly isolated minority in Makka, was quickly able to escape this restriction and, through the *Hijra* in 622 CE, established itself as a proto-state in Madina, as the “Constitution of Madina” demonstrates. It, therefore, had to address the issue of peace and war virtually from the beginning, through the complex concept of *jihād*. This difference in origin meant that Christianity began as a doctrine essentially professing pacifism and subsequently had to formulate a position addressing this issue much later in its evolution than Islam. Indeed, it was really only with St Augustine that the beginnings of a codified position emerged and it was left to Thomas Aquinas to develop a fully-fledged position on peace and war.<sup>3</sup>

Islam, on the other hand, codified its approach as an intrinsic part of its construction of doctrine, deriving it from the Qur’an and the *Hadith* and developing it through *ijtihad* – innovative reasoning consonant with the essential principles of Islam. Out of this emerged the doctrine of *jihād*, usually and erroneously rendered in English as “holy war”. It refers, in fact, primarily to the process of personal striving to attain moral perfection and only secondarily to aspects of warfare. Its relationship to warfare, furthermore, must be seen against the background that war is hateful and is only tolerable to prevent evil from corrupting the earth.<sup>4</sup>

In essence, therefore, warfare was licit (“just cause”) to protect the practice of Islam and then only if the intention behind fighting it was correct.<sup>5</sup> “Right intention” in this context excluded personal benefit from the justification for engaging in violence, allowing instead only the desire to protect – not impose – Islam. This approach to warfare thus provides two of the three conditions that were to inform Christian views of just war doctrine, as defined by Thomas Aquinas. The third, “lawful authority”, was implicit in the fact that the only sanction for war was determined by scriptural authority which also determined sovereignty as a divine property.

In practice, of course, decision-making is a conscious and explicit process, so that the agency involved was still crucial. Thus, even though sovereignty is divinely ordained, there were, nevertheless, individuals and institutions that could articulate it. Thus the *caliph*, whose primary duty was to preserve temporal society consonant with Islamic principle, clearly represented a lawful authority. There is also the question of who should actually engage in *jihad* and here the classic statement was made by Ibn Rushd in his *Bidayat al-Mujtabid*. For him, *jihad* was a collective obligation upon the Muslim community in which those who engaged in it did so on behalf of the community itself.

Warfare was an inescapable part of the human condition, as an aspect of sin. Indeed, war might even be a “tragic necessity” to minimise the consequences of sin.

It is against that background that a proper interpretation of *jihad* can be shown to be parallel to the principles of “just war” as formulated by Thomas Aquinas in the *Summa Theologiae* in the thirteenth century. His work was built on by later Catholic thinkers such as Franciscus de Vitoria and Francisco Suarez in the sixteenth century, in the wake of the

Spanish conquest of the Americas. It was their distillation of just war doctrine that was drawn upon by Hugo Grotius in the early seventeenth century when, in *De Jure Belli ac Pacis*, he formulated the essential rules of peace and war that were to form the basis of modern international law.

Thomas Aquinas referred back to St Augustine, who had essentially realised and accepted that warfare was an inescapable part of the human condition, as an aspect of sin. Indeed, war might even be a “tragic necessity” to minimise the consequences of sin and therefore a just action.<sup>6</sup> St Augustine therefore argued that the limits on warfare should reflect the moral norms of humanity, justice and decency. It was, however, a vision to be swept away – except in Eastern Christendom where warfare was restrained by a normative emphasis on the superior benefits of peace – by the fervour of the Crusades as a kind of commendable penitential and “holy war” in the second half of the eleventh century in which all moral restraint was lost. It was only be restored by Aquinas who laid down three essential principles to govern warfare.

Aquinas argued that warfare could only be waged by “lawful authority”, in that only a sovereign entity – the state in modern parlance – could command it. In addition, there had to be “just cause” in that the opponent had inflicted or was going to inflict damage – a view that seems to presage the doctrine of pre-emptive intervention adopted by the United States with respect to Iraq in 2003. Finally, those who waged war had to intend to promote good and avoid evil – “right intention”. Aquinas also touched other aspects of what has since become just war doctrine, including the proportionality of action undertaken to the original injury, the exclusion of non-combatants from conflict and the concept of double effect, when an action can have an intended and an incidental outcome in which it is the intended action that is subject to moral sanction.<sup>7</sup>

## THE MODERN ORDER

It was left to Grotius to restate these principles and to expand them in terms of the new discipline of international law as

a statement of the principles that should govern the actions of states according to natural law in a community of states. He also introduced a further distinction between the justification for warfare (*jus ad bellum*) and the legitimate ways of waging it (*jus in bello*). Over the intervening centuries, these ideas have made their ways into formal statements of international law, codified by treaty. Thus *jus ad bellum* was first formalised in the Hague Conventions in the late nineteenth century and *jus in bello* in the Geneva Conventions in the mid-twentieth century

As a result, in the most modern form of just war doctrine, warfare is now not only legitimised by lawful authority declaring it as a result of just cause and with the right intention. Additionally, warfare had to be the "last resort" open to a state and to have a reasonable "probability of success", as well as being a "proportionate response" to the original injury. During warfare, the manner by which it is waged is also governed by a set of criteria that protect non-combatants and involve proportional use of force, whilst protecting prisoners as well as populations in both belligerent and non-belligerent states.<sup>8</sup>

Latterly, a third category has been added covering ways in which warfare should be ended (*jus post bellum*). This determines what may and may not form part of the post-bellum prescription which finalises peace on similar principles that have governed the justification for war and the manner in which it is waged. It is an area of international law that is still in formation but which is likely to become ever more important, especially in the wake of the experiences of Iraq and Afghanistan. It is worth noting that the first two categories of just war doctrine are implicit in the Charter of the United Nations, thus attesting to their universality today in the behaviour of states, whether Christian or Muslim in origin.

## MODERN VERSIONS OF JIHAD AND PENITENTIAL WARFARE

Yet, even if states in the modern world can agree on the restraints to be imposed on warfare in terms of their separate traditions, it is quite clear that the profound tensions of recent years have raised new questions over the contemporary status of *jihad* and

even over that of "just war" as well. This reflects the growth of fundamentalist and evangelical Christianity, in which the search for salvation implies millenarian warfare. Then there is the whole question of how recent Western military action falls within the "just war" paradigm. It also reflects the profound change in the nature of authority inside the Islamic world consequent on the revival of the tradition of *ijtihad* and on the application of Islamic doctrine to specific political and international circumstance.

The specifically Christian example is perhaps the easiest to describe for it is basically coherent and monolithic. It is paralleled, ironically enough, in both the Jewish and the Islamic tradition although in neither case does it have the centrality it has acquired in evangelical Christianity. The parallels emerge in the legend of Gog-Magog which relates to the End Times eschatology typical of revivalist beliefs. The legend is common to all three Abrahamic religions and each religious version shares common threads with the others. All of them also enjoy the authenticity imparted by their explicit appearance within the religious corpus of each religion.

Thus there is reference to the myth in Ezekial 38-43 and Genesis 10:2 in the Old Testament – thus common to Judaism and Christianity – in Revelation 20: 7-8 – thus applicable to Christianity. A version of it also emerges in the Qur'an<sup>9</sup>. In essence all three religions use the story as a means of developing an eschatology which, in the evangelical version, is instrumentalised into a kind of penitential warfare that recalls the assumptions of the Crusades. In the Christian-Jewish context, the myth reflects the belief that the final battle of Good against Evil will take place in Israel and Evil will be defeated (Ezekial, chapters 38 and 39). The Christian version repeats the predictions of the Old Testament (Revelations, chapter 20 verses 7 and 8) and has been used to justify antagonism towards Islam and support for Israel as part of the necessary process for redemption. There is little space here for the principles of just war!

Not surprisingly, in the increasingly tense atmosphere of the Middle East such

articulations of morally and religiously defined confrontation are often seen as the embodiment of state policy, thus generating an antiphonal response. Indeed, ever since the 1980s such a response has developed and is now well-entrenched within the extremist fringe of the Muslim world. The irony is that, just as Christian evangelism implicitly rejects the principles of “just war”, at least as far as the Middle East is concerned, so extremist jihadism has reacted the same way towards the West – Ayatollah Khomeini’s domain of the greater and less Satans.

This coincidence of views between activist revolutionary Shi’i Islam and the salafi-jihadist extremist fringe of contemporary Sunni Islam is not an accident. Both have introduced a new element of confrontation into the global political agenda that explicitly rejects the universality of international law as the successor of the Christian concept of “just war” and as the reflection of the classical Islamic concept of jihad. Just as penitential warfare, going back to the Crusades, overrode the essential Augustinian norms of justice, humanity and decency in warfare, so salafi-jihadism rejects the non-Islamic world as anything other than “dar al-harb” – the abode of war.<sup>10</sup>

Classically, unless there was already a state of conflict, the non-Islamic world was not regarded as an automatic site of confrontation and could even be one of truce. Beyond that, too, unless Muslims in the non-Muslim world were actively prevented from practicing Islam, the classic tradition required them to accept non-Muslim authority, as they were enjoined, from the medieval period onwards, to accept legitimate authority elsewhere.<sup>11</sup> The new interpretation of *jihad* really finds its roots in the radical vision of Sayyed Qutb in the 1960s. Now *jihad* is a continuous struggle against *jahiliyya*, the unbelief typical of the pre-Muslim world but now tinged with culpability for Muslims at least have knowledge of the immaculate revelation of Islam and must seek to extend its reach in order to establish the rule of God upon earth.<sup>12</sup> It was a view echoed in the works of Mawlana Abul A’la al-Maududi in Pakistan in the mid-twentieth century.<sup>13</sup>

It is this principle that has been espoused

## The essences of jihad and “just war”, as preserved in international law will still supervene over political extremism, whatever rhetorical garb it may adopt.

by a series of contemporary commentators and that has generated the concept of *jihad* as an activist and aggressive doctrine directed against the West. It has been used not only to justify the violence of transnational violence but also the attacks on governments in the Muslim world and even on Muslims themselves.<sup>14</sup> As Quintin Wiktorowitz points out, the new doctrine of *jihad* explicitly mirrors the doctrine of pre-emptive intervention so beloved of the Bush administration and the neo-conservative movement.<sup>15</sup> Yet, even some of those usually considered to be responsible for this novel and aggressive interpretation of *jihad* actually demonstrate an acute awareness of its relation to principles of “just war”,<sup>16</sup> just as no evangelical Christian group would consciously admit to abandoning them either. In other words, the essences of *jihad* and “just war”, as preserved in international law will still supervene over political extremism, whatever rhetorical garb it may adopt.

\*Professor George Joffe is a research fellow at the Centre of International Studies, Cambridge University. Joffe is a visiting professor of geography at Kings College, University of London, where he specialises in the Middle East and North Africa. Joffe is currently engaged in a project studying connections between migrant communities and transnational violence in Europe.

### ENDNOTES

1 Stern G (1995), *The structure of International Society*, Pinter Press (London); 12-14, 275. Walzer M. (1977)(1991), *Just and Unjust Wars: a Moral Argument with Historical Illustrations*, 2nd edition, Basic Books (New York); 44-46 sets out a much subtle version of the same argument.

2 cf Abdel Haleem A., Ramsbotham O., Risaluddin S. and Wicker B. (eds)(1998), *The Crescent and the Cross: Muslim and Christian approaches to war and peace*, Macmillan (Basingstoke and New York).

3 Abdal Haleem et al. *The Crescent and the Cross...*; 33. In fact, there was an increasing degree of ambiguity in the Christian position as time went by because of the demands of the Roman state.

4 Qur’an, 2:216 and 2:251

- 5 Crooke A. (2009), *Resistance: the Essence of the Islamict Revolution*, Pluto Press (London); 71ff
- 6 Abdul Haleem, *The Crescent and the Cross...*; 34
- 7 Abdul Haleem, *The Crescent and the Cross...*; 39-41
- 8 Orend B (2005), "war", *Stanford Encyclopedia of Philosophy*, Stanford University (Stanford, California)
- 9 18:83-98
- 10 Al-Mawardi, *Al-Ahkam al-Sultaniyya*, (trans:A. Yate (1996) "The Laws of Islamic Governance", Ta Ha Publishers (London)0); 91
- 11 Ibn Taymiyya, in the fourteenth century laid down this principle formally and it has since been repeatedly revived in subsequent *fatwas*. See Michot Y. (2007), *Muslims Under Non-Muslim Rule*, Interface Publications (Oxford)
- 12 Solihin S.M. (1993), *Studies on Sayyid Qutb's Fi Zilal al-Qur'an*, PhD (Birmingham); 299-302; See also Sayyid Qutb (1965), *Ma'alim fi Tariq*, translated as "Signposts on the Way".
- 13 See Maududi, Maulana (1930), *al-Jihad fi'l-Islam*, translated as "The way of Jihad". In a later work, he defined jihad as implying "all possible effort (including fighting) put in with a view to promoting the cause of Islam." Mawdudi S.A. (2002 trans)(1963), *A short history of the revivalist movement in Islam*, The Other Press (Kuala Lumpur, Malaysia)
- 14 Muhammad Faraj's concept of the "near enemy" and the "far

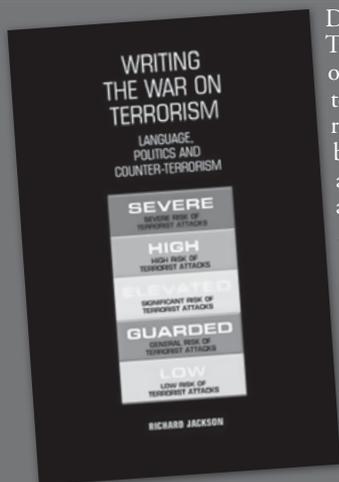
enemy", both to be the targets of the "absent obligation" (*jihad*) which itself is characterised as physical violence (*qital*). See Faraj M.A. (trans 2000), *The absent obligation*, Maktabah al-Ansaar Publications (Birmingham). The issue is dealt with in extenso in Gerges F.A.(2005), *The far enemy: why jihad went global*, Cambridge University Press (Cambridge).

15 Wiktorowicz, Q. "The new global threat: transnational salafis and jihadis", *Middle East Policy* VIII, no. 4 (December 2001).

16 Thus from the beginning of the nineteenth century, Muslim scholars had been edging towards the position that jihad was essentially a defensive phenomenon and the parallel to the Western system of international law, at least as far as warfare was concerned. (Peters R. (1996), *Jihad in classical and modern Islam*, Marcus Wiener Publishers (Princeton, USA); 103-148) Surprisingly, the leading radical ideologue of *jihadism* in Pakistan and Afghanistan in the 1980s, Abdullah Azzam, maintained a position very close to this in his two major *fatwas*, "In defence of Muslim lands" and "Follow the caravan", for he insists that Muslim lands must be freed from foreign occupation and that this is *farid ayn* – an individual obligation and a completely conventional view – but he does not argue, outside a purely formalistic nod towards tradition, that offensive warfare is an equal obligation.

## BOOK REVIEW

# Writing the War on Terrorism: Language, Politics and Counter-Terrorism



Dr Richard Jackson, author of *Writing the War on Terrorism* examines the public language of the war on terrorism, and the way that rhetoric has been used to justify the global counter-terrorism offensive as a response to 9/11. Jackson discusses how language has been used to deliberately manipulate public anxiety about terrorist threats to gain support for military action, and how the abuse of Iraqi prisoners has been normalised through rhetoric and practice.

Describing the 'war on terrorism' as the 'most profound conflict since the cold war', the author's primary concern in writing this book centers on the language of the 'war on terrorism', which he maintains actually prevents rather than facilitates the search for solutions to political violence.

Jackson, a lecturer in International Security at the Centre for International Politics at the University of Manchester, argues that the normalisation and institutionalisation of the current counter-terrorism approach is damaging to society's ethical values and to democratic political participation.

*Available in all good bookshops*



# Militarisation of Civil Life and the Invasive Nature of Counter-Insurgency

\*DR. JONATHAN GITHENS-MAZER

THE 21<sup>st</sup> century has commenced with conflict and war – wars which string local conflicts and events into conspiracies and global conflict. The century has seen an acceptance of outrageous claims of a “War on Terror” – a claim that has not only led to the invasions of Afghanistan and Iraq in the wake of the 9/11 attacks on the US, but have led to divisions in communities and societies around the world. This claim is part of an imagined world where threat looms around every corner, where the binary of good and evil is obvious, and where insidious threats from fifth columnists loom behind every turn – individuals who seek to scupper peace, prosperity and modernity, undo scientific advance, and enslave every man, woman and child to a single dogma.

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This is a common and time tested political model to try and mobilise the “home front” to believe that they have a common enemy, and to try to mobilise groups to act together to defeat such enemies. It worked during the First and Second World Wars, later during the Cold War, and now it is a key plank to the “Global War on Terror”. The “War on Terror” claim, so closely aligned with Huntington’s Clash of Civilizations hypothesis has given cover for undemocratic and illiberal regimes to torture and harass

anew - completely unimpeded by the West. It has created artificial boundaries between Muslim and non-Muslim communities in Europe, and made all the claims of those seeking to foment ill-will come true – because in this context, claims that the West has one standard for themselves, and another for Palestinians, Iraqis, Afghans and countless others can appear to be true.

Thus, we find ourselves in a moment where every claim and counter-claim seeks to support or contest the notion of the “war on terror”. While the British and US Governments quickly dispensed with incendiary language, such as “crusade”, “Islamofascism” or even now “war on terror”, the conceptual framework remains. This is reflected in the recent (relatively positive) shift away from seeing Islam as in and of itself an inherent threat to modernity, with a new mantra that the West must “fight for the hearts and minds and of Muslims” around the world – that the West must win the argument against those who seek to block its political interests. Obama’s recent announcement of a troop surge in Afghanistan can very much be seen within this paradigm.

Popular commentators discuss the relative merits of COIN (an abbreviation for COunter-INsurgency) strategies, the buzz word. Military and political leaders in the United States and the United Kingdom talk about the need to launch effective COIN strategies in Afghanistan, and against global threats of Islamic extremist violence. Armchair analysts and experts on ‘strategy’ hail the lessons of Malaysia and Kenya, and former President Bush was rumoured to have been tutored on the lessons of French counter-insurgency in Algeria by no less a figure than Henry Kissinger, when trying to grapple with the disaster of Iraq. It is a particularly useful military orientation for the post-Vietnam American military,

who learned from General Westmoreland's strategic mistake to emphasise 'body count' at the expense of 'popularity'.

In practice, this has meant that the American led conflicts in Iraq and Afghanistan now include polling data and the introduction of "Human Terrain Teams", a situation where the US and British Governments are more likely to assess victory as an ability to shift public opinion abroad and maintain support at home, as opposed to an ability to gain and hold territory and achieve a clear military victory. In part, this has reflected the realisation that a clear military victory in Afghanistan is unlikely at best; there have never been enough military forces to clearly 'win', and many would argue that the country is so complex, and weaved with ethnic and tribal splits that there can be no such thing as a centralised stable state.

The failure to stabilise Afghanistan through the COIN approach indicates a fundamentally incorrect analysis of the conflict from its outset. The War in Afghanistan did not start as an operation to support a central government against those that sought to destabilise a regime. In the aftermath of 9/11, the intervention in Afghanistan was justified on the basis that the attacks were planned there, by Al-Qaeda who were shielded by the Taliban. Afghanistan began as a conflict about creating a stable Western friendly state. Stability and safety here were not envisioned as a bottom-up idea about an Afghanistan for the Afghans, or more accurately, an Afghanistan for the Pashtuns, Tajiks, Hazaras, Uzbeks, and Turkmen and the Baluchs.

Western intervention in Afghanistan has subsequently failed to establish a legitimate state through popular national self-determination. By definition, this means there is no rebellion in Afghanistan, no insurgency against the legitimate state by unrecognised belligerents - just reaction to Western intervention. The combatants in Afghanistan may be guerrillas, but they quite simply are not insurgents. This makes the conflict in Afghanistan a completely different conflict from anti-colonial movements in Kenya, Malaysia and Algeria. Yet, many in the USA and the UK continue to lean on

clichés of the War in Afghanistan being a form of counter-insurgency. Even in applied military tactics, it is clear that military action, for example through 'drone plane' bombings, prizes Western interests and Western lives more highly than those of Afghans.

There is no official count on the impact of the conflict on the local populations - only references to the need to fight for 'hearts and minds'. There is no call to create an Afghanistan for the Afghans, only an Afghanistan acceptable to Washington DC and the West - no real indication that self-determination and political responsibility is part of a permanent answer to its current instability, only an assertion that the conflict is part of a wider effort to counter a threat emanating from the likes of ideologues like Bin Laden, and a disparate 'army' opposing Western intervention which becomes more popular every day that foreign occupation continues. COIN is useful, because the West can define friend or foe, state desired outcome, and call all opponents bandits, guerrillas, malcontents and a danger to liberalism and democracy not only in Afghanistan, but in neighbouring Pakistan and throughout the world

However, the persistence of lazy COIN clichés are more about domestic politics than effective military tactics. Viewing a global 'Al-Qaeda' threat, based in Afghanistan, props up the image of an insidious insurgency and is a useful political image to mobilise support for a War which the West has started and cannot now understand how to end. For Western politicians, in the US and the UK, coupling instability in Afghanistan with "Islamic extremist" threats at home, is a populist and reactionary mantra which wrongly and dangerously links the extremely small and unpopular (amongst Muslim communities) threat posed by Islamically inspired extremist violence, with complex and Afghan specific reasons for opposing Western military intervention in Afghanistan. This creates a situation within Britain where it is too easy to equate opposition to British participation in the Wars in Afghanistan and Iraq, to disloyalty to the British State, and a lack of respect and sympathy for those in the British Armed Forces.

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The terrible events in Luton over the summer of 2009 indicate how easily this overly reductionist spiral takes over – where extremists on all sides find it wonderfully convenient to find each other. Islam4UK's disruption of the homecoming parades play perfectly into the tabloid stereotype of "mad mullahs" and British Muslims as irrational and disloyal. Meanwhile, the violent and despicable actions of those individuals in the "English Defence League" (EDL) make all the claims of those who seek to isolate Muslim communities come true – their hateful and spiteful attempt to bully and harass Muslim communities makes it seem as through the "war on terror" paradigm is true – that if you don't want to be a victim, you must pick a side.

It goes without saying that this outlook is outrageous, specious, and just plain wrong. A recent MCB report, entitled *Remembering the Brave*, points out that while 75% of Muslims over the age of sixteen do not support Western intervention in Afghanistan, 78% of those polled think there is no justification for Taliban attacks on Nato and British forces serving in Afghanistan. Muslims in Britain are consistently key contributors to British civil society and the state – at all levels, and in all fields – not least of all the military. As Professor Humayun Ansari's contribution to *Remembering the Brave* clearly points out, Muslims have always been in the forefront of the defence of British state interests – whether formerly in the days of Empire, or whether more recently as active, willing, and vital participants in the British Armed Forces. Yet the COIN paradigm is insidious. There is a great deal of evidence to show that the British Government has increasingly come to see a need to battle for the hearts and minds of British Muslims,

rather than as potential partners to make a better Britain. To this extent, the COIN framework can even be understood to have coloured the worst excesses of the Counter-Terrorism Strategy's (CONTEST) – where programmes rolled out under the aegis of the Prevent strand went well beyond attempts to forge meaningful and equal partnerships with British Muslims and their communities, to become a policy driven by a need to monitor patterns of thought and part of a fight for the 'hearts and minds' of Muslims living in 21<sup>st</sup> century Britain.

Perhaps, this is what hurt most in the various revelations about CONTEST's Prevent strand, as highlighted by Arun Kundnani's *Spooked* report for the Institute of Race Relations. The shock wasn't that the security services were engaging in espionage as part of their counter-terrorism work. The shock came from the scale of this spying, the wholesale assumption that all Muslims in Britain constituted a threat to the state, not because they were engaging in terrorism, but because they were concerned with British military engagement in Iraq and Afghanistan – because they felt that Israeli actions in Operation Cast Lead were immoral and unjust. It felt as though the Government was translating policies from Afghanistan back to Britain – believing that it needed to fight for and influence the hearts and minds of British Muslims, because they were potential insurgents rather than potential partners. The military lens had come to influence not only how operations were being conducted on the battlefields in Iraq and Afghanistan, but were now evidenced to be influencing policy at home.

The way in which COIN has come to dominate military engagement abroad, and political engagement with Muslims at home indicates the basic assumptions that lie behind this current engagement. It betrays the fundamental persistence of the "war on terror" paradigm amongst current policy makers, and indicates some basic tenets that they may feel as though they are fighting a war on two fronts – in essence a belief that it is necessary to fight for Muslim hearts and minds around the world. Instead of treating all Muslims as potential traitors

and/or victims, the American and British Governments would be much better served removing these lenses, and trying to see the reality of situations as they are, rather than as imagined.

Now that there is a War in Afghanistan, the number one strategic objective should be to establish a popularly accepted and relevant state through national self-determination – an Afghanistan for Afghans. This is not something which militaries are designed to do, and puts the lives of many brave and able men and women at unnecessary peril. In fact, this is not a job for the West at all – but something which Afghans, of all ethnic and tribal affiliations, must work out for themselves – potentially, though not necessarily, with Western help. National self-determination in Afghanistan need not contravene British interests, but it does create a meaningful basis for popular legitimacy. If this were the clearly stated objective, it would be much less problematic for the domestic Muslim audience as well.

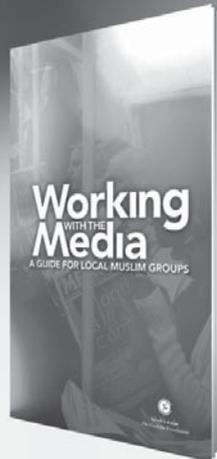
Furthermore, the more that the US and UK Governments continue to play the 'global counter-insurgency' card – where small, though dangerous, terrorist threats at home are conflated to the Afghan War, the more they help those who seek to recruit young men and women to participate in extremist violence for them. To this extent, the militarisation, through COIN orientation, of relationships with British Muslim communities not only is the wrong assessment, but actually is counter-productive – as the use of these clichés make it easier to argue that there is a global War on Islam.

\*Dr Jonathan Githens-Mazer is the co-director of the European Muslim Research Centre (EMRC) based at the Exeter University, specialising on radicalisation, theories of ethnicity and nationalism, and the role of national identity in radical and/or violent political mobilisation. His doctorate, awarded in 2005, focused on the Easter Rising and drew on Anthony D. Smith's theories of nationalism. It was followed by "Myths and Memories of the Easter Rising: Cultural and Political Nationalism" in Ireland (Nations and Nationalism, Vol. 13, Issue 03, pp.539-559, 2006) and "Cash to Study Radical Islam", (Express and Echo, 18 February 2008; p.2). Githens-Mazer co-authored a major report published by EMRC, entitled "Islamophobia and Anti-Muslim Hate Crime: a London Case Study."

# MEDIA GUIDE

Working with the Media is designed to help individuals and local groups better meet their media and communications needs. It introduces the media, outlines how journalists operate and offers practical advice for spearheading a proactive public relations (PR) strategy. The Guide is written for local Muslim groups and Mosques who are unfamiliar with working and dealing with the media.

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# JAW, JAW, NOT WAR, WAR: The Interplay between Language and Physical Reality in Warfare and its Promulgation

\*RUPERT CHETWYND

OF all those who served the cause of British India - that so-called jewel in the crown - half of them never returned home. This is all the more surprising since British Indian Army Officers at least were supposedly entitled to six months home leave after every two years service. One such candidate assuredly exhibited special forces selection characteristics.

Once home, he would put in for permission to return to his unit by bicycle. When asked why, he would reply: "To improve my Persian". Three times his request was granted.

In those days marksmen and linguists were given extra pay. Unlike to-day where I am told there are hardly any serving soldiers in Afghanistan who speak either Arabic, Dari, Pashto or Urdu. Times have changed and the omnipresent fear of *talib* retribution has repressed all thoughts of hearts and minds initiative. The baton has passed to Mullah Omar with his recently issued sixty-one points manual on the subject.

But this discourse is altogether too narrow a definition of LANGUAGE, which I intend to widen to embrace REPORTAGE, PROPAGANDA and "SPIN"...JAW, JAW NOT WAR, WAR.

The catch phrase of Randolph Hearst, the role model for "Citizen Kane" and the Rupert Murdoch of his day, was: "You give me the guns and I will give you the war". Strong language indeed, but he meant it. I can just about remember the WWII public information panels by Fougasse, which featured Hitler "listening in"...the caption read: "Careless talk costs lives" - "Be like Dad, keep Mum".

In terms of "the interplay between language and physical reality in warfare and its promulgation", there can be few finer case studies than the causes leading to the

outbreak of WW II and no more objective analysis than that of AJP Taylor. Reviled at the time for his unpatriotic, maverick, non-partisan approach, a retrospective read demonstrates an impartial historical analysis from which I have learned more about wars of words than any other source. The only other writer I have found capable of such scholarly objectivity when writing about his *own* country is Ahmed Rashid.

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Propaganda taught us that Herr Hitler had more, better-armed troops and was an evil dictator hell-bent on world domination. (No mention was ever made of his sneaking admiration for all things British and his favourite reading of "The Tatler" or "The Sketch" - social magazines, edited by my mother at one time or another.) In fact, Hitler was not better armed, had fewer troops than the French and had absolutely no game, set or match plan in mind whatsoever. The plan was to have no plan. Years later at the trumped-up Nuremberg trials, Lord Wavell, who was envied and disliked by Winston Churchill because he was older and far cleverer made the all-revealing comment that the Nazis had "only ever expected four years in power and we had let them get away with eleven".

The French may have been superior in men, materiel and the Maginot line. What they lacked was any sense of direction, let alone gut determination. The ace up

Hitler's sleeve was the exploitation of all the guilt feelings for that overly harsh Treaty of Versailles and the ever-present fear of the renewal of WW I. Counting on this, all the official papers from all quarters reveal that he was most adept at first threatening and then playing a waiting game...in the sure knowledge that the morally and economically impoverished and divided European powers would ultimately come to sue for continued peace, regardless of cost, on *his* terms. The French were sufficiently pusillanimous as to allow themselves to be represented by the British. Harold MacMillan was yet to comment shrewdly that policies and politicians are overtaken by events, but he was probably remembering Munich.

## Winston Churchill fought his war of words in the House of Commons and on the radio, which infiltrated every home.

As we all know, Hitler had a brilliant propaganda machine, which I would contend was geared to be predominantly filmic – featuring himself addressing massive rallies in omnipotent stage settings, purpose built by Albert Speer. Winston Churchill fought his war of words in the House of Commons and on the radio, which infiltrated every home. And here perhaps we have the greatest interplay between language and the physical realities of warfare and its promulgation of all time. Next time there will be no time for such “phoney war” niceties – with oblivion reportedly just 45 minutes away!

Both sides were highly “economical with the truth” and “indulged terminological inexactitudes”. For instance, it is interesting to learn that Britain's lack of trained pilots was far graver than the shortage of actual Spitfires or Hurricanes. Hence the vital role played by the gallant Poles to fill the gap amongst the “few”. Another “buried” statistic is that, as with Nelson's fleet at Trafalgar, the RAF was superior at elementary gunnery. They had to be. Dark eyes, high carrot consumption and radar also played their part, especially at

night.

Of the two war leaders, Hitler was surely more given to bluff and patter, whilst Winston perfected his much-rehearsed exposition of emotive histrionics; as befitted the assumed role of David in a Goliath trial by combat. Not much given to litotes.

The realities of this war SITREP (situation report) beggar belief. The German High Command, whilst obliged to obey orders, cared little for Hitler himself and remained convinced they could not engage in a European war before 1943. Hitler with a modicum of order, counter-order, disorder, then made them move at a brisk trot followed by a headlong Gadarene gallop. Britain had in fact been taking the necessary measures to re-arm for some time, but had done little to recruit, let alone conscript, for fear of the domestic political backlash. In public SI VIS PACEM PARE BELLUM was to be the exclusive manifesto of the lunatic fringe.

And so with the “Great Dictator” rhetoric as parodied by Charlie Chaplin, the Rhine/Ruhr, Sudetenland, Austria, Czechoslovakia all fell into Hitler's sphere with hardly a shot fired in anger. Poland was to prove somewhat different. A commitment had been made and for once was binding. The pen was to be mightier than the sword. Although addicted to film, Winston was first and foremost a wordsmith. (He sponsored “In Which We Serve”, “Henry V” and banned “The Life and Death of Colonel Blimp” as subversive). He actively favoured the most outrageous showmen, just like himself, as necessary to boost domestic morale, irrespective of any military gain. Classic examples are Lawrence of Arabia (WW I), Orde Wingate and, not least, Monty, whose greatest gain was the *timely* victory at El-Alamein, which was handed to him on a plate by his less flamboyant, luckless predecessors Auchinleck and Wavell. All the while Winston now had one eye on how to persuade the isolationist Americans to take an interest in yet another European war.

All these messages were promulgated by both sides mostly through the medium of cinema newsreels. The name of Leni Riefenstahl proclaims Germany's preeminence in documentary film. But the BBC, Movietone and “The Eyes and Ears

of the World” Pathe were gamely following on and were to sire Sir Carol Reid (“The Third Man”) Lindsay Anderson (“If”), WH Auden and John Schlesinger. Both sides had highly organised, most talented film and propaganda machines. Goebels versus the Ministry of Information.

I shall return to film shortly, but not before a further, farther historical digression. A visit to the Louvre Museum to-day can include a most erudite, elucidating tour of the giant historical paintings depicting the triumphs of Napoleon Bonaparte and his Empire. He it was who opined:-”L’histoire, c’est la légende convenue” (“History is the agreed script for make-believe”). Which is no doubt why he went to such extreme lengths to ensure his legacy, and why every subsequent French Head of State has been at pains to follow suit.

It was essential to Napoleon’s survival amongst the volatile Parisian community that his version of events went on display. His only option was to go over the top. So, his disastrous Egyptian adventure is presented as a campaign triumph according him all the trappings of the world’s oldest literate civilisation. As he aspires to royal status, there is even a totally apocryphal scene where he visits a leper colony of *fellabeen*, whom he miraculously cures by the laying on of His Hands. Another incident depicts the giving of a drink of water to a wounded enemy. The crossing of the Alps and the retreat from Moscow are presented as technicolour triumphs. Thus Napoleon could count on David and Delacroix to consolidate Parisian support.

But the British excelled at it too. Generations were inspired by Mrs Butler’s rendition of “The Charge of The Royal Scots Greys at Waterloo” which was far removed from reality. All have one common factor – no grunt is ever out of puff. There are other examples too numerous to mention.

In contrast to our acceptance of Tolstoi’s masterly description of the Battle of Borodino in “War and Peace”, which was penned seventy years after the event, we now come to face an ever-accelerating pace of technological change, with supposedly more accurate records. Great breakthroughs

accompanied the plate camera to the Crimea and the American Civil War. Until we come to Lowell Thomas’s exaggerated view of the Lawrence legend, Robert Capa and Rory Peck in our own day.

So there is nothing new in this world of PSYOPS manipulation. What changes is the medium. Marshall McLuhan’s “The Medium is the Message” – Aboriginal cave paintings, paintings, newspapers, magazines with line drawings (viz. “Illustrated London News”) newspapers with photographs, photographic magazines with captions (viz. “Picture Post”), newsreel-only cinemas, Cinema with faction films:- “La Grande Illusion”, “All Quiet on the Western Front”, “The Blue Angel”, “Cita Aperta”, “The Spy Who Came In From The Cold”, “Z”, “Zulu”, “From Here to Eternity”, “The Bridge Over the River Kwai”, “The Longest Day”, “Apocalypse Now”, “Schindler’s List”, “Colditz”, “Stalingrad”, “Battle of Algiers”, “The Dam Busters”, “The Cruel Sea” “The First of the Few”, “Empire of the Sun”. Plus the plethora of war-film TV channels to include Sky History channel which is now re-labelled the History of War. Take, for instance *my* top-rated film “Afghanistan – war without end”.

## CCTV has become the “cinéma vérité” of our daily lives.

Let us also recall in the same breath the photographs taken by Afghan villagers in the aftermath of the bombardment of their homes, which then appear on the news within hours and force politicians to respond instantly. All *cinéma Vérité* writ large.

Next we have computer screens and multitudinous hand-held devices particularly the mobile telephone and GPS. CCTV has become the “cinéma vérité” of our daily lives.

So, now I have caught up with myself and return to cinema, documentary television film and the nexus of my theme. The French are justly famous for their scholarship and the exactitude of their language. Computer analysis of Racine extracts a vocabulary of 20,000 words. Shakespeare exudes 200,000.

Claude Lévi-Strauss who died last year aged 100, overturned our evaluation of human structures. There is another French “original”, whose name is Paul Virilio and whose relevant work of futurology is entitled “War and Cinema”. In it he postulates that for most of us our knowledge and understanding of war derives from film, which could not in reality be further removed from the fog of war.

What is so original about that you might say? But Virilio then goes on to hypothesise that ultimately the screen version will *become* the war. Perhaps I should add here that he was born around the time Hitler came to power. Fast forward to LBJ’s decision to abort the Vietnam War - the Living Room War. Or Mrs Thatcher’s diktat that all “news” in the Falklands War would be droned out by John Nott. She did manage a reluctant unique “U-turn” to allow Sinn Fein to appear on television. We come to the omnipresent Fall of the Berlin Wall, the Orange, Yellow, Green revolutions. But most significant of all, Gulf Wars I & II, and “lest we forget”, intermeshed, intertwined 9/11 and “shock and awe” retribution in Afghanistan, Sudan and Iraq. Now we are there, the here and now. The Medium is the Message as we witness the smoky mobile telephone images of passengers groping their way through a bombed out London Underground train. Graphic communication has become instantaneous. As mentioned earlier, the mass surveillance of CCTV provides the “cinéma vérité” of our daily lives, with highlights of zoomed drone shots of Mullah Omar on his motorbike transmitted to Langley through nineteen time zones or predator Death visited on a wedding party.

So what comes next? Where do we go for our news now? Disillusioned American youth resorted first to blogs and then to Twitter. The more satirical the better as more likely to have a vestige of truth. To analyse the state of the Quality World Press is a depressing exercise. Only the very old and the very young (students) can be bothered with it. So many are closing down (viz “Christian Science Monitor”, “Seattle Post Enquirer”). Then the Frontline Club reports over 110 war correspondents have been killed in the last ten years – half of them in

their own countries. Another source gives the figure of 67 this year. Harold Evans who I admire enormously, predicts that there will only be three UK titles left in ten years’ time, run-off overnight under our beds.

Rupert Murdoch has a point when he says who is going to pay for newsgathering when Google then purveys it free on the Internet. In an open, free-press society we get to learn the truth at the time viz Hizbullah and the War in Lebanon in 2006. In a closed society with media blackouts viz Hamas and the War in Gaza 2009 we get to learn nothing much at the time and not enough afterwards. Likewise Iran and Egypt. The Falun Gong are said to have devised means to circumvent Internet censorship. Let us hope so for the future of legitimate revolution.

## In Afghanistan everything stopped five times a day for prayer and once a day to listen to the World Service of the BBC.

Then there is always the Thomson Foundation, which taught the young journalists of Al-Jazeera the importance of telling the truth in Cardiff, of all places and last but not least “Auntie” (The World Service of the BBC) to rely on. I never allow myself to forget that whenever I was in Afghanistan everything stopped five times a day for prayer and once a day to listen to the World Service of the BBC. Apparently 74% of the population did likewise. They trusted none other for truthful news and we took the trouble to broadcast it to them in Pashto and Dari. Indeed, their own language.

\*Rupert Chetwynd is a Senior Adviser to Conflicts Forum. He was formerly a Captain in the Grenadier Guards and the Artists Rifles (21 SAS). He has since been active in promoting and humanitarian programmes internationally after a career as a specialist consultant to Boeing, and wrote *Yesterday's Enemy: Freedom Fighters or Terrorists* about his earlier experiences in Afghanistan.



# War and Peace in the Modern Era: Some Ethical Dimensions

\*DR NIGEL DOWER

THIS paper surveys some of the most significant developments in war and peace during what may be called the 'modern' period -- which somewhat arbitrarily I regard as the 20<sup>th</sup> century and the beginning of the 21<sup>st</sup> century. I feel it prudent to first of all offer a brief account of how I have come to be interested in these issues and what my general approach is. Four main factors are significant. From my teens onwards I had become absorbed by the approach of the Quakers (the Religious Society of Friends), eventually becoming a Quaker in 1980. Whilst not all Quakers are strict pacifists, Quakerism generally provides a rich understanding of peace, of its positive value and of the many ways in which we can foster and sustain peace.

<sup>1</sup> During the 1970s I was actively involved in a number of voluntary organisations like the World Development Movement and the United Nations Association.

As a teacher in the 1980s I regularly taught a special subject to upper level students on 'Ethics and International Relations', covering ethical issues related to development, environment, war & peace, global citizenship and human rights. In 2006, I undertook to write a textbook for the Polity Press on *The Ethics of War and Peace*<sup>2</sup> where, apart from its main function as a textbook to survey the various approaches to the ethics of war and peace, I advocated the concept of 'cosmopolitan pacificism'. The concept takes the view that war is not inevitable and that its incidence can be significantly reduced if we build the conditions of peace. Thus our cosmopolitan responsibility to promote the conditions of peace, not merely where we live but all around the world. Take for example the promotion of appropriate development particularly in poverty reduction is a crucial part of the promotion the conditions of peace.

Hence we need to adopt a global point of view in which there is not only personal responsibility to act peacefully, encourage dialogue and respect diversity of ways of life and worldviews, but also the need to support international law and transnational institutions such as the United Nations.

## THE 19<sup>TH</sup> CENTURY AND THE 20<sup>TH</sup> CENTURY – A SHIFT IN PARADIGM

Whether one regards the modern period as the beginning of the 20<sup>th</sup> century onwards or as having a longer reach back to the origins of the modern nation-state system in the peace of Westphalia (1648), it is useful to see a contrast in the paradigm of war and peace between the various developments in the 20<sup>th</sup> century and that which had emerged in the 19<sup>th</sup> century. This was a paradigm centred around the 'just' war tradition and the assumption that states themselves were the *de facto* key actors in global affairs and that they solely held the monopoly of legitimate violence and were entitled to wage war for just causes such as self-defence. However, waging wars to convert others or impose one's values on others were rejected because of the acceptance of political pluralism.

Strong emphasis was thus put on the rules of war as established in international law regarding non-combatant immunity and the proper treatment of soldiers. Whilst the value of peace was recognised, peace was seen usually in somewhat limited 'negative' terms as the absence of war.

During the 20<sup>th</sup> century and into the 21<sup>st</sup> century all these assumptions came to be scrutinised by many thinkers with regard to modern wars. This does not mean that a new consensus emerged with regard to what wars could rightly be fought and how. In the outline which follows, divergent trends and ways of thinking are seen to emerge. What

perhaps is most significant about thinking about war and peace in the modern era is precisely the loss of the consensus that had, at least in official circles, prevailed in the 19<sup>th</sup> Century (though we should note that the norms that prevailed were often honoured in the breach).

## THE 20<sup>TH</sup> CENTURY AND BEGINNING OF THE 21<sup>ST</sup> CENTURY: A SURVEY OF ISSUES

In what follows is an outline of some of the characteristic features of thinking about the ethics of war and peace in the 20<sup>th</sup> century, often in contrast to the previous era (though sometimes going back to perspectives that prevailed earlier in the just war tradition). This is both descriptive of certain major developments in which wars were fought and how, and of the efforts to pursue peace. This is needed to set the scene for the ethical responses. It is also descriptive-normative in the sense that it indicates the development of ethical thought about what is legitimate in war and so on and indicates the different ethical issues and perspectives that were and are taken.

As is often remarked, the 20<sup>th</sup> century witnessed the totality of war. This involved several dimensions: (i) the development, thanks to technology, of more powerful weapons which, even if not aimed at non-combatants, tended to have widespread collateral consequences in terms of civilian deaths, harm and disruption; (ii) the increasing involvement of civilians, through wars being fought 'in their name', particularly within a country with a democratic mandate, and through extensive military conscription; and consequently (iii) a tendency for civilians to become direct targets of attack.

The development of international law and institutions was partly motivated by the desire to create the conditions of peace and to put limits on what could count as a 'just cause'. Particularly since the setting up of the United Nations in 1945, the 'legalist paradigm', to use Walzer's well-known phrase, sought to emphasise that aggression is the key international sin and defence against it a just cause.<sup>3</sup> The development of international institutions like the UN were seen to be a key

element in the pursuit of peace by providing the basis for cooperation and negotiated resolution of conflicts. The UN Charter also set up the Security Council which was meant in theory to be the only body that could authorise war with individual states only retaining the right of defence in emergency situations. In other respects the UN retained most of the features and rationale of the internationalist paradigm or 'Westphalian system' that had developed since 1648.

Alongside this, and pulling in a different direction, has been the widening of the just war criteria, especially related to legitimate authority and just cause. On the one hand, the challenge to states as the holders of the monopoly of legitimate violence has come from those who see freedom fighters (resistance movements, revolutionary movements, perhaps even terrorist groups fighting jihad) as having legitimacy, generally because they claim to have popular support and have political goals such as major changes in the political order. On the other hand, just cause has been widened from self-defence to include opposition to unjust regimes/illegal governments (including liberation from colonialism) and to include humanitarian intervention, that is, not merely coming to the aid of another country (which may be an ally), but also aiding those within a country who are oppressed by their country's government. These developments, particularly humanitarian intervention and the UN endorsement in 2005 of the 'Responsibility to Protect' (R2P)<sup>4</sup>, have only recently re-emerged (they had been a feature of earlier just war thinking) in the face of the legalist paradigm. Non-state terrorism, whilst it has always been a feature of international relations, became much more widespread in the 20<sup>th</sup> century, made dramatically prominent, at least to Americans, by the events on 9/11 in 2001.

The phenomenon of terrorism is important to the ethics of war both because it claims to provide a model – utterly unacceptable to the vast majority of people – of a legitimate body with a just cause – but also because it raises the challenge of how to respond to terrorism, both in terms of what measures are likely to be effective, and in terms of whether the

normal restraints in war are to be loosened in fighting terrorists.

The 20<sup>th</sup> century saw the development of new types of weapons (not just larger and more sophisticated ones) such as nuclear weapons, chemical weapons and biological weapons. These weapons raised a whole lot of ethical issues about their use, generally because of the types of effect they have (radiation, poisoning the environment and the spread of disease) and the class of recipients of these effects, which include necessarily civilians on a wide scale as collateral damage, if not, as is more likely, as objects of direct attack. Attempts have been made to ban the latter two types of weapon – chemical and biological – in international law, though it would appear that many countries do in fact possess stocks of these. The status of nuclear weapons is controversial: some argue that whilst they are not explicitly ruled out in international law, they are in effect contrary to international humanitarian law (and the Opinion of the World Court in 1996 is seen by many as supporting this view). Others hold that they are not – at least their use as a deterrent is not – and their use is a legitimate part of defence policy.

Various other attempts to limit the barbarity of war have also been made, with limited success, for instance the attempt to ban the recruitment of child soldiers – itself largely a phenomenon of the 20<sup>th</sup> century and not before. Another issue relates to a type of weapon which has been the centre of attention in modern warfare, namely landmines which have been used widely in many types of war and widely condemned because of their widespread indiscriminate effects on civilians after conflicts have ended. The Ottawa Treaty of 1997 was a step in the right direction of getting rid of these weapons. In recent years, especially with the ‘war against terrorism’, the question of what norms should govern the treatment of fighters who are not regarded in international law as soldiers has assumed a great urgency (as in the case of Guantanamo Bay).

As noted earlier, in contrast to the official paradigms in the 19<sup>th</sup> century, the 20<sup>th</sup> century also saw a decided polarisation of attitudes toward the ethics of war and peace. There was

realism such as that of E.H. Carr who rejected Roosevelt’s idealism which, underpinned the League of Nations, as making things worse<sup>5</sup> and militarism as illustrated by Mussolini’s fascist concept of war as ennobling. Whilst pacifism was seen as the principled objection to fighting in war, and the earnest attempt to create or maintain the conditions of peace, inspired by past peace projects such as that of Kant’s in his *Perpetual Peace*. In the middle there were various forms of the position that some wars are justified whilst others not, and some ways of fighting justified and others not. These may be presented as appealing to the just war concept in its received form, or as modifying the tradition to take account of modern circumstances, or as an ethical position seen as independent of the just war tradition (seen as out-of-date).

## The 20th century saw a decided polarisation of attitudes toward the ethics of war and peace.

Clearly from the first traditional just war point of view, much of what happens in the modern world is seriously wrong: there are violations of norms which still retain their validity even if they are often ignored (like the principle of non-combatant immunity). The latter two positions – just war revised and independent ethical positions – make out the ethical arguments in different ways, but they are all united in taking the ethical critique of and control of war seriously<sup>6</sup>

During the 20<sup>th</sup> century there was a major shift in thinking about peace and security. The common assertions that peace is best understood negatively as the absence of war has often been challenged by those for whom richer conceptions are important – ones that see peace as opposed to a much wider range of phenomena such as peace as the absence of violence, or others that see peace more positively as involving positive moral features such as a commitment to justice and human rights. A very ‘positive’ concept would be that of peace as harmonious relations or shalom<sup>7</sup> On these views, peace is seen a

part of a much richer matrix of things: it is linked to the UN thesis of the indivisibility of human rights, and of its interdependence with development for which it is both precondition and consequence.

Likewise the 20th century saw a broader conception of security. Although national security continued to be seen as a central goal on foreign policy and to be achieved by strong defences, nevertheless alternative modes of thinking became widespread. On the one hand, there was interest in 'common security' as advocated by the Palme Commission<sup>8</sup>; on the other hand there was a broadening of the concept of security as 'human security' to include such things as economic, health and environmental security, as promoted by the United Nations Development Programme<sup>9</sup>. The effect of this broadening, especially if coupled with a cosmopolitan perspective – itself a perspective that became widespread in the second half of the 20th century – is to set a different agenda that questions the predominance of national security conceived of in military terms.

Both pacifism and pacifism are approaches which have gained support<sup>10</sup>. Pacifism is an approach focused on the conditions of peace<sup>11</sup>, opposing the militarist glorification of war, and opposed to the view that human nature dooms us to perpetual war, since we can check these tendencies if only we find the right forms of education and institutions and so on. Pacifism as an individual stance of not fighting in war – and usually presented as a universal claim about others too – has undergone much development in the 20th century. It was largely a religiously inspired stance historically, but other kinds of argument have come to be offered. During this period attitudes towards people who wished to be conscientious objectors also changed with many countries coming to recognising a right in law<sup>12</sup>

There was the work of the former UN Human Rights Commission to get a universal right to conscientious refusal/objection recognised. New forms of pacifism developed. This is partly because of contingent arguments concerning the cost of war in terms of the resources spent on war not being spent on things like poverty-

reduction, and concerning the cycle of violence begetting violence, partly because of general arguments against the nature of war itself as indiscriminate or inherently violating human rights, and partly because of the growing recognition that, in respect to particular wars, an individual can appeal to the argument, implicitly if not explicitly cosmopolitan, that their state is conducting an unjust war (this position being very apparent in the Vietnam war). There has been much interest in the philosophy of non-violence as an approach<sup>13</sup>.

Some of the thinking in the 20th century particularly in the latter half is cosmopolitan, that is, thinking that emphasises the idea of global ethics and of global responsibility and promotes the concept of self-identification as 'citizens of the world'<sup>14</sup>. This has affected the way people think about war and peace. This leads to arguments for interventions such as military humanitarian intervention (as in Kosovo) as well as to arguments for promoting the conditions of peace for everyone through human rights protection, development and so on.

## Despite the UN paradigm on non-aggression, many wars were fought and continue to be fought, as wars of 'good' versus 'evil'.

One feature of the 20th century has been the emergence of numerous 'new wars': wars that are often asymmetrical wars; wars that occur within borders such as civil wars, wars of secession, or 'proxy' wars fought in poorer countries, or wars between states and non-state actors such as terrorists<sup>15</sup>). These raise many issues to do with just cause, legitimate authority, how to fight and so on.

Despite the UN paradigm on non-aggression, many wars were fought and continue to be fought (and regarded by many as legitimately so) as wars of 'good' versus 'evil' and this partly explains why these have often involved a relaxation of *ius in bello* restraints – such as wars against Nazism or communism, against illegal regimes or

regimes flouting international law (Iraq), or against militant Islam/Al-Qaeda. The aim of such wars may be limited to checking or containing 'evil', but, more ambitiously, it may be extended to effect regime change so as to eliminate the 'evil' and replace it with regimes that are 'good' or in accordance with one's values. A manifestation of this is the idea of war crimes, as illustrated in the Nuremberg trial of leading Nazis. At another level the establishment of the International Criminal Court at the end of the 20<sup>th</sup> century appears at the end of a long process of getting international legal instruments in place that can try individual soldiers for war crimes and crimes against humanity.

## INTERPRETATIONS

Given the above picture of war and peace in the 20<sup>th</sup>/21<sup>st</sup> centuries, which shows an almost bewildering range of developments and perspectives, what interpretations can be given ethically to these? One general approach is to retain the belief that war can be morally regulated. Either one takes a fairly traditional approach to justifying war and thus resists the extension of legitimate authority beyond states (or the UN Security Council acting on states' behalf), resists widening the range of just causes, and remains firmly committed to principles like non-combatant immunity (thus unreservedly condemning saturation bombing and dropping the atom bomb on Hiroshima); or one takes a modified just war approach or an independent ethical position and argues for new lines to be drawn, such as extending legitimate authority, accepting just causes such as humanitarian intervention, and seeing non-combatant immunity as something that can be waived where military necessity dictates. Either way one still retains the central view that war can be ethically regulated: many wars are unjustified, and many things done in war – unnecessary killing of civilians, mistreatment of captured soldiers, other war crimes – are simply to be rejected.

On another reading the phenomena of the 20th century show – or show more starkly – that the whole ethical framework attempted by the just war tradition and also the latter-day ethical stances that also try to provide a

principled ethical basis for war are flawed. What is shown is that war cannot really be ethically regulated (even though it may be regulated in the sense that people who believe it is ethically regulated are influenced by their beliefs) and that the extent to which such ethical regulation is attempted merely perpetuates it as 'not so bad'. This comes from several perspectives in some ways opposed to one another.

**Both the realist who is interested in international order and the pacifist can agree that... our overall commitment is to do what is necessary to generate these conditions.**

Whilst there is a realist perspective which says either that war lies outside the domain of ethics altogether (since war is a breakdown of moral relations) or that defending national interests prudently (as opposed to pursuing moral ideals or following universal principles) actually takes precedence in an insecure world or is more likely to lead to peace and international order; and there are the militarist attitudes that glorify war. On the other hand there are the pacifist perspectives that all war is wrong (so it cannot be morally regulated) and the pacifist perspective that the important thing is to build peace.

Both the realist who is interested in international order and the pacifist can agree that certain general goals – like peace – are desirable, and that our overall commitment is to do what is necessary to generate these conditions. Indeed if a realist is seriously interested in international order and peace (and is optimistic about making progress), then he may be a kind of pacifist. But for most pacifists even such a realist has radically inappropriate views about the means to do so. For the realist there is a focus on the national interests, on strong defence, on decisive stances where necessary, on effective threats and so on. For most pacifists the focus is on building co-

operation, on redefining defence (common security), on the culture of dialogue and negotiation, on non-violence as a means, on acceptance that violence begets violence and that the means are (factually) the ends in the making, on cosmopolitan obligations to all human beings and so on.

> This paper is an adaptation from Nigel Dower's book 'The Ethics of War and Peace' (Dower 2009). The paper also forms part of a chapter for inclusion in the *Encyclopaedia of Peace* (Oxford UP).

\*Dr Nigel Dower is Honorary Senior Lecturer in Philosophy, University of Aberdeen. He joined the University of Aberdeen in 1967 where he has taught until 2004, except for three years teaching Philosophy in Zimbabwe (1983-86) and five months as Gillespie Visiting Professor, College of Wooster, Ohio in 2000. In June 2004 Dower took early retirement in order to pursue his interests in exploring ethics in a globalised world through teaching, lectures, writing and consultancy.

Dower has penned and edited several titles, including *World Ethics - the New Agenda* (1998), *An Introduction to Global Citizenship* (EUP 2003), *The Ethics of War and Peace* (2009), "Edinburgh Studies in World Ethics" (editor), *Global Citizenship - A Critical Reader* (co-editor).

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## ENDNOTES

- 1 The promotion of peace can be done in various practical measures such as conflict mediation, forms of reconciliation, off-the-record diplomats meetings, alternative to violence programmes, inter-faith dialogue and affirming the value of all human beings, including those who are often socially excluded such as asylum seekers or prisoners
- 2 This paper has been adapted from this book 'The Ethics of War and Peace' (Dower 2009)
- 3 Walzer 1977: 58
- 4 UN 2005
- 5 Carr 1939
- 6 Coates 1997; Norman 1995
- 7 Macquarrie 1973
- 8 ICDSI 1982
- 9 UNDP 1994
- 10 see for instance Ceadel 1987
- 11 see also Jenkins 1973
- 12 Hawk 2006
- 13 Schell 2003; Kurlansky 2006
- 14 Atack 2005
- 15 Kaldor 1999





# War and Peace: A Christian Perspective

\*REVEREND CHRISTINE HALL

I was one of a group of mixed faith people from East London on a recent trip to Bosnia-Herzegovina. Whilst we were there we went to Srebrenica on the day that the locals remembered their friends and family members who had been the victims of a massacre 14 years ago. It was a deeply moving experience. There were 534 new bodies to be buried. These people, mainly men and boys, had been killed by Serbs and buried in mass graves. Their bodies had been dug-up and reburied several times, but now because of the instrumental work by the International Commission on Missing Persons<sup>1</sup> (and others) they could be identified and finally laid to rest.

We saw the 534 coffins lying together under plastic to shelter them from the rain and then we prayed with the thousands of people for the souls of the dead, for those left behind and for all victims of war and terror. There was the terrible relief that some felt because at last they could be sure that a family member had finally been identified and could at last be mourned and laid to rest. The alternative and the position for the last 13 years was a limbo of not knowing.

So how did we feel as the Christian part of that group? Well of course, words can hardly express those feelings of deep sorrow and horror that such things can still happen. We still await justice but at least the International Court of Justice at The Hague has ruled that the massacre was an act of genocide.

As I write this I am also aware of more UK soldiers being killed in Afghanistan and there being some disquiet around about that. Should we leave 'them' to get on with it and 'save our boys'? So what is the Christian position?

## JUST WAR

We hear a lot about the Just War theory. There are 6 conditions that must be satisfied:<sup>2</sup>

- 1) War must be for a just cause.
- 2) War must be lawfully declared by a lawful authority.
- 3) Intention behind the war must be good.
- 4) All other options of resolving the problem should be first exhausted.
- 5) There must be a reasonable chance of success.
- 6) The means used must be in proportion to the end that the war seeks to achieve.

The War must also be fought in a just manner.

- Innocent people and non-combatants should not be harmed.
- Only appropriate force should be used. This applies to both the sort of force, and how much force is used.
- Internationally agreed conventions regulating war must be obeyed.

## JESUS

Jesus' most important command to his followers is:

"I give you a new commandment, that you love one another. Just as I have loved you, you also should love one another. By this everyone will know that you are my disciples, if you have love for one another."<sup>3</sup>

Jesus also taught that:

"Blessed be the peacemakers, for they will be called children of God. Blessed are those who are persecuted for righteousness' sake, for theirs is the kingdom of heaven."<sup>4</sup>

Even anger is wrong:

"I say to you that if you are angry with a brother or sister, you will be liable to judgement; and if you insult a brother or sister, you will be liable to the council; and if you say, 'You fool', you will be liable to the hell of fire. So when you are offering your

gift at the altar, if you remember that your brother or sister has something against you, leave your gift there before the altar and go; first be reconciled to your brother or sister, and then come and offer your gift.”<sup>5</sup>

Jesus went to his death without violence. When the soldiers came for him he did not try to run away or fight. He allowed them to do with him as they would. And even on the cross Jesus said:

“Father, forgive them; for they know not what they are doing.”<sup>6</sup>

It would seem then that what Jesus is saying is a long way from the Just War theory related above. So how can this be?

## EARLY CHRISTIAN HISTORY

In the first years after Jesus’ death and resurrection, his followers would have been against war and any kind of violence. Tertullian (*c* 160–225) for example thought that homicide in any form was forbidden and that if necessary the Christian must suffer persecution rather than retaliate; and that the Christian by enduring violence can look forward to a reward beyond this world<sup>7</sup>. This pacifism remains today a substantial thread in Christianity, particularly among the Quakers. Other theologians however, including Origen<sup>8</sup> (185-254) and then Augustine (354-430), Bishop of Hippo Regius who was a church father, and one of the most important figures in the development of Western Christianity. They began to see that they needed to defend Christianity against critics who thought they were undermining the state. Origen acknowledged that there was a ‘righteous cause’ in war and Augustine developed this further by differentiating between individual killing and killing on the authority of the monarch or God Himself.

Thus Moses killing of the Egyptian (when he was a young man<sup>9</sup> - Exodus 2.12) was wrong, because it was without any authority, similarly Peter’s violent action in the Garden of Gethsemane (when Jesus was arrested Peter attacked one of the soldiers). But the constant antagonism towards the Egyptians by Moses (the series of plagues and the killing in the Red Sea after the waters had

opened for the Israelites in Exodus 7-14) was permitted because God had commanded it.

## Some of the Wars in the Old Testament... are wars of aggression rather than wars of defence.

Augustine argued that it is the authority which is important. He was attempting to reconcile the Old Testament responses to War and those confronting Christians in the 4<sup>th</sup> Century. This reflected the transition of Christianity to the centre of the political world. Constantine the Great (d 337) was the first Roman emperor to become a Christian. Augustine was marrying together the ancient Hebrew notion of war as obedient to God’s demands, with the Graeco-Roman concepts of ‘lawful authority’, ‘natural order’ and ‘justice’ using Marcus Tullius Cicero’s ideas that these ideals found in Roman government, should also be found in the way the war is conducted. It was Cicero who saw that the purpose of war is peace<sup>10</sup>.

It is of course difficult for us if we look too closely at some of the Wars in the Old Testament which are wars of aggression rather than wars of defence. That image of God is not one that sits naturally with a Christian view of a God of love. The notion of accepting authority regardless is also one that we have refined – Nuremburg in the 20<sup>th</sup> Century for example, did not accept the concept of military obedience without consideration of the justice of the situation.

## THE MIDDLE AGES

Augustine’s used the term Just War, but it wasn’t until Aquinas (c1225-74) that these ideas were further developed. Augustine’s notion of authority to include just cause and right intention were expanded by Saint Thomas Aquinas to cover the concepts of last resort, weighing of good versus evil, a reasonable hope of success and using legitimate means. He was also absolutely certain that clerics could not engage in war. Perhaps more importantly Aquinas was also concerned with the authority of the ruler. At that stage it was only the Emperor and

the Pope that had the authority, and of course the Crusades formed the background to Aquinas' work (the first crusade to the Holy Land was in 1095). It is interesting to observe that all wars at this stage were called crusades, conceivably to imply that one side is right and the other is wrong. These crusades included the obvious ones of Christians against Muslim, but also Christian against Christian such as Pope Clement IV proclaimed a crusade in support of King Henry III of England against his vassals.

I would not wish to use this argument to justify those wars, but it illustrates the context in which the arguments were developed. In simple terms, God had authorised wars before, and now they could be authorised by God's representatives on earth. It puts enormous power into the hands of one person, which is perhaps why Christians have thankfully moved on in their thinking.

## RECENT CHRISTIAN THOUGHT

More recently but as long ago as 1983 the Roman Catholic Bishops of the United States of America put together a paper about the challenges of peace where they thought the recourse to war was permissible<sup>11</sup>. Theirs was a response to the nuclear threat. So that they assert good ends (defending ones country, protecting freedom etc) cannot justify immoral means (the use of weapons that kill indiscriminately and threaten whole societies). Peacemaking is not an optional commitment, they say, it is a requirement of our faith. This must be reassuring even if it does not always appear to be the policy of the American Government!

In the United Kingdom the Church of England writes similar papers and argues with Governments. Much to the fury of former prime minister Margaret Thatcher, Robert Runcie, a former Archbishop of Canterbury, preached reconciliation and asked for prayers for the Argentinean dead as well as the British in the thanksgiving service at St. Paul's Cathedral in 1982 following the Falklands War. He had won the Military Cross as a tank commander in the Second World War and so knew the harshness of war and clearly wanted to remind the government of that time of the Christian perspective to

war, particularly when it was over.

In our own times Rowan Williams, the current Archbishop of Canterbury preached at the memorial service for those killed in Iraq on 9 October 2009 at St Paul's Cathedral. In that sermon he criticised the government for failing to consider the high cost of the Iraq war. This is of course one of the conditions for a just war. Naturally it is easier to reflect with hindsight, but we are all aware of the high cost of this and all wars to the innocent.

Similarly the machinery of the Church of England inputs to Government debates on a regular basis, for example, The House of Bishops submitted a report in 2002, Evaluating the Threat of Military Action Against Iraq: "A Submission by the House of Bishops to the House of Commons Foreign Affairs Select Committee's ongoing inquiry into the War Against Terrorism." This was following the events of 11 September 2001.<sup>12</sup>

## We will encounter different narratives of injustice and violence.

Similarly following the bombings of 7 July 2005, the Church of England again reflected on the Christian position in a report from the Mission and Public Affairs Council: "Facing the Challenge of Terrorism"<sup>13</sup>. In the paper the Church recognised that we all bear some responsibility for what is done in our name and that we need to be able to start looking at situations through Muslim eyes sometimes and listening to Muslim voices. This will mean that we will encounter different narratives of injustice and violence from those we habitually adopt as our own, and yet we can still recognise our common humanity. The paper further asserts:

"There is a widespread perception among Muslims that in the typical 'Western' (or 'Northern') view of the world, the lives and welfare of Muslims are accounted of less value than those of 'Westerners'. This is potentially a major barrier to co-operation against terrorism."

I would hope that perception might be changed. It certainly is not the Christian position. In Matt. 25:31-46, Jesus talks about the end of time whereby he will separate out the sheep from the goats (i.e. the good from the bad). The good are those who fed the hungry, clothed the naked and visited those in prison. Jesus is talking of those at the bottom of the heap, those we might care least about. Jesus however stands along side the 'least of these' and says that it is how we treat these people that will be how we will be judged in the end.

## Jesus is talking of all people, including those we might turn to in warfare.

Our challenge, as believers of different faiths, must be that we recognise Jesus is talking of all people, including those we might turn to in warfare.

### CONCLUSION

We need our religious leaders to continue to argue for us. Christianity, Islam and other world faiths are essentially religions of peace. There are occasions when it may be necessary for our faiths to support our government in war and fight for the peace we believe in. The theory of the Just War is a good place to start to tease out whether the action is one that needs to be taken. But it seems to me that the high cost of any war must be thought through at some length before we embark on what is often a protracted process. Being at the memorial service in Srebrenica brought that home to me. I have been lucky not to have been directly affected by war – I am too young for the 2<sup>nd</sup> World War and I have had no relatives involved in any of the numerous wars we have witnessed since then. But I have experienced loss and the thought that loss might not be necessary is one that would be very hard to bear. Hopefully all of us who believe in peace can continue to work together to encourage that throughout the world.

\*Reverend Christine Hall is an ordained Anglican priest and works at St Dunstan and All Saints Church, Stepney in east London. Prior to ordination she was a Hospital Chaplain and previous to that a Senior Commercial Manager at British Telecom. Reverend Hall was part of a British interfaith delegation to Bosnia in July 2009, organised by Tower Hamlets Interfaith Forum and London Muslim Centre.

### ENDNOTES

- 1 For more details about the work of the Commission, visit <http://www.ic-mp.org/about-icmp/>
- 2 <http://www.cofe.anglican.org/info/socialpublic/international/foreignpolicy/>
- 3 John 13.34-35
- 4 Matthew 5 9-10.
- 5 Matthew 5 22-24
- 6 Luke 23.34
- 7 P456 Robin Gill *A Textbook of Christian Ethics* T&T Clark 1995
- 8 Origen was an early Christian scholar and theologian, and one of the most distinguished of the early fathers of the Christian Church.
- 9 One day, after Moses (a Hebrew brought up by the Egyptians) had grown up, he went out to his people and was horrified by the way they were being treated. He saw an Egyptian beating a Hebrew and seeing that nobody was watching killed the Egyptian and hid him in the sand. But he was seen by fellow Hebrews and challenged
- 10 Edmund Ryden, *SJ European Philosophy of War and Peace* eusa-taiwan.org
- 11 National Conference of Catholic Bishops, *The Challenge of Peace: God's Promise and Our Response* (U.S. Catholic Conference, 1983)
- 12 <http://www.cofe.anglican.org/info/socialpublic/international/foreignpolicy/>
- 13 <http://www.cofe.anglican.org/info/socialpublic/homeaffairs/terrorism/>



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# A Sikh Approach to War and Peace

\*GURMUKH SINGH

Sikh ideology looks at the question of war and peace at individual, social, state, and global levels. Genuine peace is not possible when there is pain and suffering in society. In that sense, Sikh thought agrees that peace is not necessarily the absence of war.

Sikhism is life-affirming and preaches a participative active life full of service as a responsible householder. Opt-out systems are rejected.

***Dharam* provides stability in human societies; when there is no *dharam*, there is chaos and conflict.**

The Sikh concept of *dharam nibhaona* i.e. doing one's duty as required by different human relationships in different situations and socio-political spheres, is also a benchmark for accountability at every social and political levels. In any relationship and situation the concept of *dharam* (*dharmā*) requires a person to act and behave in a certain way. Ultimately, the discipline of *dharam* provides stability in human societies; when there is no *dharam*, there is chaos and conflict.

In the early 17th century, Bhai Gurdass<sup>1</sup> wrote that Guru Nanak (1469 –1539), the founder of the Sikh religion “meditated and saw the whole world ablaze” (*Varā(n) Bhai Gurdass*). The world was at war at every level as a result of human greed, lust, violence, and a lack of compassion.

Nanak's approach to reconciliation between warring factions in religious, social and political spheres was to identify the root causes, and to show the path to a harmonious way of life, which accepted and respected diversity. He brought together the essence of the (apparently diverse) religious ideologies of his time. The Sikh Holy Scripture, Guru

Granth Sahib, is the embodiment of that interfaith approach.

## THE SIKH APPROACH

Nanak preached his message of goodwill and peace on earth in the early 16<sup>th</sup> Century. The Guru knew that it takes much courage, sacrifice and effort to make genuine peace on earth a reality. His was the path of love for God and fellow human beings. He said, “Those who wish to follow the path of love [in the service of God and their fellow beings], should be prepared to make great sacrifices.”<sup>2</sup>

Thus, the succeeding Sikh Gurus spoke out against discrimination and injustice in society, while preaching a responsible family life based on moral values and truthful living. They preached kinship of all creation before One Primal Being.

Sikh thought stresses, “Where God exists there is no selfishness, where self exists there is no God.” In this life, there must be a balance between materialistic ambitions and spiritual well-being.

The Sikh approach to war and peace starts at an individual level and would agree with the following quotations:

“Men are at war with one another because each man is at war with himself.” (Francis Meehan)

“War has its roots in human nature,” and “War stems from the baser human motivations such as hate, fear, greed and revenge.” (Albert G Huegli)

Freedom from insecurity and fear is important. High ideals alone are insufficient. It is important to constantly strive for inner freedom from death, attachment and insecurity by meditating on the *Name*<sup>3</sup> of The Fearless, “All fear is destroyed through the worship of the Fearless.”<sup>4</sup>

“Only that life is good in which the inner battle is fought with determination – through

patience (*dhira*) and wisdom.”<sup>5</sup>

## SIKH SOCIAL ACTIVISM

In Sikhism, involvement in community life is necessary for the creation of a just and peaceful society. It is not for opting out of family and community life. Every person needs to work for peace; especially those who are in positions of power and authority. That is the twin track *miri-piri* (temporal-spiritual) whole-life path of Guru Nanak.

Security and peace of mind is essential for lasting peace in society. This is only possible when we respect our neighbour’s rights; when we give up our selfish obsession with personal gain only; when we enjoy servicing others, and when we remember that God resides in us all. That is the Sikh view, to the extent that selfless service here and now is made a pre-condition for a place in the Lord’s presence in the hereafter.

## STATE AND SOCIETY

At the state and administrative level Nanak described the insecure “peace” of his times as follows:

“Kings are tigers, the courtiers’ dogs, they harass or awaken those sitting or sleeping as they please. The tigers inflict wounds with their claws and the curs lick up the blood of the poor subjects.”<sup>6</sup>

“Greed and sin together as king and minister, and falsehood assuming the role of a chieftain, lust is the deputy called in for daily consultation...”<sup>7</sup>

“Time is the scythe, kings the butchers and righteous living (*dharmā*) has taken flight...”<sup>8</sup> (GGS p 145)

Such conditions in society, lead to conflict and war.

Peace is only possible when no one inflicts pain on another. Guru Arjan, the Fifth Sikh Guru defined such a regime as *halemi raj*. Being dissatisfied with the prevailing oppressive conditions of an unjust “peace” around him, Arjan “declared” real peace as “The Merciful Master [who] has now ordained that no one annoys, oppresses or inflicts pain on another. All shall abide in peace in a benign regime.”<sup>9</sup> That open challenge to cruel regimes, earned the Guru the first martyrdom in Sikh history at the

hands of tyrannical rulers aided by religious zealots of his time.

Bhagat Ravidas, treated as a “low caste” shoe-maker by the oppressive Indian Brahmanic system, also sits amongst the galaxy of the saintly beings in what has been described as the “Parliament of religions” -- a Model for interfaith harmony, which is the Sikh Holy Scripture, Guru Granth Sahib. Ravidas further defines peace in a hymn in Guru Granth Sahib:

“*Be-gummpura* (meaning “town without worry”) is the name of the town  
At that place there is no pain or worry  
There is no fear of tax of goods there  
Neither awe nor terror nor dread  
Nor decline (depression) is there  
I have now found an excellent abode  
My brethren there is everlasting safety  
there....”<sup>10</sup>

In the same hymn, “low caste” Ravidas, experiencing the suffocating and restrictive class and caste divisions, and social discrimination in society, further stresses the security and freedom which all should enjoy when there is real peace, “There is no second or third....as they please so they stroll about” says Ravi Dass, the emancipated shoe-maker. He adds, “he who is my fellow citizen, is a (citizen) friend of mine (of that city called *Begummpura*).”

## RELIGIOUS FANATICISM & INTERFAITH HARMONY

To the zealots, Guru Nanak showed the path to true religion: God is everywhere and in everyone; no religion is superior to another. No matter which religious path one follows, all will miss their final religious objective without truthful conduct and good deeds. The observation of that is that all religious paths lead to God, because (in the final analysis) everyone preaches truthful conduct and good deeds. Those are the common universal values (*dharmā*) all should emphasise and not the outer rituals.

Implied in this view is the futility of seeking converts to ones own religion by condemning others and fighting wars in the name of religion. In restoring the world to a more caring society, it is important that

religious idioms and allegory are interpreted so that the true spirit of every religion is imparted. Religions should be seeking converts to peace and contentment.

The third Guru Amardas, prayed to the Creator of all to save the world at war with itself (the “burning” world) and to come to the aid of all those who came to the Lord with a prayer in their hearts, no matter which religious door they entered through.<sup>11</sup>

## GURU NANAK'S CHALLENGE TO UNJUST REGIMES

As for rulers, Guru Nanak preached, “He alone, who is worthy of the throne has the right to sit on the throne.”<sup>12</sup> This was also his challenge to an unjust rule.

Sikhs (students) of the Guru, were set three objectives of *degh*, *tegh* and *fateh* for a benign regime<sup>13</sup>. *Degh* is the cauldron for preparing food and symbolizes an open kitchen for all without any discrimination whatsoever; for all have the right to feed themselves. *Degh* also represents sharing in a society free from greed or personal gain. *Tegh* is the sword symbolising justice and the rule of law; and *fateh* is the ultimate survival of a just society. Unjust regimes, which have no respect for human life or dignity, are doomed to failure. All have an equal right to the resources of the “great mother earth” (*mata dharat mahat*).

## MARTYRDOM TRADITION IN SIKHISM

Any discussion about war and peace needs to touch on the question of true martyrdom.

**Sikh martyrdom is an expression of love for the beloved Creator while surrendering ones self in the service of his Creator.**

Guru Nanak raised his voice in defence of human rights in the service of, and for the love of God, even if it meant sacrificing ones own life.<sup>14</sup> That became the Sikh ideal for the martyrdom tradition. A martyr, whether as a warrior for a just cause (see below), or when tortured in captivity, has no hatred in

his heart. Martyrdom symbolises Gods love. Sikh martyrdom is an expression of love for the beloved Creator while surrendering ones self in the service of His creation. A martyr is not trying to show that he is stronger than the opponent, but that he is stronger than the self in overcoming pain and suffering in God's Will (*raza*) while serving God's creation.

A true martyr in the Sikh religious tradition cannot be a terrorist because he loves the Creator and His creation. Even while resisting evil, he remains a friend of all and enemy of none.<sup>15</sup> He fears none and frightens no-one.<sup>16</sup>

## INVASIONS

Concerning invasions by empire builders, Guru Nanak had no hesitation in condemning the Mughal Babur who descended on India from the north-west with his marauding hordes. In his poignant composition called *Babur-bani* describing the pillage wreaked by invading armies, wrote Guru Nanak addressing his Sikh, Bhai Lalo, “With his party of evil has he (Babur) descended from Kabul extracting *gifts* perforce o'Lalo.”<sup>17</sup> For speaking out, the Guru was imprisoned by Babur, but released later; for, even tyrants recognise the fearless who “say the truth when the truth needs to be said.”<sup>18</sup>

## ARMED DEFENCE AS A LAST RESORT

Interpreting Guru Nanak's founding ideology, the successor Guru persons (ten including Guru Nanak) preached freedom for all humankind from religious persecution, social (caste/class) discrimination and political oppression. Following the path of truthful conduct and righteous action, it is just to strive for universal freedom from oppression and injustice.

Therefore, war is justified in Sikh ideology, but only as a last resort, when all other means have been exhausted, and only in defence of human rights, human dignity, and to seek freedom from tyrannical rule.

The transformation of Sikhs into the Order of the *Khalsa* (a distinct theo-political order), was not meant simply to continue as an established religion, but as an active

medium for change by challenging social inequalities and religio-political oppression; and for winning political power for the ordinary people. "Strengthening the weak but remaining humble." In Sikh ideology, "Humility is not to be read as a sign of weakness or lack of resolve. On the contrary it is only the strong that can really be humble without being servile or cringing. It is a choice of behavior, made and lived only through deep deliberation."<sup>19</sup>

## A true warrior is one who fights for the downtrodden, the weak and the meek.

Before Guru Nanak, the Bhagats, the saintly beings from diverse religious and social backgrounds, whose teachings are included in Guru Granth Sahib, had already spoken out against unjust regimes and sanctioned defence of human rights through the force of arms as a last resort.

"A true warrior is one who fights for the downtrodden, the weak and the meek."<sup>20</sup>

"I honour the saints and punish the wicked. This is my duty as the Lord's officer."<sup>21</sup>

The Sikh Gurus repeated the same message: "Death is a privilege of the brave, if they die for a noble cause."<sup>22</sup>

Guru Gobind Singh, the Tenth Master, described Guru Nanak's mission as "to give security to God-loving men, to destroy evil mind and sin, and to ensure victory of good over evil, to create a just society," and "to promote a righteous regime of *dharma*, to uplift the saintly and to uproot all evil."<sup>23</sup>

In the Sikh tradition, battles have been fought for the protection of human rights or to free enslaved people, sometimes even if it meant freeing a single person e.g. when the Sikhs as the *Khalsa* army, secured the release of a Brahmin's wife who had been abducted by a local tyrant.

Sikh history records the model regime of Maharaja Ranjit Singh in the first half of the 19<sup>th</sup> century as follows, "The ruling class in his reign was composite, and state patronage was extended to all categories of subjects irrespective of their religious affiliation .....

Catholicity in relation to non-Sikhs was a common characteristic of the Sikh rulers."<sup>24</sup>

## THE GLOBAL "VILLAGE"

It is towards genuine and lasting peace that human regimes should aspire. Labels for regimes such as democracies or dictatorships, or systems such as communism or capitalism have little meaning in Sikh ideology. Unless the obstacles to genuine peace discussed above, are removed, any political system becomes a breeding ground for conflict and terror and threatens peace in the ever shrinking global village. It creates the socio-political environment of dissatisfaction and disaffection leading to conditions of war. Human greed and the quest for power, whether by ego-centric individuals or empire building states, lie at the roots of war and conflict.

In the Sikh view, unjust regimes lose their right to rule.

## CONCLUSION

Today we see the results of a selfish pursuit of power and wealth. There is much human poverty and suffering while the rich countries get richer. Guru Nanak's universal message to humankind is highly relevant: to live a life of service, a life of sharing with others, and believing in equality of humankind before One Creator of all.

Peace requires greater efforts than waging wars. So, the Sikh Gurus preached practical religion, making social activism an essential part of religion. The Sikh ideology, of which Guru Granth Sahib is the embodiment, invites all good people of all beliefs to do something about world peace, and to work together for a tolerant and just world order.

\*Following his retirement from the UK civil service as a policy Principal officer in June 1996, Gurmukh Singh has devoted his full time to community service. He was a member of the Hillingdon Standing Advisory Council for Religious Education (SACRE) for three years to December 2000 when the local RE syllabus was revised. Singh writes extensively on topical issues affecting British Sikhs. In recent years, he has interpreted Sikh scriptures in the context of 21st century issues.

Singh was honored by the Canadian Sikhs with "Sirdar Kapoor Singh" award in 2001 in recognition of his scholarly interpretation of Sikh ideology. He continues to make a significant contribution towards promoting a better understanding of the Sikh religious-cultural identity in Britain

## ENDNOTES

- 1 Bhai Gurdass was the scribe of the Fifth Sikh Master, Guru Arjan who completed the compilation of the Sikh Holy Scripture, Guru Granth Sahib (GGS) by 1604.
- 2 GGS p. 1412
- 3 Sikh concept of *Naam* is any Name of the transcendent and immanent God. Meditation on *Naam* makes the mind God aware. Ultimately, *Naam* is the cause of all creation; or, *Naam* is the creation.
- 4 GGS p 293
- 5 Tenth Guru, Guru Gobind Singh, "*Krishnavtar*"
- 6 GGS p.1288
- 7 Ibid. p.468
- 8 Ibid. p.145
- 9 Ibid. p.74
- 10 Ibid. p.345
- 11 Ibid, p.853
- 12 Ibid. p.1039
- 13 The seal of Sikh general Banda Singh Bahadur, who established the first Sikh regime in May 1710, carried the inscription "deg, teg and fateh (*deg-o-teg-o-fateh*) as meaning the establishment of an egalitarian regime, defended by the sword of justice, in which all share their earnings.)
- 14 GGS p.1412
- 15 Fifth Guru, Guru Arjan GGS p.1299
- 16 Ninth Guru, Guru Tegh Bahadur GGS p.1228
- 17 GGS p.722
- 18 Guru Nanak GGS p.722
- 19 Lecture by Professor Nirmal Singh, *Peace Among People*
- 20 Bhagat Kabir GGS p.1105
- 21 Kabir, GGS p.969
- 22 Guru Nanak GGS p.579
- 23 Guru Gobind Singh, *Bachittar Natak*
- 24 Dr J S Grewal, *The Sikhs: Ideology, Institutions and Identity*, p.91-92

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## War and Peace: A Jewish Perspective

\*RABBI JEREMY GORDON

JUDAISM believes in peace, loves peace and prays and works towards peace. The greatest visions of the Bible are of the wolf lying down with lamb (Isaiah 11) and of swords being beaten into ploughshares (Isaiah 2). Beyond the Bible, the Rabbis, in their codification of Jewish life, infused every major prayer experience of the Jew with the yearning for peace. The second century sage Rav Shimon son of Halaftha, says 'a blessing is useless unless it comes with peace.'<sup>1</sup> The great Medieval commentator Rabbi Yom Tov Isbili, known as the Ritba (Spain d. 1330) collated a list of codified Jewish prayers that have as their conclusion the plea for peace; it includes the grace after meals, the principle doxology (Kaddish), the central prayer of evening, morning and afternoon services (Amidah), the priestly blessing (Numbers 6) and others.<sup>2</sup> Judaism thus, believes in peace.

### Blessing is useless unless it comes with peace.

However the Hebrew Bible also knows violence. The commandment *lo tirzah* (Exodus 20:13) is inaccurately translated in the King James Bible as 'thou shall not kill.' The correct rendition of the original Hebrew is 'thou shall not murder.' The Bible justifies and even demands violence, even unto killing, on too many occasions to list. That said there is a noteworthy attitude towards violence that suffuses not only the Bible, but also the project of Rabbinic Judaism. Time and time again in the Bible and Rabbinic texts one can see the impulse to violence and war subjected to controls designed to ameliorate the destructive potential of military brutality.

The Bible mandates (Deut 20 & 21) that an invading army should offer peace to a city before waging war against it. It demands that fruit trees, around an ancient city, are not

destroyed by siege warfare, asking rhetorically 'is a tree a person, to be besieged by you?' It insists that any beautiful women captured in combat are not to be treated as chattel to be 'used' and/or abandoned at will, are couple of examples from an extensive list.

One can see the same tendency in Rabbinic texts. Maimonides, (d. 1204) the greatest of medieval Jewish sages, set out precise Laws of War in his code the Mishneh Torah. One mandate demands that 'when besieging a city in order to capture it, one should not surround it on all four sides, but only on three sides, thus allowing an escape path for anyone who wishes to save his life.'<sup>3</sup> Aside from noting the seemingly military lunacy of a three-sided siege, there are two other points to note when considering the significance of this kind of religious engagement with war. Firstly, while Maimonides is able to produce a Biblical verse to justify his codification (Numbers 31:7), on the face of it the verse mandates no such behaviour; Maimonides need not have included this mandate, rather its existence is driven by a greater sense and understanding of what Judaism must stand for. Secondly this militarily self-defeating mandate has had practical impact for the contemporary Israeli army, as will be discussed below.

The complex business of Israel's contemporary engagement will be treated more extensively later, however, it's important to understand that for close to two thousand years, Maimonides' demands were of no practical import whatsoever. The dominant norm governing Judaism's engagement with violence was not that of a military power, squaring military necessity and morality, but that of a wandering, stateless, army-less people subject to the attitudes to violence of other nations and nationally enshrined faiths. In 70CE, the Romans destroyed the Israelite State based around Jerusalem, in the years

before and after this all the other vestiges of Jewish national and military presence were also erased. Judaism became a people with no physical border to protect, no army and no possibility of waging war. From Hasmoneans to Romans to Christians to Muslims, across time and place Jews have been persecuted, beaten, burnt, and, in a period as dark as humanity has experienced, been subjected to a level of genocidal brutality beyond our imagination.

Throughout almost two millennia of Diaspora existence, Jews were forbidden from bearing arms, and by and large, accepted this and other externally imposed regulations as the cost of survival, of 'doing business,' in a world governed by foreign might. Jews became pacifists by circumstance. Any drive to conquer territory was sublimated into mercantile endeavour or the exegetical engagement characteristic of Rabbinic Judaism. In place of soldiers Judaism valorised scholars. The Rabbis even turned the soldiers of the Bible into intellectuals. The Book of Samuel refers to David, slayer of Goliath, as 'a brave fighter and man of war.' The Talmud explains this to mean he knew how to argue his point in 'the war of Torah.'<sup>4</sup> Offered only the opportunity of military surrender, Judaism waged war on the entire notion of military bravado and playing by rules they themselves constructed, declared themselves victorious without recourse to sword or bullet.

**Throughout almost two millennia of Diaspora existence, Jews were forbidden from bearing arms, and by and large, accepted this and other externally imposed regulations as the cost of survival.**

By the beginning of the twentieth century Jews were growing weary of this purely exegetical triumph. Pacifism was being beaten out of them. By the dark years of

the '30s and '40s, any suggestion that Jews could respond to anti-semitic violence with words alone seemed more than rapid, it bordered on the offensive. The great pacifist, Mahatma Ghandi wrote, in 1938, that the Jews of Germany should protest against Hitler only using non-violent means. "I am as certain as I am dictating these words that the stoniest German heart will melt [if only the Jews], adopt active nonviolence... I do not despair of his [Hitler's] responding to human suffering even though caused by him."<sup>5</sup> The Jewish philosopher Martin Buber (hardly known as a militarist!) took Ghandi to task. The Jews of Germany, as Buber knew from personal experience, were dealing with a genocidal mania that would not respond to non-violence. Non-violent resistance in the face of utter brutality was capitulation. Of course said Buber, the violent response was one that could only be employed with 'fear and trembling' but "[I]f there is no other way of preventing the evil destroying the good, I trust I shall use force and give myself up into God's hands."<sup>6</sup> Alongside its abnegation of violence and love of peace, Judaism began to place increasing weight on the value of self-defence.

Then the wheels of history turned and Israel found itself with an army, a state, and arrayed around and even inside its borders, armed aggressors. Now what? Certainly ethical and religious factors have always been central to the vision of the defence of the Israeli State. The Israel Defence Forces (IDF) have an ethics code, drafted by religious leaders, professors, lawyers and generals, that continue to be drummed into soldiers during training. The code articulates the values of 'Human Dignity,' 'Responsibility,' and 'Purity of Arms' – 'IDF servicemen and women will use their weapons and force only for the purpose of their mission, only to the necessary extent and will maintain their humanity even during combat. IDF soldiers will not use their weapons and force to harm human beings who are not combatants or prisoners of war, and will do all in their power to avoid causing harm to their lives, bodies, dignity and property.'<sup>7</sup> When soldiers fail to live up to values espoused in the code they can expect investigation and reprimand.

However, the challenges faced by the Israeli State do not fit easily into categories outlined in a document written in ivory towers. Terrorist aggressors usually dressed as civilians have a propensity to launch attacks from and/or into densely populated areas full of civilians, both Arabs and Jews. Writing in the aftermath of Operation Cast Lead, December 2008, philosopher and member of the team who drafted the IDF Code, Moshe Halbertal, has empathy for Israeli soldiers confronted by recognisable military violence, but no recognisable army, 'By disguising themselves as civilians and by attacking civilians with no uniforms and with no front' writes Halbertal, 'paramilitary terrorist organisations attempt nothing less than to erase the distinction between combatants and non-combatants on both sides of the struggle.'<sup>8</sup> Israel faces what Halbertal calls acts of 'asymmetrical warfare.' It's hard to balance out risks of loss and risks of collateral damage even in moments of security, let alone in the heat of incoming mortars and katyusha rockets.

**There is a place for acts of retribution and revenge against the oppressors of Israel... There is no obligation to refrain from reprisal for fear that it might harm innocent people, for we did not cause it.**

The aftermath of an incident that is now fifty years old will serve as a test case from which to consider more contemporary religious responses. In 1953, when Palestinian terrorists launched attacks on Israel from Kibiya, a village on the then Jordanian controlled, West Bank, Israeli military responded ferociously. The village was all-but destroyed, many villagers were killed. It was an action with uncanny echoes for our times. Some religious leaders expressed no compunction in accepting the validity of violence in the face of terrorist

attack on Jewish lives. Rav Shaul Yisraeli, who went on to become one of the heads of Yeshivat Mercaz Harav Kook, justified the use of force as follows, 'There is a place for acts of retribution and revenge against the oppressors of Israel. ... They are responsible for any damage that comes to them, their sympathizers, or their children. They must bear their sin. There is no obligation to refrain from reprisal for fear that it might harm innocent people, for we did not cause it. They are the cause and we are innocent.'<sup>9</sup>

This is the tough uncompromising perspective of a hawkish politician, but Yisraeli justified the attack on Kibiya with reference to a classic Rabbinic concept. The community of nations, Yisraeli claimed, believed these kinds of military actions were permissible, therefore, Israel could avail herself of this international consensus in an application of a classic Rabbinic principle *dina d'malkhuta dina* – the law of the land is the law.<sup>10</sup> 'The foundation of *dina d'malkhuta dina* relates not only to what transpires within a state, but also to international matters as is the accepted custom,' claimed Yisraeli.

Putting aside the issue of whether the international community would have accepted the legality of actions taken in Kibiyah, Yisraeli's claim is that Israel should be judged by the standard of the ethics of nations at large. If the British bomb Dresden and the Americans lay waste to Hiroshima (both examples cited in support of his position), the Israelis can lay waste to Kibiya not only as a matter of military expediency, but also religious qualm.

More critical positions also crystallised in the aftermath of the attack on Kibiyah. The philosopher and commentator, Yeshayu Leibowitz, acknowledged the attack could be defended with reference to Rabbinic tradition or the standards of other nations, 'but let us not try to do so. Let us rather recognize its distressing nature.' Leibowitz compared Kibiya's destruction to the Biblical tale of Dinah.<sup>11</sup> Dinah, daughter of Jacob, was kidnapped, taken to Shechem and raped, an action that resulted in her brothers destroying the town and its male inhabitants. Leibowitz claimed the brothers 'had a decisive justification [for launching

the all-out raid]. Nevertheless, because of this action, their father Jacob cursed the two tribes for generations...Let us not establish [the modern State of Israel] on the foundation of the curse of our father Jacob!<sup>12</sup>

Both these responses – the hawkish and the cursing – can be observed in contemporary Jewish and Israeli discourse responding to contemporary acts of Israeli military violence, but there is a third way which, I argue is truer to Jewish discourse and analysis. Rav Shlomo Goren (d. 1994) founded the Israel Defence Forces Rabbinate, and served as its first Chief Rabbi for about two decades, subsequently serving as Chief Rabbi of Israel. Much of his vast scholarly output concerned military matters. His formally collected *Responsa on Matters of the Military, War, and Security*<sup>13</sup> alone run to four volumes and cover a vast range of issues, theoretical and practical, as applies to Generals and to Privates. Goren was no apologist.

## At the heart of Judaism lies an extraordinary articulation of the value of human life.

In a radical and broad application of principles learnt from an obscure law in Deuteronomy,<sup>14</sup> he deems Israelis responsible for any death that occurs anywhere in the occupied territories.<sup>15</sup> In 1982, Goren was Chief Rabbi of Israel and used his position to insist that an escape path be left open during the siege of Beirut (in accordance with Maimonides' demand as discussed earlier).<sup>16</sup> *Responsa* literature is technical, there are many competing factors to be balanced as religious aspirations and ugly brutality come into conflict. It also requires deep scholarly understanding of religious sensitivity and of military necessity. Goren's approach is untidy, often unpopular and even occasionally unsafe. However it is, I argue, the truest reflection of a Jewish tradition torn between dreams of peace and harsh political and historical realities. Those who wish to speak on the validity, or otherwise, of various acts of military violence need to study much, speak carefully and know that the safety

of certainty is not given to human beings. 'Who knows if your blood is redder,' asks the Talmud, 'perhaps their blood is redder.'<sup>17</sup>

Ethics and war make for uncomfortable bed-fellows. Military ethicists, particularly those who speak in the name of a religious tradition, should be troubled sleepers, uneasy and unsure, afraid that their pronouncements could condone the spillage of a single drop of blood. No matter whose blood may be shed, every drop is sacred, 'for the soul of all flesh is in its blood.'<sup>18</sup> At the heart of Judaism lies an extraordinary articulation of the value of human life. All humans, the book of Genesis tells us, are created from one original template – Adam. This is so, state the Rabbis, in order to teach us that 'whoever destroys a single soul, is considered as though they had destroyed an entire world; and whoever saves a single soul is considered as though they had saved an entire world.'<sup>19</sup> It is, of course, an articulation that Muslim scholars will recognise from their own scriptures.<sup>20</sup> The demand from the One God shared by both Jews and Muslims is that this message is taught and taught again and again, until the day when swords can indeed be turned into ploughshares, nations and individuals will cease lifting up swords against one another and none shall learn war any more. And then every person, Jew and Palestinian, shall be able to sit under their vine and under their fig tree, and none shall make them afraid.<sup>21</sup>

\*Rabbi Jeremy Gordon is Rabbi of New London Synagogue. He studied at Cambridge University, and the Jewish Theological Seminary in New York, and is associated with the British Masorti, as well as American Conservative denominations. His blog can be found at <http://www.rabbionanarrowbridge.blogspot.com/>

### ENDNOTES

- 1 BMidbar Rabba 11.
- 2 Ritba Megilla 18a d.v. U-Mah C14.
- 3 Hil Melakhim 6:7.
- 4 Talmud Bavli Sanhedrin 93b.
- 5 *The Collected Works of Mahatma Gandhi* (Ministry of Information and Broadcasting, Government of India) v. 68, p.189, Cf loc cit, pp.191-92 & 205.
- 6 Published in *The Letters of Martin Buber: A Life of Dialogue* By Martin Buber, Nahum N. Glatzer, Paul Mendes-Flohr (Syracuse University Press, 1996). The full exchange may be found in *A Land of Two Peoples: Martin Buber on Jews and Arabs* ed. P. Mendes-Flohr (Oxford, Oxford University Press, 1983) pp.106-126.
- 7 Available at <http://dover.idf.il/IDF/English/about/doctrine/ethics.htm>.

8 Writing in the New Republic November 6th, 2009, available at <http://www.tnr.com/article/world/the-goldstone-illusion>.

9 See Edrei, Arye (2006) "Divine Spirit and Physical Power: Rabbi Shlomo Goren and the Military Ethic of the Israel Defense Forces," *Theoretical Inquiries in Law*: Vol. 7 : No. 1, Article 11. Available at: <http://www.bepress.com/til/default/vol7/iss1/art11> at p. 70. I am indebted to Prof Edrei for his original research.

10 Talmud Bavli, Ned. 28a; Git. 10b; BK 113a; BB 54b and 55a. There is an irony, of course, in the notion that *dina d'malkhuta*, by its very nature a diasporic invention, is turned here into a staging post for bullish nationalism.

11 Genesis 34.

12 Y. Leibowitz, "After Kibiyeh," in *Judaism, Human Values and the Jewish State* (Eliezer

Goldman ed., Eliezer Goldman et al. trans., 1992).

13 Meshiv Milhama: She'elot U-teshuvot Be-inyene Tsava Milhamah U-vitahon (1983-1992).

14 Deuteronomy 21:1-9, if a dead body is found between two Israelite towns the Priests of the town nearest must accept responsibility for the blood shed and seek forgiveness.

15 See Edrei A. loc cit at p. 286.

16 Rav Goren's letter on the subject appeared in Hatzofeh 6th August 1982.

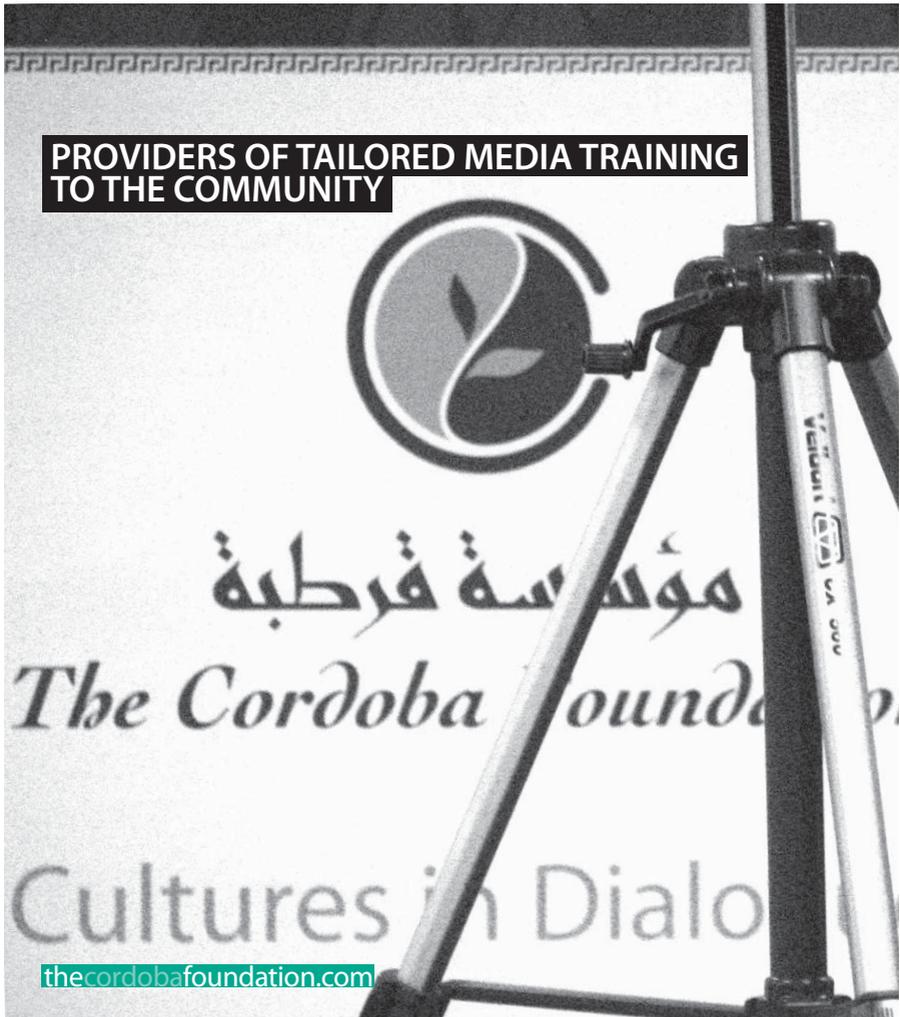
17 Sanhedrin 74a.

18 Leviticus 17:14.

19 Mishnah Sanhedrin 4:5, dated to the second century. The text has been cited according to the Kauffman manuscript, acknowledged as bearing the correct original version of this text. See Ephraim Elimelech Urbach, "*Kol Hamekayem Nefesh Achat ... Gilgulav Shel Nusach [Whoever Saves One Soul ... The Evolution of a Text]*," 40 Tarbitz 268 (1971).

20 Kuran 5:32.

21 Micah 4:4.





# Understanding 'Land of War' and 'Land of Islam'

\*DR JASSER AUDA

## OUTSIDE THE 'LAND OF ISLAM'?

ONE of the main concepts that shape the worldview and lifestyle of Muslim minorities is the concept of 'Muslim countries', or in other expressions, the 'Islamic World' or the 'Land of Islam'. This concept impacts significantly on the life of Muslims in the West in general. Several explanations can be offered in this regard, which include firstly, some Muslims perceive that they live in a 'non-Muslim' or 'disbelieving' country, whereby they give themselves a special status of an exceptional case. Based on this, some Muslims allow themselves to abuse the system, break the law, or think that the principles of justice and honesty do not apply in their dealings in this country as they apply in 'Islamic countries'

Some other Muslims, including some who are British, European, or Western, in the roots and to the core, always yearn to live in the 'Land of Islam' or an 'Islamic country'. Some, who are from the West, as long as history remembers their ancestors, venture to migrate or 'move back', only to face a shocking reality in some Islamic, and especially Arab, countries.

**A feeling that a Muslim does not live in his or her 'natural' and 'default' Land of Islam seriously hinders long term solutions for the 'integration problem.**

Moreover, and quite unfortunately, a growing group of Muslims take the view that because they do not live in the 'Land of Islam', therefore they live in the 'Land of War'. Bad politics and endless and unjustified wars, also quite unfortunately, give these people

additional justification to commit crimes – in the name of Islam – against fellow citizens, and thus, add fuel to an already vicious and endless cycle.

Last but not least, a feeling that a Muslim does not live in his or her 'natural' and 'default' Land of Islam seriously hinders long term solutions for the 'integration problem', for lack of a better term. Some Muslims lack the feeling of belonging and identification with the 'non-Muslim' country they already live in. This conflict has serious implications on many issues, from politics and education to community participation and citizenship.

This research explores the criteria for judging a certain geographical area to be a 'Land of Islam' in the Islamic law. The basic interesting finding is that the classic definition of a 'Land of Islam' is quite different from popular perceptions.

## 'FIQH' AND NOT 'SHARI'A'

Before discussing definitions of 'Dar al-Islam', one must note that this whole discussion does not fall in the area of 'shari'a' (the Islamic divine way of life), But in the area of *fiqh* (which is our human understanding of this divine way of life).

The word *fiqh* is used in the Qur'an and Hadith (Prophetic Traditions) in various forms to refer to the understanding, comprehension, and gaining knowledge of Religion in general. Eventually, and since the end of the era of the imams of the Islamic schools of law/thought, the word *fiqh* has been typically defined as, 'knowledge of practical revealed rulings extracted from detailed evidences'. 'Detailed evidences' are verses from the Qur'an and narrations of Hadith.

On the other hand, the term 'shari'a law' has negative connotations in the English language, because it is normally used to refer to various corporal punishments used

in some countries. Statistically speaking, these punishments have been applied predominantly on the weak and marginalised in these societies. This partial application raises serious questions about the political motives behind applying these punishments, regardless of the juridical/theological debates over them.

Nevertheless, the word shari'a is used in the Qur'an to mean a 'revealed way of life,' for example, the word 'shira' in al-Maidah chapter, and the word shari'a in al-Jathiya chapter. Abdullah Yusuf Ali translated them as 'Law' and 'Way,' respectively. Muhammad Picktall translated them as 'divine law' and 'road.' Dr T.B. Irving translated them as 'code of law' and 'highroad.' My translation of the word shari'a is 'a way of life', similar to that offered by Professor Tariq Ramadan.

It is necessary, for a number of theoretical and practical reasons, to clearly distinguish the concept of *fiqh* from shari'a.

Theoretically speaking, the two terms refer to two different meanings. *Fiqh* represents the 'cognitive' part of the Islamic law, to use a systems term, while shari'a, by definition, represents the 'heavenly' part of this law. Thus, the term *faqih* is used for people with 'understanding' (*fahm*), 'perception' (*taawwur*), and 'cognition' (*idrāk*), and is not to be used for God. On the other hand, the term *al-shāri* is a name for God, which means 'The Legislator,' not to be used for humans, except for Prophet Muhammad, when he 'conveys a message from God.'

And 'faqih' cannot be used for God because it is 'an attribute of deficiency rather than an attribute of perfection' And this entails the following:

- *Fiqh* could possibly be right and wrong. Scholars correct each others' mistakes. But Shari'a cannot be wrong. The Qur'an and the Prophetic Traditions are truths in their own right.
- *Fiqh* could change, and in fact must change with the change of place and time (except for the fixed matters such as the basics of faith and the various acts of worship, etc). But Shari'a does not change with the change of space and time.

Practically, blurring the line between *fiqh* and shari'a gives way to claims of 'divinity' and 'sanctity' in human juridical *ijtihad*. Historically, these claims have resulted in two serious phenomena, namely, mutual accusations of heresy and resistance of renewal of the Islamic law.

This exactly applies to the issue of various opinions on 'dar al-Islam' and 'dar al-harb', both of which are mentioned nowhere in the Islamic scripts. In other words, 'dar al-Islam' is not shari'a. It is only an interpretation of the shari'a that had a very specific historical context.

## CLASSIC DEFINITIONS

I carried out a survey on the concept of the 'Land of Islam' (*dar al-islam*) in a large number of classic and contemporary sources of the Islamic law known to us today, which includes various schools of Islamic law. The results of the survey reveal some interesting facts and popular misconceptions.

First of all, the two current popular criteria that define whether or not a country is 'Islamic' or part of the 'Land of Islam' are not supported by any school of Islamic law.

- The first criteria is 'having a 50% + 1 majority of Muslims', regardless of whether the constitution states that it is a 'secular country', such as Turkey, whether the constitution does not define any specific religion for that country; such as Nigeria or Indonesia, whether the head of state is non-Muslim; such as Lebanon, or whether the Islamic rituals and acts of worship are not generally practiced; such as a number of former Soviet Union States. In fact, classic judicial sources clearly state that the issue of Muslims being a majority or a minority in a certain country is irrelevant to a land being a 'Land of Islam', and some other criteria are suggested instead.<sup>1</sup>
- The other popular criteria, which was recently applied to a rural region of tribal Pakistan in an attempt to get it out of the 'Land of War' zone (!), is the application of the 'Islamic' criminal law (or *hudud*). However, I also did

not find any explicit mention in any school of law that relates the 'Islamicity of a state' or the concept of the 'Land of Islam' specifically to the *hudud*.

The question now is: What are the classic criteria for a 'Land of Islam'? The results of the survey could be summarised in the following five criteria.

- A land where Islamic rules (*ahkam al-islam*) apply.<sup>2</sup>
- A land where a Muslim ruler has control (*isteela*) over its affairs.<sup>3</sup>
- A land of security (*al-ammn*).<sup>4</sup>
- A land where the practicing of public acts of worship (*sha'ir al-islam*) is permitted.<sup>5</sup>
- A 'Land of Justice' (*dar al-'adl*).<sup>6</sup>

The following is a brief analysis of each of these concepts and their implications.

## THE 'LAND OF ISLAMIC RULINGS'

A popular definition of the Land of Islam in classic sources is, 'the land where the Islamic rulings apply'.<sup>7</sup> The question is: What are these 'Islamic rulings'?

I have detailed elsewhere<sup>8</sup> that a statute could be labelled 'Islamic' if it has two conditions:

- The legal philosophy and purpose is to achieve the purpose and higher objectives of the Islamic Law (*maqasid al-shari'ah*) such as justice, freedom of choice, orderliness, and the preservation of faith/religion, soul/life, lineage/family, mind/intellect, dignity/honour, and wealth/ property.<sup>9</sup>
- Statutes shall not go against any fixed Islamic ruling. Defining what is 'fixed' and what is 'variable' is a complex question.<sup>10</sup>

In other words, a law is 'Islamic' if it is not 'non-Islamic'. I had an interesting conversation with a Muslim convert from London who insisted that every law in the UK is 'non-Islamic'.

And when I asked him to explain why, he stated: Because this is not the 'land of

Islam'.

I asked: The laws that criminalise theft, killing, monopoly, bribery, abuse, and so on, aren't these 'Islamic laws'?

He said: No, because the people that propose them are not Muslims.

I replied: Well, some MPs are Muslim. But in any case, the religion of the person who drafts a law is irrelevant, isn't it?

He replied: No, because they did not have the right 'intention' (*niyyah*) when they proposed them.

I asked: What do you think their intention was? He said: The purpose behind these laws is only the achievement of justice.

I exclaimed: Isn't justice an 'Islamic' intention? He replied: No, because they applied justice because it served the material well-being of the people, not because it is ordained by God.

I said: But the well-being of the people is exactly the purpose of God's order to establish justice, isn't it?

The conversation ended there without agreement!

## 'Shari'a-compliant laws', were definitely not part of the 'Land of Islam' classic interpretation.

But in any case, given that the concept of law, in the *qanun* (legal statutes) sense, was not known in the Muslim-majority countries until the late nineteenth century.<sup>11</sup> It is safe to assume that the 'application of the Shari'a in the legal system', or 'Shari'a-compliant laws', were definitely not part of the 'Land of Islam' classic interpretation. These concepts have a 'post-colonial' context, the analysis of which is beyond the scope of this article.

Thus, the 'Islamic ruling' (*ahkam al-islam*) were explained in several other senses, which the rest of this article will attempt to explain.

## THE 'LAND OF A MUSLIM RULER'

To have a Muslim ruler in 'control' (*isteela*) over the affairs of a certain land is a criterion that some classic and contemporary scholars used for judging that a certain land

is indeed a 'Land of Islam'.<sup>12</sup> Al-Mawardi, for example, explicitly mentions that 'when Muslims reside in and control a certain land, it becomes a Land of Islam'.<sup>13</sup>

However, this criterion is subject to a number of conditions to be valid, prime of which is the ability of Muslims to practice their religious obligations, a public feeling of security, and the application of justice. A Muslim ruler who fails to observe or work towards these obligations jeopardises the status of 'Land of Islam' of his jurisdiction. Shaykh Rashid Rida summarises related opinions as follows:

"Indeed, many countries that are governed by Muslim leaders are countries where one is forced against practicing his/her religion and cannot reveal everything he/she believes in or fulfils his/her practical Islamic obligations, especially enjoying good, forbidden evil, and the ability to criticise rulings that go against the Law. This land, according to some scholars, is a 'Land of War'."

Thus, the existence of adequate security and freedom to allow Muslims to practice religion is, juridically speaking, more ['essential' - unclear?] than the religion of the ruler.

## THE 'LAND OF SECURITY'

In fact, a number of Imams stated that security is the purpose (*maqṣud*) of the Land of Islam versus Land of War classification, to start with, and not 'Islam' versus 'non-Islam' *per se*. Imam Abu Hanifa, for example, states: "The purpose (*maqṣud*) of calling a certain land a 'Land of Islam' or a 'land of disbelief (*kufḥ*)' is not Islam versus *kufḥ*. It is security versus insecurity."<sup>14</sup>

In July 2008, I had an interesting conversation in Deoband, India, where I was teaching a course on the Fundamentals of the Islamic Law to a group of students from Dar al-Ulum University and Anwar Shah University. I asked the students how they perceived India - Dar al-Harb or Dar al-Islam? At first, there was almost a consensus on the fact that India cannot be Dar al-Islam, since 'Islam' does not rule it since the days of the Moguls. I said: But it cannot be Dar

al-Harb either because there is no actual 'war' going on in India. Many students, however, thought that the 'war on terror' in India was actually a war on Islam, and thus it converts India into a Dar al-Harb. I corrected that view by saying that despite my great disagreement and disappointment with the so called 'war on terror', I still think that Muslims in India do have the freedom, generally speaking, to practice their religion and they are generally 'secure'. I was delighted when I learned that in April 2009, a group of Dar al-Ulum scholars issued a *fatwa* stating that India is not Dar al-Harb but rather Dar al-Amn (Land of Security), which is the purpose behind the classification anyway, as Abu Hanifa was quoted earlier.

Makka itself – according to Imam al-Bayhaqi – became a 'Land of Islam' after its 'conquest' only because of its newly found sense of security. Al-Bayhaqi writes, "Makka became a 'Land of Islam' and 'land of security' after its conquest because no one there was forced against his/her religion. Any other land is likewise if it acquires the same kind of security".<sup>15</sup>

It is clear from the classic definitions too that security itself is means to the end of freedom to practice the Islamic 'public acts of worship' (Arabic: *shā'ir al-islam*). Several scholars mentioned that Muslims who have adequate security and freedom to practice *shā'ir al-islam* actually live in a 'Land of Islam', even if they were a minority. Al-Qummi Al-Naisaburi explains, "Muslims, even a minority, are prevailing over non-Muslims, even if they were a majority, if they are not prevented from practicing the public Islamic acts of worship (*shā'ir al-islam*)."<sup>16</sup>

In what follows is an elaboration on the Islamic public acts of worship, which appear to form a more basic criterion for judging a land to be a 'Land of Islam'.

## THE 'LAND OF FREEDOM TO PRACTICE ISLAM'

The majority of scholars and schools of Islamic law find this criterion to be the 'true sign' for a land to be a 'Land of Islam'. Many refer to Prophetic Traditions that are interpreted to mean just that, such as about the importance of certain identifying acts,

like group prayers in the mosque, the call for prayer (*adhan*), pilgrimage, the celebration of *Eid*, and so on. Al-Mawardi states:

“The public acts of worship (*shā'ir*) of Islam such as group prayers in mosques and call for prayers are the criteria by which the Prophet, peace be upon him, differentiated between the Land of Islam and the Land of Disbelief.<sup>17</sup>

Similarly Al-Razi explained “if the Islamic acts of worship are evident in streets and public places, this certainly entails that Islam is dominant.<sup>18</sup>

Ibn Taymiyah stated “the public acts of worship (*shā'ir*) of Islam are the true signs that a certain land is a Land of Islam”.<sup>19</sup>

The ‘public acts of worship’ are defined to include a variety of Islamic rituals, which include one or more of the following, according to all different schools of law:

- 1) The five prayers.<sup>20</sup>
- 2) Calling for the prayers.<sup>21</sup>
- 3) Friday prayers.<sup>22</sup>
- 4) Fasting in Ramadan.<sup>23</sup>
- 5) Giving *Zakah* charity.<sup>24</sup>
- 6) Pilgrimage.<sup>25</sup>
- 7) Ablution.<sup>26</sup>
- 8) *Eid* prayers.<sup>27</sup>
- 9) Reading the Qur'an.<sup>28</sup>
- 10) Circumcision.<sup>29</sup>
- 11) Sacrificing animals to feed the poor.<sup>30</sup>
- 12) Building mosques, and especially minarets.<sup>31</sup>
- 13) Greeting people with ‘peace be upon you’.<sup>32</sup>
- 14) Charitable endowments (*awāqaf*).<sup>33</sup>

But if we – objectively – assess various countries around the world based on Muslims’ freedom to practice the above specific Islamic acts of worship, and create some sort of ‘index’ for them, we will quickly realise that many European countries – including Britain – would score perhaps much higher than many Muslim-majority countries in that index.

## THE ‘LAND OF JUSTICE’

This criterion, the achievement of justice, is so central in the Islamic in the Islamic concept of ‘Land of Islam’ to the extent that the ‘land of justice’ term interchangeably

with the ‘Land of Islam’ term in numerous sources.<sup>34</sup>

Justice is the basis of all of the above criteria, according to Islamic jurists, and hence more fundamental in the Islamic principles and purposes. Thus, an ‘Islamic leadership’ that is not based on justice and is based on ‘ethnic solidarity’ (*asabiyyah*) does not constitute a valid condition for the ‘Land of Islam’. Rashid Rida, for example, explains:

“The land of justice, which is the Land of Islam, is a land that has a true leader who establishes justice. This is contrary to the ‘land of injustice and aggression’, in which governorship is based on some Muslims’ ‘ethnic solidarity’ (*asabiyyah*), regardless of the establishment of the Islamic rulings.”<sup>35</sup>

Al-Mawardi also stresses the importance of ‘competence’ and a ‘good character’ of the leader in the ‘Land of Justice’. “People who are qualified to make decisions in the Land of Justice should choose a leader who possesses a good character and competent,”<sup>36</sup> explained Al-Mawardi. Ibn Taymiyah holds the ‘achievement of justice’ in a state as most fundamental and deserving of God’s support, even for a ‘nation of disbelievers’.

“In this life, people’s situations uphold when justice prevails in their society even if they fall into various kinds of sins. However, people’s situations do not uphold when injustice and lack of rights prevail in their society. That is why the saying goes: God upholds a state established on justice, even if it were a nation of disbelievers, and would not uphold a state established on injustice, even if it were a nation of Muslims. The other saying goes: This world lives with justice and disbelief, and does not live with injustice and Islam. The Prophet, peace be upon him, had said: ‘No sin has a faster Divine punishment than the sin of injustice ...’. Thus, people of injustice fail in this life, even if they were to be forgiven in the hereafter. This is because justice is the universal law of things.”<sup>37</sup>

Yes, God upholds states established on justice, because justice is the universal law of things. In my view, this is the ‘original’ and ‘authentic’ Islamic view regardless of the simplistic land of Islam/land of war classifications.

\*Dr Jasser Auda is an Associate Professor in the Public Policy Program in the Faculty of Islamic Studies, Qatar Foundation; a founding member of the International Union of Muslim Scholars; a founding director of the Maqasid Research Centre in the Philosophy of Islamic Law; member of the Academic Council of the International Institute of Islamic Thought (IIIT); member of the Executive Board of the Association of Muslim Social Scientists in the UK, and a visiting lecturer to Alexandria University Faculty of Law, Egypt, the Islamic Institute of Toronto, Canada, and the Islamic Fiqh Academy of India. He is a widely published author and a recent contributor to "Contextualising Islam in Britain", a policy report to the UK Ministry of Communities (2009), published by the University of Cambridge.

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- 17 Al-Mawardi, *Al-Ahkam al-Sultaniyah*, vol.1, p.275.
- 18 Al-Razi, *Al-Mahsul*, vol.4, p.43.
- 19 Ibn Taymiyah, *Al-Nubuwwat*, vol.1, p.197.
- 20 Al-Mawardi, *Al-Ahkam al-Sultaniyah*, vol.1, p.275, Ibn Al-Arabi, *Ahkam al-Quran*, vol.1, p.368, 530, Al-Razi, *Al-Tafsir*, vol.32, p.108, and Ibn Taymiyah, *Kutub wa Rasa'il*, vol.28, p.408.
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- 22 Ibid.
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- 24 Al-Razi, *Al-Tafsir*, vol.32, p.108.
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- 26 Ibid.
- 27 Al-Mawardi, *Al-Hawi al-Kabeer*, vol.2, p.48.
- 28 Ibn Al-Arabi, *Ahkam al-Quran*, vol.1, p.368, and Ibn Taymiyah, *Kutub wa Rasa'il*, vol.28, p.408.
- 29 Al-Kalabadih Al-Bukhari, *Bahr al-Fawa'id*, vol.1, p.130.
- 30 Ibid., vol.23, p.146.
- 31 Ibid., vol.28, p.408, and Al-Yunini, *Dhail Mir'at al-Zaman*, vol.2, p.58.
- 32 Al-Kasani, *Bada'i' al-Sana'i'*, vol.7, p.113.
- 33 Al-Yunini, *Dhail Mir'at al-Zaman*, vol.2, p.58.
- 34 Ibn Taymiyah, *Kutub wa Rasa'il*, vol.28, p.146, Rida, *Al-Khilafah*, p.50, 62, Al-Mawardi, *Al-Ahkam al-Sultaniyah*, vol.1, p.22, Al-Sarakhsi, *al-Usul*, vol.9, p. 182, Al-Kasani, *Bada'i' al-Sana'i'*, vol.7, p.80, Ibn Qudamah, *Al-Mughni*, vol.9, p.14, Al-Nawawi, *Rawdat al-Talibin*, vol.10, p.49, Al-Zar'i, *Al-Jawab al-Kafi*, vol.1, p.101, Ibn Abidin, *Hashiyat Raddul-Mukhtar*, vol.4, p.45, Al-Alusi, *Ruh al-Ma'ani*, vol.18, p.91, Nizam, *Al-Fatawa al-Hindiyyah*, vol.2, p.179, and Rida, *Al-Khilafah*, p.50.
- 35 Rida, Ibid.
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# Counter-Productive Counter-Terrorism: The Legacy of George Bush and Tony Blair

\*DR ROBERT LAMBERT MBE

IT is proving difficult for President Barak Obama and Prime Minister Gordon Brown to progress from the legacy of the war on terror inherited from their bellicose predecessors. Just as Obama deals with Bush's counter-productive rendition programme which has witnessed extraordinary human rights violations at Guantanamo Bay and around the world, so too Brown has been saddled with Blair's flawed notion that the wars in Iraq and Afghanistan are proportionate and effective responses to a small but dangerous terrorist threat in the UK -- something that he might privately wish that had never been started. Never has the old adage that 'a sledgehammer cracks more than the nut it is aiming at' been more graphically illustrated!

In truth though, there is a strong case for the opposite analysis having more credence. Al-Qaida (AQ) strategists are no different to strategists in all other terrorist groups in terms of their propaganda and recruitment strategy: governments should adopt military tactics and go to war against them harming and consequently re-energising the very same communities from which they seek recruits and derive support. In academia, the prospect that governments might overreact and introduce counter-productive counter-terrorism measures that unintentionally boost support for terrorists is well understood.<sup>1</sup> According to the AQ propagandist Saif al-Adl, 9/11 was intended to provoke the US to 'lash out militarily against the Ummah' in the manner if not the scale of 'the war on terror'.<sup>2</sup> 'The Americans took the bait' he continues, with the benefit of hindsight, 'and fell into our trap,' doubtless using hindsight to describe AQ's ability to predict the massive scale and range of the response to 9/11.<sup>3</sup>

Apart from falling for this familiar terrorist ploy<sup>4</sup>, the war on terror response fails to distinguish between inveterate AQ

ideologists<sup>5</sup> who may well be beyond the scope of immediate negotiation and local activists who may instead be susceptible to skilful intervention strategies. Nevertheless, Brown continues to argue that the war in Afghanistan is helping to reduce the terrorist threat in Britain.

However, when Blair first supported the bombing of innocent Afghan and Iraqi civilians in 2002 and 2003<sup>6</sup> no one appears to have asked for a community impact assessment to be conducted to assess the potential impact of the war on AQ's prospects for recruitment and tacit support in the UK. Indeed it is reasonable to ask if Blair was ever aware of the potential for boosting not reducing the terrorist threat by taking military action in Muslim countries. Perhaps this will be a question put to him when he attends the Iraq War inquiry.

## CONTEST FOR 'PREVENT'

Brown also inherited Blair's flawed response to 7/7 in terms of a 'hearts and minds' response to 'home-grown' terrorism. By insisting that the London bomb attacks had nothing to do with Iraq but instead were the product of 'an evil ideology' Blair opened the door for 'counter-extremist' and 'counter-subversive' experts and programmes aimed at combating 'Islamists' and not simply AQ.

Thus both the Sufi Muslim Council (SMC) and the Quilliam Foundation (QF) were launched to tackle the 'home grown' threat on the basis that it was inspired and nurtured by 'Islamists' and 'Salafis'. This was rather like saying the Provisional IRA was inspired by Catholicism, which is a flawed diagnosis of the problem and one, like the war on terror, that is proving to be counter-productive. Instead, in the author's experience, the most effective domestic Muslim community projects tackling the adverse influence of AQ propaganda, were the ones run by groups

that were regularly castigated by the new counter-extremist experts as 'subversive' and 'sectarian'<sup>7</sup>.

## Most police officers will testify, preventing crime is generally harder and less rewarding than detecting crime.

Regrettably, on this crucial topic, Brown appears disinclined to depart from Blair's precedent, perhaps still hoping to regain favour with Rupert Murdoch's media empire. Reference to Blair's deference to Murdoch is important because effective counter-terrorism is always going to be difficult to sell in a market that chooses to conflate the terrorist threat to Israel with the terrorist threats to the US and UK.

As most police officers will testify, preventing crime is generally harder and less rewarding than detecting crime. It is nevertheless an important aspect of police work that is often shared with youth workers in projects that are designed to encourage young people to move out of, or away from gun, gang and drug crime. However, under Blair's guidance the notion of prevention was adopted as part of the UK counter-terrorism strategy (known as 'Contest') and is described as 'Preventing Violent Extremism (PVE)' or 'Prevent' for short. If it is managed in partnership with experienced and capable local Muslim groups then there is no reason why Prevent cannot succeed in the same way other local crime prevention initiatives have achieved success. Unfortunately, Prevent is in danger of being undermined by so-called expert 'counter-extremists', most notably QF, who are more interested in 'counter-subversion' than 'counter-terrorism' or 'preventing violent extremism'.<sup>8</sup>

### THE QUILLIAM FOUNDATION

A preliminary analysis of the work of the government funded QF reveals how their work is more concerned to alter beliefs than to tackle terrorism. In their first strategy report QF recommended 'the immediate setting up of well-resourced de-radicalisation

centres in key cities across Britain, staffed by mainstream Muslim scholars...who counter Islamist ideology with traditional, pluralistic Islam'.<sup>9</sup> The QF report argues that 'the period spent in these centres must be substantial and exposure to genuine piety intense, to the extent where residents question... and are unable to defend...' [Islamist ideology].<sup>10</sup> Of course this predilection for brainwashing was the stock in trade of the QF leaders when they belonged to the extremist Islamist group Hizb ut-Tahrir (HT). It therefore appeared that QF had renounced HT's aims but not their methods! 'Rather than arrest upon suspicion of crime, we should identify potential terrorists (with support from family members and mosque congregations) and expose them,' the report continues, 'hopefully voluntarily, to genuine religiosity, and explain to them their misunderstanding of Muslim scripture.'<sup>11</sup> Thus the question to ask is 'if not voluntarily, then attendance by force?'

As Professor Gwen Griffith-Dickson has noted, these kinds of intensive 'interventions' are not original:

"Other such interventions, dubbed 'deprogramming', were attempted in the USA for members of religious cults in the 1970s and 1980s; but ran aground in legal and ethical quagmires and were replaced with the milder versions like 'exit counselling'. But these [QF] proposals in fact raise more ethical questions, 'deprogramming' itself because they go further. The American deprogrammers simply wanted to deconstruct and get rid of the undesirable religion. Here the [QF] proposal is to instil a religious attitude, interpretation or set of beliefs not held by the subject at the start of the intervention ('exposure to genuine piety' and so on). ....The legal and ethical implications are serious. But the likely effectiveness of the technique is also fatally compromised."<sup>12</sup>

Alan Johnson, Home Secretary, was forced to reprimand QF when its co-director Ed Husain identified Prevent as a vehicle for spying on Muslim communities.<sup>13</sup> However, what Johnson failed to acknowledge was the extent to which QF's whole ethos is tantamount to creating 'suspect communities' and that by funding it the

government endorses and legitimates QF's counter-subversive agenda. It is insufficient for Johnson to argue that QF has departed from Prevent policy. Moreover, for Johnson to insist that QF shares the same Prevent goal is disingenuous. QF has no expertise or interest in countering violent extremism and is ill-equipped to do so.

Nowhere is QF's counter-subversion strategy more apparent than in their recommendations for monitoring students.

"University authorities should actively monitor which Muslim faction controls the Islamic society and content of Friday sermons...; Radical sermonizers should be actively rejected by Muslim student bodies, and not given succour...; Leaders of FOSIS have a duty to help integrate its student population into British life, not encourage Saudi-style gender segregation...; Muslim students should not takeover multi-faith prayer rooms and then create 'Muslim-only areas...; University authorities should ensure prayer rooms do not become an 'Islamist underworld'...; University management should conduct spot checks on the content of lectures/sermons until sufficient trust in the Islamic society is re-established"<sup>14</sup>

This is classic counter-subversion work that should not be sold as counter-terrorism. It is about altering young people's thinking not their actions. There is so much pejorative conflation of routine Muslim behaviour with a terrorist threat in this report as to reveal QF's fundamental unsuitability for a role in Prevent, and the government funding that goes with it<sup>15</sup>.

## SPYING

Ed Husain's comments on Prevent as a vehicle for spying are revealing:

"It is gathering intelligence on people not committing terrorist offences. If it is to prevent people getting killed and committing terrorism, it is good and it is right. Prevent was created to increase the security services' knowledge of extremism in Britain... If those thoughts and beliefs are linked to killing people in a democracy, the state is the only actor in a democracy that can prevent violence ....It would be morally wrong of a taxpayer-funded programme designed to prevent

terrorism if it was not designed to gather intelligence in order to stop that terrorism from happening. The alternative is to let the buggers do what they wish, until they appear on the violence radar, which is too late. If you are in the business of counterterrorism, you must want your intelligence services to know what is going on."<sup>16</sup>

Again this highlights QF's implausible conception of the terrorist threat in the UK. QF's only claim to significance in the counter-terrorism arena is in its persuading the government that HT (where its leaders grew up) and other more mainstream Islamist groups, are a conveyor belt to AQ terrorism. This is unproven and unlikely. As respected terrorism scholar Martha Crenshaw argues, AQ 'is by no means a mass popular movement but it is a complex, transnational, and multi-layered organization with both clandestine and aboveground elements'.<sup>17</sup> This is so far removed from the QF analysis as to raise the prospect that QF is fighting a different enemy for a different purpose altogether. "That's the name of the game" Husain declared, "It's not about doing the right thing by Islamists or by liberal do-gooders, it's about creating a society where liberal do-gooders survive freely."<sup>18</sup>

Client confidentiality is a basic rule of youth work in inner city areas that applies equally well to government funded projects aimed at tackling gun, gang, drug and other kinds of street crime. Youth workers do not reveal details of their clients to police (still less to local government) unless there is reasonable suspicion of criminal activity. It would take more than an 'Information Sharing Agreement' contained within government-funded Prevent programmes to persuade an effective Muslim youth worker to abandon this golden rule of effective

**Good Prevent work takes place on poor urban British streets every day and helps reduce the influence of violent extremists.**

community engagement in dangerous environments. It is one thing for Husain to justify spying on “radical” Muslims from the comfort of a Westminster office, quite another for Muslims working on dangerous streets to be wrongly smeared as “informers” when their integrity deserves to be bolstered not undermined.

Good Prevent work takes place on poor urban British streets every day and helps reduce the influence of violent extremists. However, it owes everything to the integrity of youth workers, police and local government officials who focus wholly on their original remit. Their work should not be jeopardised by government support for QF and the counter-subversion strategy it embodies.

## POLICY EXCHANGE AND COUNTER-SUBVERSION

So far as QF’s backers in the think tank Policy Exchange (PE) are concerned they are right to undertake a counter-subversion strategy against Islamists. Charles Moore, Daily Telegraph columnist and chairman of PE, invoked the memory of a 1980s Thatcherite counter-subversion strategy against arch subversive Arthur Scargill, when warning a right wing audience in 2008 of a similar threat to democracy posed by Islamist groups including those who had worked successfully against al-Qaida influence.<sup>19</sup> Moore claims that a subversive threat licences a counter-subversive strategy every bit as clandestine and ruthless as the threat it seeks to undermine.<sup>20</sup> Now as then when combating communists like Scargill, embedded supporters within the ‘enemy camp’ would, Moore believes, be crucial players in efforts to undermine ‘the extremists’.

Thus Moore and Dean Godson of PE identify Ed Husain playing a similar role to Frank Chapple, the ‘moderate’ trade union leader who was willing to tackle, discredit and undermine the ‘extremist’ trade union leader Arthur Scargill:

“One of the most powerful lessons from Ed Husain’s remarkable book, *The Islamist*, is that the people most intimidated by Islamist extremism in this country are Muslims themselves....We need to realise that every

time the wider society enters into dialogue with the extremists we are not only dealing unwittingly with bad people, we are also empowering them against good people.”<sup>21</sup>

Husain, they argue, can help defeat Islamists in the same way. For Moore, now as then, there is an overriding need to confront a subversive ideology:

“The difficulty for the government in confronting Scargill was that he was the authentic, indeed the elected, leader of the miners. He did express some of their hopes and fears. He was one of them. But on the other hand, he was an extremist and a megalomaniac and a destructionist, a man who wanted the last battle with the evil Tories and was uninterested in what it might cost his own people. He could prevail only by suppressing dissent from his own members. This is not, perhaps, so different from some of the extremists who claim to speak in the name of Islam today.”<sup>22</sup>

Most worryingly, Muslim community groups who have been successful in confronting AQ propaganda and recruitment in London, are at the centre of Moore’s target for counter-subversion. Significantly, Moore in driving his agenda, has also targeted key figures in the Stop The War alliance that brought young Muslims safely into the realm of democratic activism. Interestingly such figures like Ken Livingstone, Jeremy Corbyn and George Galloway were also arch opponents of the Thatcherite campaign against ‘extremists’ in the 1980s. For Moore, Ken Livingstone was the epitome of a ‘fellow traveller’ of secular subversives in the 1980s and was reprising the role in the post 9/11 world as ‘cheer leader’ for Islamist extremists:

“We can reach out to all those who see themselves not as Muslims who happen to be in Britain but as proudly British *and* proudly Muslim — and also, indeed, to all those people of Muslim origin who dislike having their place in British society defined by their religious identity. In doing so, we should bear in mind the great Tory words of Edmund Burke about revolutionary agitation: “Because half-a-dozen grasshoppers under a fern make the field ring with their

importunate chink, whilst thousands of great cattle, reposed beneath the British oak, chew the cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field.<sup>23</sup>

For the government to allow QF and Policy Exchange to cast brave and effective Muslims in the role of ‘extremist’ and ‘subversive’ is to deny the major role they have played as partners in tackling violent extremism. It is also to overlook its negative impact in sections of the community where alienation is rife. Prevent funding to QF should be stopped forthwith – or put in an envelope marked ‘counter-subversion’ instead.

## FUTURE COUNTER-TERRORISM STRATEGY

If a Conservative government is elected in 2010, then there is a real prospect that the QF’s counter-subversion role will be expanded and not wound-up. It fits perfectly with Policy Exchange recommendations and the analysis set out in Michael Gove’s book, *Celsius 7/7*.<sup>24</sup> According to Gove, a senior member of the Conservative shadow cabinet and a former chairman of Policy Exchange, all ‘Islamists’ pose a subversive and sectarian threat. ‘The demands of national security’ he warns, ‘are different from those of criminal justice’ and require ‘exceptional legislation and the temporary curtailment of liberties’.<sup>25</sup> More especially, what is needed, he argues, is ‘an ideological effort’ to challenge and reject what he calls ‘divisive separatist identities’.<sup>26</sup> That is the ill-conceived work QF undertakes. To demand that effective and civic-minded Muslims be included as targets to be ‘challenged’ ensures this counter-subversion work will be unfair as well as counter-productive in terms of counter-terrorism.

\*Dr Robert Lambert MBE is a research fellow at the Department of Politics, University of Exeter, and retired head of the Metropolitan Police’s Muslim Contact Unit. Lambert’s doctorate researched partnerships between Muslim community groups and the Muslim Contact Unit (MCU) in tackling extremism and Al-Qaeda terrorist threats in Britain. Co-Director of the European Muslim Research Centre, he co-authored a ground-breaking report titled ‘Islamophobia and Anti-Muslim Hate Crime: a London Case Study.’

Cambridge: Cambridge University Press. p.270.

2 Ibid. p.270.

3 Ibid. p.270.

4 And thereby boosting Al-Qaida propaganda and recruitment strategy

5 Such as Saif al-Adl

6 Under the premise of regrettable but necessary collateral damage

7 For example, in London, success against convicted violent extremists was achieved by brave, civic-minded Muslims who had to face down violent threat for the benefit of fellow Londoners only to be recast by QF and the influential Policy Exchange think tank as dangerous subversives

8 Counter-subversion is defined as ‘that aspect of counterintelligence designed to detect, destroy, neutralize, or prevent subversive activities through the identification, exploitation, penetration, manipulation, deception, and repression of individuals, groups, or organizations conducting or suspected of conducting subversive activities’ - US Department of Defence Dictionary of Military and Associated Terms.

9 Quilliam Foundation, 2008. Pulling Together to Defeat Terror. Recommendations for Uprooting Islamist Extremism. April p.3.[www.quilliamfoundation.org](http://www.quilliamfoundation.org) accessed 12.01.09.

10 Ibid. p.4.

11 Ibid. p.3.

12 Griffith-Dickson, Gwen, 2008. Countering Extremism and the Politics of “Engagement,” Gresham College lecture, Allen & Overy, London Docklands. 29 April.

13 Johnson, Alan, 2009. Letter to Guardian, 20 October.

<http://www.guardian.co.uk/politics/2009/oct/20/prevent-terrorism-muslims-radicalisation> accessed 13.11.09.

14 Quilliam Foundation, 2008. pp.10-11.

15 Moreover, if the government had stuck with the proven method of giving funding to community groups with a track record of working effectively against violent extremism in a dangerous arena without funding then QF (and SMC) would have been disqualified in the first place.

16 Dodd, Vikram, 2009. “Spying is morally right, says think-tank,” Guardian. 16 October.

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17 Crenshaw, Martha, 2009. Communication with author.

18 *Op. cit.* Dodd, Vikram, 2009.

19 Moore, Charles, 2008. “How To Beat the Scargills of Islam,” The 2008 Keith Joseph Memorial Lecture. Centre for Policy Studies, 10 March.<http://www.policyexchange.org.uk/images/libimages/362.pdf> accessed 02.12.08.

20 Ibid.

21 Ibid.

22 *Op. cit.* Moore, Charles, 2008.

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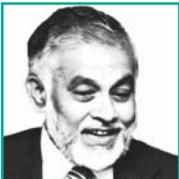
24 Gove, Michael, 2006. *Celsius 7/7*. London: Weidenfeld & Nicholson.

25 Ibid. p.137.

26 Ibid. p.138.

## ENDNOTES

1 Gerges, Fawaz A., 2005. *The Far Enemy: Why Jihad Went Global*.



## Why an Islamic State: The Life Project of Two Great European Muslims

\*CHOWDHURY MUEEN-UDDIN

This is a serious book by Dr M. A. Sherif about European roots of the struggle for an Islamic State. I say serious book, although it is more a long essay (40 pages), yet at a time when such thoughts are increasingly considered as an anathema, addressing the subject is indeed of profound importance and Sherif has handled it with his customary academic rigour.

The author successfully demonstrates why 'the socio-political dimension of Islam' is not a 'dead-end project of the 'Eastern' mindset'. By carefully sifting through the thoughts and actions of two outstanding European Muslims, Mohammad Asad and Alija Izetbegovic, he established how it is rooted firmly in European soil with little or no cross-fertilisation from the 'East'.

Sherif rejects this ritualistic trashing of the noblest of Islamic institutions – the Islamic State. 'Re-reading' the life mission of these two European Muslim giants he conclusively proves that there exists a distinct European strand for the struggle for an Islamic State; which, I am sure, will be a welcome reassurance for the workers for the Islamic idea in the West. He recounts how until the end of his life Asad remained true to his early understanding of Islam articulated in 1934 when he was only 34 years of age that, 'unlike other religions' Islam is not only a, 'spiritual attitude of mind ... but a self-sufficing orbit of culture and social system of clearly defined features'. This idea was translated into practical activism when poet-philosopher Iqbal persuaded him to stop his restless wandering 'and to remain in India to help elucidate the intellectual premises of the future Islamic state'. (p-13). Sherif's finding (p-15) that Asad was one of the two Mawlanas (the other being Mawlana Mawdudi) in setting up the Policy Institute, the Darul Islam Trust in 1938 further underlines how deeply involved Asad had been with the practical work of establishing this ideal. Quoting from Asad's 1980 publication 'The Principles of State and Government in Islam', Sherif demonstrates that not only did the Idea of Islamic State 'remain un-diminished' in Asad's mind till this latter part of his life but he also felt the need for the 'continuation of the discussion imperative' because 'none of the existing Muslim countries has so far achieved a form of government that could be termed Islamic' (p-34).

Asad's 'unchanging ideals' and 'continued commitment' to an Islamic state 'despite his disappointment of the Pakistan experience' is explored in greater length when the author provides further evidence from the

notes of Asad's monumental commentary on the Qur'an – the Message of the Qur'an (published in 1980). In Asad's view verse 4:59 provides 'the conceptual basis for the conduct of the Islamic state', while 3:159 as 'one of the fundamental clauses of all Qur'anic legislation relating to statecraft' (p-32/33).

As a member of Miladi Muslimani (the Young Muslim Association) Izetbegovic, with his youthful introspection was similarly shaping up his early ideas that 'Islam was not only a religion but also a universal ideology which included social affairs and matters of state (p-17). This idea never escaped him in his later years and even in prison he was thinking of establishing a political party different from Miladi Muslimani, as a Muslim party bringing together the Muslim peoples of Yugoslavia (p-35). This project the Party for Social Action (SDA) made reference to the 'powerful moral potential of religious teachings' in its manifesto and began its journey with the slogan 'Muslims should be re-Islamised'. Izetbegovic knew that 'it is a long and hard road' (p-38). In his Riyadh address at the end of 1997 he warned how copying other civilisations 'creates an inferiority complex in young generations of Muslims' while strong nations are those who 'hold on to their moral principles and remain true to themselves (p-39).

This image of a youth under siege and struggling to remain true to itself is real and present in our society today. Some even find it embarrassing to contemplate and dream about an Islamic state. They find it difficult to hold their ground and argue as the poet Iqbal did that 'when faith is removed from politics what remains is Chengizi'. That perhaps the secular Christians of today also missed the point of the oft-repeated prayer of the Bible which clearly prays for God's Kingdom on Earth, not just in heaven:

*'Thy Kingdom come, Thy Will be done, On Earth as in Heaven.'*

This is why Sherif concludes his treatise with a clarion call, 'the Muslim champions should inspire our next generation of leaders to hold fast to a vision of a political project grounded in the spirit of Islam'.

\*Chowdhury Mueen-Uddin was a seasoned journalist, who edited the Bangladeshi weekly *Taleem*, *The Prithivi*, and *The Purbodesh*, a publication of the Observer Group of newspapers. He is a prominent British Muslim, serving on the Boards of a number of distinguished charities while occasionally contributing to newspapers and journals.

# War Victims: Voices from the Occupied Land

\*ANYA HAINSWORTH

FOR the last year, when the world looks at Palestine it is on Gaza, but the less spectacular suffering of the West Bank continues. After almost two decades of 'peace' negotiations, the Palestinians and the international community have achieved no end to the Israeli theft of Arab land. Instead, the theft intensified, as did the destruction of the Palestinian economy and the frequent experience of violence, detention and travel restrictions at the hands of the Israeli forces. In October 2009, I spent three weeks in Abu Dis, a suburb of East Jerusalem now part of the West Bank and cut off from the city by the separation wall. There, I witnessed just how worse the occupation experience had become since my previous visit to the West Bank, in 1989.

In Abu Dis, I saw at first hand the strangulation of the Palestinian economy by the wall and the checkpoints. There are closed-down shops, many apartment buildings left half-finished from the 1990s, and dilapidated 'servis' taxis with torn seats and belching exhaust pipes which provide the main means of local transport. University students expressed their frustration that teaching or emigration were virtually the only options on graduation. People with West Bank ID cards can no longer go to work in Jerusalem. Commuting, even within the West Bank, risks checkpoint delays that make punctuality impractical. So young men often seek jobs in Saudi Arabia, Kuwait or Dubai, and if a whole family leaves, they may not be allowed to return. As noted by the Oxfam report of 2006<sup>1</sup>, trade, tourism and travel to work as well as access to agricultural land, have all been devastated by the Wall and the checkpoints, and GDP dropped by 30% in the five years to 2004. Unemployment is said to be above 20% and rising, though its measurement in such an informal, highly 'self-employed' economy defies statisticians.

## Land seizures have removed what hope Abu Dis ever had of developing new housing areas, parks and sports fields.

Abu Dis is overlooked by the settlement of Ma'ale Adumim, one of the largest in the West Bank, built during 1976-83, on land taken from Abu Dis and neighbouring areas. Advertised on international real estate sites<sup>2</sup> with prices of \$150,000 to \$450,000, the settlement now houses 33,000 Israelis. More land was taken to build the separation wall and settlement roads between 2002 and 2005. A further 314 hectares were confiscated in 2007.<sup>3</sup> There are plans to expand Ma'ale Adumim to 50,000, and to build a new separation wall extending its boundary 5km into the formerly Arab owned land of Abu Dis, and neighbouring areas.<sup>4</sup> Much of that land was declared a military zone in 1994.<sup>5</sup>

The land seizures have removed what hope Abu Dis ever had of developing new housing areas, parks and sports fields. With a fast-growing population of 13,000, Abu Dis has merely 46 hectares of land left compared to over 3,000 hectares in 1947<sup>6</sup> This implies 282 persons per hectare – a population density (very high by international standards), and almost three times that of London. Most families live in flats, which have nowhere for children to play. By contrast, Ma'ale Adumim has 110 hectares of green space and dozens of playgrounds.<sup>7</sup> The erection of the Wall divided Abu Dis and its neighbourhood from central Jerusalem, depriving its inhabitants of much land suitable for urban development, cutting off farmers from their olive trees and turning part of a once thriving shopping centre into a sterile military zone. The Wall

divides workers from jobs and patients from hospitals. It also divides many families – it is estimated that as many as 800 couples have found it impractical to continue living together because of the Wall, and some have divorced. In social and economic terms, it is as if north London was cut off from the centre by a wall across the Holloway Road, or Barcelona's Ramblas from Barceloneta, or the left bank of Paris from the right.

The expansion of Ma'ale Adumim has enormous political significance for future peace negotiations. The Israeli authorities want to see a settlement block extending the Jerusalem urban area deep into the West Bank, and cutting it almost in two, with the object of preventing Jerusalem ever from becoming the Palestinian capital and dividing the city centre from all the existing Arab towns and villages by Jewish-only suburbs.<sup>8</sup> People of Abu Dis would be able to access East Jerusalem and the Haram al Sharif only through a proposed underpass road – at a high cost. They would be completely surrounded by suburbs reserved for Jewish Israelis, as made clear in a map prepared for *Le Monde Diplomatique*<sup>9</sup>; expanding Ma'ale Adumim is a key part of the planned urbanisation of the area known to Israeli planners as E1 (East 1). The E1 plan is not without its opponents within Israel – for example Haim Erlich of Ir Amim (City of Nations;<sup>10</sup> who views the urbanisation of E1 as a military move to thwart Palestinian objectives in the 'peace process', and likely to obstruct that process further. It was also opposed, until recently, by the USA, but the Obama government's failure to stand up to Netanyahu's recent determination to continue building in East Jerusalem despite the 10-month settlement construction freeze, is highly significant, because it enables parts of the E1 plan to go ahead.

Netanyahu's stance may have regard for the votes of (amongst others) Ma'ale Adumim residents, who have long lobbied for the E1 plan. Whilst, about 15% settled there directly from the USA, and a further 15% from the ex-USSR<sup>11</sup>, most of them moved there from Jerusalem in search of lower-cost housing. House prices in Ma'ale Adumim are half of those in the city<sup>12</sup>, but jumped recently when

the market feared that international pressure would lead the Israeli government to halt settlement building.<sup>13</sup>

Abu Dis was once on the main road from Jordan to Jerusalem, which used to lead directly to the old city about 3km away. Now, the road turns around in front of the hideous 9m high concrete barrier, and detours 10-12km through an army checkpoint before reaching the Damascus Gate. The journey to the city centre, which in 1989 meant a short bus or taxi ride with no barriers, has become a near impossibility for those holding the green ID cards, issued to people born in the West Bank. Only those holding blue ID cards, which prove they came from Jerusalem and continue to reside there, are allowed to travel between the West Bank and Jerusalem. Through accidents of birth, many families find themselves with husband holding a blue ID card and wife a green one, or vice versa. Their children seem to be arbitrarily placed in either category; some siblings may be given blue and some green. For a green ID card holder to travel, even for a day trip, means applying for a special permit usually only given to access medical treatment or to visit a very sick relative; it is temporary, subject to delays and sometimes refused. Some families, at high cost, maintain an apartment in Jerusalem just to keep their blue ID card by proving they have residence there. Many blue card holders are emotionally torn apart, with elderly parents in Jerusalem, children with blue ID cards growing up there and a spouse confined to the West Bank.

## Since the erection of the Wall in 2005 several dozen babies have been born at checkpoints

At the checkpoints en route to Jerusalem, passengers must leave their vehicles and queue up for an ID check and often a search. Sometimes checkpoints are closed for some hours, why, it is never clear. Ahmed Mohsen, a 52-year-old diabetic, died in 2006 after being beaten on the head with rifle butts. He had attacked nobody, but merely had an argument with soldiers who refused to

let him pass the only checkpoint open to attend his hospital check-up in Jerusalem. According to a young doctor in Abu Dis, since the erection of the Wall in 2005 several dozen babies have been born at checkpoints whilst their mothers desperately tried to get through queues and questioning to Jerusalem maternity wards.

Travel restrictions also impede journeys within the West Bank. Whereas in 1989, Palestinians at least could travel freely for work, education and family visits, checkpoints – altogether over 800 of them<sup>14</sup> – are now a frustration of daily life. Holders of blue Jerusalem ID cards may not visit areas under PA control, cutting them off from any relatives or friends who live there. The West Bank is now divided into three types of security zone; those controlled by the Israeli forces (including Abu Dis), those controlled by both Israelis and the Palestinian Authority, and those under PA control. With checkpoints at the boundaries of each zone, almost any journey between towns risks major delays with queues, ID checks and searches.

Abu Dis houses Al-Quds University, whose thousands of students often miss classes by waiting an hour at checkpoints on their way from Ramallah or Bethlehem. For those who avoid this by renting apartments in Abu Dis, there are different risks. Several young men told me of how they had woken up in the small hours of the morning to find Israeli soldiers raiding their home, in pursuit of stone-throwers or people suspected of belonging to illegal organisations.

**Girls [were] tear-gassed because they wanted to attend school but could not, massing in frustration outside the locked school gates.**

The response of the occupiers to student activism seems to have become far more brutal over the years. During the first *Intifada*, I visited East Jerusalem and several West Bank towns. Some schools were closed

by the Israeli forces in an attempt to reduce stone throwing and demonstrations. My travelling companion on that trip witnessed girls being tear-gassed because they wanted to attend school but could not, massing in frustration outside the locked school gates. But the favoured weapon now seems to be rubber-coated or plastic-coated steel bullets, with appalling results. One of my students, now at university, pulled up his trouser leg to show me two 10cm diameter scars where he had been shot at the age of 14. A CADFA report<sup>15</sup> documents several shootings and beatings of university and school students in 2006-7. In these, one 19-year old and one student landlady were killed. During the unarmed and peaceful demonstrations against the bombing of Gaza in December 2008, one student was shot in the stomach and three in the head.<sup>16</sup> Hamam Mohsen, then 17, received three plastic bullets in the head, and for days was not expected to live. Eventually, he made a near-miraculous recovery but survives with a paralysed hand and significant brain damage.

The Israeli soldiers sometimes come looking for stone-throwers. But in several incidents they have imposed what appears to be collective punishment, or unprovoked violence on a horrendous scale. Two incidents in particular seem to mark out Palestinian youth as a 'suspect' population for the occupiers, in some ways analogous to the position of European Muslims in the 'war on terror' but far, far worse. In December 2007, police raided and smashed up two student cafes where people were watching a football match, breaking glass and fittings, kicking people and forcing them outside to be searched. They beat up two young shop workers and had them jailed for five months supposedly for attacking soldiers. After a single stone thrown from a school doorway in February 2007, the army invaded classrooms and beat teenage boys; several had their fingers broken with batons as they tried to protect their heads. A month later, boys found their way blocked by soldiers aiming weapons at the door as they tried to leave the school to have lunch; teachers formed an unarmed human barrier to protect them and persuade the army to leave.<sup>17</sup>

People in Abu Dis live with the fear that the army will raid whenever there is any disorder in Jerusalem. Tension mounted on Sunday, October 25 2009, when Israeli forces entered the Haram al-Sharif at dawn, apparently searching for youths who had thrown stones at them the previous day. People sat glued to their radio sets, waiting for news of the 15 or so people who had been detained there and the 20 or more – one local source said 49 – injured with plastic bullets. Media reports relied mainly on Israeli sources, perhaps not least because, according to residents of Abu Dis, five journalists present at the holy site were apparently attacked and their cameras broken.

Living only 3km from Al-Quds, and seeing the golden Dome of the Rock peeping over the horizon from their balconies, the people of Abu Dis see huge symbolic importance in the Haram al Sharif. For most Muslims it is a distant wonder, but in Abu Dis before the Wall, it was where people went to pray on Friday. In recent months, threats that settlers would try to take over and divide or desecrate the site have been at the forefront of people's minds, particularly leading up to Yom Kippur week. From all over the West Bank, Palestinian Muslims with blue ID cards organised themselves to come in buses and protect the Haram in shifts, leading the Israeli authorities to ban anyone between 10 and 50 years old from going there until October 11. On 27 September 2009, the Haram was invaded and Muslim worshippers attempted to defend the Al-Aqsa Mosque by throwing shoes at settlers and at the police protecting them.<sup>18</sup> Seventeen were wounded there, and a 16-year old youth was shot in the leg during a demonstration in Abu Dis against the invasion of Al-Aqsa.

## Prisons and threats of prison are sometimes used to intimidate, to further the objectives of the occupation.

The experience of Israeli violence and of detention has become so widespread that

perhaps one in five of the 80 odd adults I met in Abu Dis – university students, mothers and housewives, community workers and teachers, spontaneously mentioned that they, or some family member or friend, had been hurt, arrested or intimidated by the Israeli authorities<sup>19</sup> Such risks have almost become part of the normality of male adulthood. My boss for the month of October recalled his experiences in the first *Intifada*; when he was 16, his uncle told him, 'you have learned how to throw stones; now, to be a real man, you have to prepare yourself for an Israeli jail'. That sustained him during weeks of being blindfolded and interrogated in police barracks. Seventy students at Al-Quds University are currently incarcerated, plus an unknown number of schoolboys. Nobody ever asks on what grounds – they are always political, and the trials, if any, because detention without charge is common, rely heavily on confessions under duress, and often do not offer a defence lawyer.<sup>20</sup>

Prisons and threats of prison are sometimes used to intimidate, to further the objectives of the occupation. A woman journalist told me how she had assisted Fatah officials at a press conference in Italy. On her return, she was summoned for an interview with Israeli intelligence personnel and told that if she continued her political activities, she would be arrested. Another woman proudly showed me a beautiful model of the Dome of the Rock made by her brother-in-law during his seven year imprisonment during the 1980s. Her husband was one of four brothers jailed on political charges, which she says were fabricated - the real reason for their arrest was the family's refusal to sign a 'deed of sale' for their land. No money was offered; this was an attempt to rewrite the historic title deeds against the family's claim. Once the brothers were in jail, the authorities claimed that it had once belonged to a Jewish person and could be confiscated anyway.

Queuing for the plane back to London, I overhear other passengers chatting. One is a British émigré to Israel, a professional in his 30s, returning to visit his family. He loves Tel Aviv as other émigrés from the rainy north love other parts of the Mediterranean, above all for the sunshine. We were brought up in

the same London suburb – Finchley, where the parents of several of my childhood friends found a calm and welcoming refuge from the Nazis. Like me, he would probably now find Finchley house prices unaffordable. He chats with a couple who retired to Israel from north east London. As a UK citizen, I would be ashamed to think that any of these people suffered the kind of anti-semiticism which has led thousands of French Jews to emigrate in Israel since 2001. I doubt these Londoners have suffered that; I begin to wonder if they went to Israel in the same spirit as many people buy apartments in Malaga or the Algarve. I became curious about the origins and motives of recent migrants to Israel.

Although immigration to Israel is currently increasing the population by a mere 0.3% a year, out of total population growth of 1.8% per year in 2005-7<sup>21</sup>, 'aliyah' has enormous symbolic and political significance for the nature of the Israeli state. Of 101,000 new arrivals during 2001-2006, 67.2% were from the former USSR, a flow which is now falling off.<sup>22</sup> Over 10% were from Argentina, apparently a 'once off' effect of the economic crisis there. From Ethiopia came 9.3% and from the USA 4.9%, both in growing numbers. Another rising trend is immigration from France, 5% of the total, some at least motivated by anti-semitism.<sup>23</sup> Ironically, that itself is sometimes based on a misguided desire to avenge Palestinians.

A few days after my return, a controversial new book challenges the basis of the 'right to return' to Israel of the Jewish 'diaspora'. Shlomo Sand<sup>24</sup> has researched Jewish history and revealed that the majority of the world's Jewish people had ancestors who were converted to Judaism in Eastern Europe, in central Asia and in North Africa – those ancestors never lived in Palestine. Perhaps this has pulled the ideological rug from under a form of colonialism sheltered from criticism through nationalistic-religious arguments like no other has been since the Victorian period. As one commentator, Ben Alocs, said in the online edition of the Israeli newspaper Haaretz<sup>25</sup>, the book 'is another powerful argument in favour of the one state solution. The only long-term guarantee for future prosperity, peace and co-existence is

for Israel/Palestine to exist as the democratic state of its citizens, where it does not matter if one is a Jew, a Moslem or a Christian, black, brown or white.'

The director of the community centre in Abu Dis where I was teaching would agree with the 'one state' solution, but not because of the arguments of Shlomo Sand. As he told another volunteer teacher,<sup>26</sup> 'the best outcome is for a single democratic state, comprising Jews and Palestinians.... I do not believe that Israelis should get on a boat and go back to the countries they came from. Most Israelis are second generation, third generation and have no other home than this. I do not have this idea that the Palestinians lived here "from time immemorial" and that the Jews are totally different and alien. There have always been settlements and conquests, mixtures migrations, one people after another: Greeks, Romans, Crusaders, Kurds, Turks ...'

**What is clear from a first hand experience of meeting West Bank people is that their profound sense of injustice is tempered with extraordinary patience.**

Most of those who I spoke to during my stay in Abu Dis had little faith in the peace process, or in a 'two state' solution. What they wanted was an end to land theft and to the oppression of the occupation. As Farida al Amad, the director of a women's centre in Ramallah said to a delegation of Londoners whom I accompanied on my last day in the West Bank, 'what's the use of peace negotiations when they keep stealing land? Peace would mean the return of our rights and Jerusalem as our capital.... I don't hate Americans because they are Christians but because they are colonialists. If I have anything against Israelis, it's not because they are Jews but because they steal land.' Now in her 70s, she recalled her childhood in Jerusalem's old city, where Jewish, Christian and Muslim neighbours invited each other to share their feasts on days of religious festivals.

Her Muslim father allowed her to attend chapel at her Baptist school, acknowledging that all the 'religions of the book' were from the same source.

Could this kind of co-existence ever return? Maybe, but the first steps must surely be a stop to settlement building, to military rule, and to the strangulation of Palestinian society by the wall and the checkpoints. What is clear from a first hand experience of meeting West Bank people is that their profound sense of injustice is tempered with extraordinary patience. East Jerusalem, where people of all kinds still mingle without barriers, is not Belfast; somehow it has escaped hate graffiti and communal rioting. After 60 years of occupation, one might have expected to see far more anger, stress, depression and hatred. But in my encounters with Palestinian people, these negativities very rarely surfaced; perhaps because of their solid grounding in their religion and the support they obtain from strong family structures. In this way they continue to make the most of their lives, and sometimes risk those lives in a largely peaceful resistance.

A poignant example of this is Hamam Mohsen, the young man who lost part of his brain and part of his future protesting against the bombardment of Gaza. Only eleven months after he was shot, he was able to travel to London as a tourist with the support of solidarity activists, and I had the pleasure of taking him and his father on the London Eye on a sunny autumn morning. Hamam's recovery against all the odds to be able to enjoy music and take snapshots on his mobile phone is, hopefully, a symbol of how Palestinians' fate could turn around.

\*Anya Hainsworth is a retired academic research worker from London. Formerly a specialist in social policy, she recently spent three weeks as a volunteer English teacher in Abu Dis in the West Bank. Hainsworth developed a lasting interest in working with and for the Palestinian people after visiting the West Bank with a group of mainly Jewish human rights lawyers in 1989, during the first Intifada.

## ENDNOTES

- 1 Oxfam; <http://www.oxfam.org/sites/www.oxfam.org/files/poverty%20in%20palestine.pdf>
- 2 See for example <http://www.anglo-saxon.co.uk/PropToOfficeEng.asp?OfficeID=165> or <http://www.janglo.net/index.php/Ma-ale-Adumim>
- 3 Camden Abu Dis Friendship Association 2008, 'Voices from Abu

Dis' pp.27-8

4 Local sources in Abu Dis and see note 3, p.29; also see <http://www.independent.co.uk/news/world/middle-east/israels-secret-plan-for-west-bank-expansion-1674759.html>

5 <http://www.jr.co.il/ma/manews10.htm>

Until then, a building which now houses the Israeli police headquarters was a working hotel. When it was taken for the military zone, the owner, then living in the UK, asked the British Ambassador to intervene, but to no avail.

6 See note 3, pp. 88-89

7 <http://www.jr.co.il/ma/manews03.htm>

8 *Jerusalem Post*, August 15, 2008, <http://www.jr.co.il/ma/manews05.htm>

9 Jan de Jong, 'Ma'ale Adumim, a flagship settlement in the West Bank',

November 1999; <http://mondediplo.com/maps/westbankmaaleadunimdp1999>

10 An organisation of Israelis for dialogue with Palestinians; see <http://www.jr.co.il/ma/manews10.htm>

11 Interview with Benny Kashriel, the Mayor of Ma'ale Adumim in *Jerusalem Post*, 28.4.05; <http://www.jr.co.il/ma/manews05.htm>

12 <http://www.jr.co.il/ma/manews08.htm>; <http://www.janglo.net/index.php/Ma-ale-Adumim>

13 US National Public Radio, 22.7.09; <http://www.npr.org/templates/story/story.php?storyId=106850104>

14 See Dr Daud Abdullah's report on the Cordoba Foundation website <http://www.thecordobafoundation.com/attach/BritishinvolvementintheWB.pdf>

15 See note 3, pp. 68-77

16 <http://www.camdenabudis.net/docs/CADFA%20report%20from%20Abu%20Dis.doc> and ISM report on shooting of Hamam Mohsen <http://palsolidarity.org/2008/12/3743;shooting%20in%20stomach> <http://www.camdenabudis.net/urgentactioncampaignseriqat.html>

17 See note 3, pp.68-70

18 <http://english.aljazeera.net/news/iddleeast/2009/10/2009102562438423180.html>, <http://www.presstv.ir/detail.aspx?id=109554&sectionid=351020>

202; *the Scotsman*, 25.10.09; <http://news.scotsman.com/world/Battle-of-the-ALAqsa-mosque-5764847.jp> <http://english.aljazeera.net/news/iddleeast/2009/10/200910572553875419.html>; and <http://www.camdenabudis.net/docs/27th%20Sept%2009.pdf>

19 This concurs with Daud Abdullah's report (<http://www.thecordobafoundation.com/attach/BritishinvolvementintheWB.pdf>), which estimates that about 20% of the Palestinian population have suffered incarceration for political reasons – although sometimes, unfortunately, at the hands of the Palestinian Authority

20 CADFA volunteers have collected further information about this at <http://www.camdenabudis.net/volunteering.html> - see 'prison stories' and the linked <http://falafelfairy.blogspot.com/>

21 [http://ddp-ext.worldbank.org/ext/ddpreports/ViewSharedReport?&CF=1&REPORT\\_ID=9147&REQUEST\\_TYPE=VIEWADVANCED&HF=N&WSP=N&DIMENSIONS=110](http://ddp-ext.worldbank.org/ext/ddpreports/ViewSharedReport?&CF=1&REPORT_ID=9147&REQUEST_TYPE=VIEWADVANCED&HF=N&WSP=N&DIMENSIONS=110)

22 <http://en.wikipedia.org/wiki/Aliyah#Statistics>

23 *USA Today*, 22 November.2004; [http://www.usatoday.com/news/world/2004-11-22-jews-france\\_x.htm](http://www.usatoday.com/news/world/2004-11-22-jews-france_x.htm)

24 Shlomo Sand; 'The Invention of the Jewish People'; Verso 2009

25 <http://www.haaretz.com/hasen/spages/966952.html>

26 <http://www.abudisvolunteer.blogspot.com/>



# Reflections on 'Palestine in Pieces' by Kathleen & Bill Christison, International Law and The Culture Of Denial

\*JOHN MCHUGO

IF you know a secret you think carefully before revealing it. You ask yourself what is your motive, and what good – or harm – might come from your action. There are some secrets that should never be told, but when it is an injustice that is kept secret you must surely look at the matter the other way round. What good will come from continuing the concealment, and what are the motives of those who wish the secret not to be known?

The Israeli 'new historians' have shown that crucial elements of the Palestinian narrative of dispossession in 1947-9 were confirmed by Israeli archival sources. According to Eugene Rogan and Avi Shlaim, when Likud was returned to power in Israel in 2001 orders were given that no trace of the influence of these new historians should remain in history text books used in schools<sup>1</sup>. This is only one example of a whole culture of denial which extends beyond history to what Israel is doing in the occupied territories today. That is why *Palestine in Pieces* is so valuable. It is written in simple, clear English. The powerful photographs relate directly to the text. You can read it in a couple of hours, and it will make you understand the violence, pillage, and 'memoricide' that underpin Israel's occupation, and how that occupation deprives Palestinian Muslims and Christians of their rights, possessions, dignity and sometimes even their lives. I hope it will become a basic text used in Sixth Form and University courses in this country, and that it will be equally successful in America.

Yet the facts are not the whole story. *Palestine in Pieces* forces us to confront the facts, but they must be considered in the light of international law in order for our consciences to be properly formed. It is when we do this that the moral bankruptcy of Israel's culture of denial becomes plain for

all to see.

Although international law arose in Europe at the end of the Middle Ages, when the religious unity of the continent was shattered by the Reformation, it cannot be called purely European or Western today. Other states have played an important role in it for centuries. When Napoleon invaded Egypt in 1798, the Ottoman response to his aggression was couched primarily in terms of international law<sup>2</sup>. As soon as they became independent, the states of Latin America played a full part in it, and were influential in developing the rule that sovereignty over territory may not be acquired by war. This principle began as a regional custom among the states of Latin America and then became a customary principle of international law in the mid-twentieth century.

*Palestine in Pieces... shows that only a minuscule fraction of what Israel has done in the occupied territories can be seriously described as bona fide for its self-defence.*

Support for international law is also written into the preamble to the charter of the Organisation of the Islamic Conference<sup>3</sup> and many other international organisations. International law is something that all people, of whatever faith or none, can share. Indeed, as Philippe Sands has pointed out, these days it seems to be the USA that is most likely to be reluctant to accept international law except, of course, in those particular instances that suit it<sup>4</sup>.

There are basically two arguments which are given to justify Israel's occupation. The

first is religious, that Jerusalem and the West Bank make up the core of the Promised Land which therefore rightly belongs to 'the Jewish people'. The other is the security argument: Israel needs control over this land for security reasons and may therefore annex it (or parts of it). Both arguments can be answered with international law.

It ought to be much better known that international law does not admit claims to sovereignty over territory brought for religious reasons. Such claims have been ineffective since at least the 17<sup>th</sup> century when Grotius, following Aquinas and the Spanish writer de Vitoria, argued that territorial sovereignty is a natural law right and that anyone, irrespective of his religion, is 'the master of his own property'<sup>5</sup>. Today the people of the occupied territories have the legal right to self-determination.<sup>6</sup> This overrides any claim to sovereignty over their land by Israel.

*Palestine in Pieces* also shows that only a minuscule fraction of what Israel has done in the occupied territories can be seriously described as bona fide for its self-defence.

International law gives us a litmus test by which to detect special pleading and the culture of denial. I would like to pay tribute to two great Jewish international lawyers whose judicial consciences have helped Palestinian rights and thereby helped combat that culture of denial.

The first is Thomas Buergenthal, the American judge at the International Court of Justice in the Hague. He is a childhood Holocaust survivor who has become a human rights specialist and was the only judge not to put his signature to the Court's Opinion on the Wall in July 2004. Nevertheless, he made a separate declaration to the Court, in which he stated that it was his firm view that the Palestinian territories were occupied territory for the purposes of international law, and that therefore the Israeli settlements in them were illegal<sup>7</sup>. By making this declaration, Judge Buergenthal ensured that there was unanimity among the judges on the Court on that crucial point.

The second is Judge Richard Goldstone<sup>8</sup>. He is now much better known. The personal attacks on this former trustee of the Hebrew

University speak for themselves and show you the extent of the culture of denial. I am very proud that Ed Davey, the shadow foreign secretary of the Liberal Democrats, the political party which I joined after the Iraq invasion, has publicly endorsed the Goldstone report. Our government, shamefully, did not vote at the UN on its adoption.

International law and the judicial consciences of courageous jurists like Buergenthal and Goldstone give us a way to fight this culture of denial. This culture should no longer be tolerated.

The two columnists in this country who exemplify the culture of denial for me are, ironically, participants in *The Moral Maze* on BBC Radio 4. The first is Melanie Phillips who, in her book *Londonistan*, published in 2006, attacks Haj Amin Al-Husseini, the Mufti of Jerusalem then goes on to extend this into an attack on the Palestinian people generically.

After giving a thumbnail account of Al-Husseini's war time activities in support of the Germans, she writes that 'the history of the Palestinian Arabs is therefore inextricably bound up with their complicity in the Nazi Holocaust'<sup>9</sup>.

This is completely unacceptable. Was every Palestinian Arab, living, dead or yet to be born complicit in the Holocaust? I question whether a person who can write such offensive rubbish should be given space by *The Daily Mail*, *The Spectator* or *The Jewish Chronicle* to peddle her views. Is it right that she should be on the BBC's panel for *Question Time*? Or *The Moral Maze*?

The other columnist is Michael Gove. On 2 April 2002, in his column in *The Times*, he described Palestinian grievances as 'manufactured'. He also wrote: 'Whether it is the Mitchell plan, the Tenet plan or the Saudi Crown Prince Abdullah's Arab League-sponsored plan, there is a quack's cabinet of patent salves always on offer to apply to the Middle East's agony. But all such treatments, like the snake oil peddled by Al Haig in 1982 and the "clean" dismemberment which Chamberlain and Daladier administered to Czechoslovakia in 1938, can only cause the infection to take yet more vigorous hold. For

each of these “peace plans” rewards terror by ratifying the gains secured by violence and reinforcing the message that the West is too weak to resist aggression.’

The Arab League peace plan to which he refers proposes a settlement which is intended to reflect the legal entitlements of the parties. It is not ‘snake oil’ or ‘a quack’s salve’. For Gove to compare it with the dismemberment of Czechoslovakia at Munich in 1938 is monstrous.

## There is a culture of denial out there. We must fight it.

In 2006 when he published his own book – *Celsius 7/7* – (a free copy of which is given to you with your joining pack if you become a member of the Conservative friends of Israel, according to their web-site) it contained nothing to suggest he had backtracked from this earlier view. In this book, he argues that Israel was entitled to ‘more defensible borders’ but omits to mention that in international law territory acquired by war may not be annexed, and that if adjustments to borders are required they should be reached by a free and fair agreement – as, indeed, Resolution 242 provides. He asserts that in 1967 by losing the West Bank, Jordan only lost ‘a sliver’ of its territory<sup>10</sup>. There is absolutely no sign of awareness in what he writes that the Palestinians have a claim to justice from Israel or a right to self-determination in their own land. There is nothing to suggest that he has changed his view that their grievances are ‘manufactured’.

Until Gove withdraws these remarks, I suggest that, like Phillips, he is not a fit and proper person to write columns in a mainstream newspaper or to appear on the BBC.

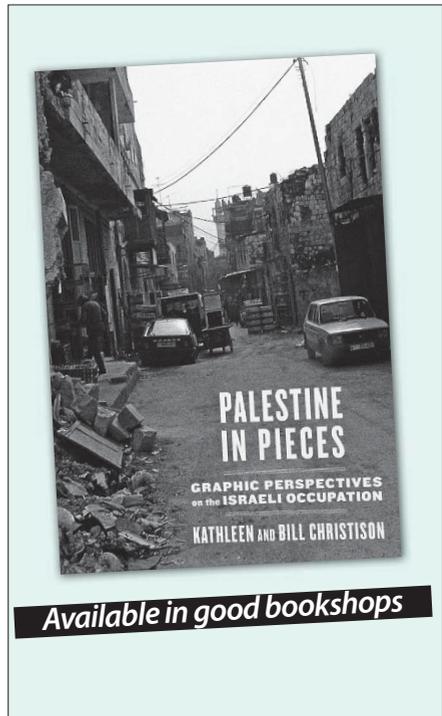
There is a culture of denial out there. We must fight it.

\*John McHugo is the chair of the Liberal Democrat Friends of Palestine, a member of the Executive of CAABU (the Council for Arab British Understanding) and a director of the Joint Arab British Chamber of Commerce. He studied Arabic at the university of Oxford and the American University in Cairo, and carried out research into Ghazzali’s *Ihya’* and the *Sufi Manual Literature of the 10th- 12th Centuries A.D.* before qualifying as a solicitor. His work on the interpretation of UN Resolution 242 is well known. He is

currently writing a book *Rebuilding Babel: the West and the Arab World*.

### ENDNOTES

- 1 *The War for Palestine*, Ed. Rogan and Shlaim, 2<sup>nd</sup> Edition, pp.xxi-ii, Cambridge 2007.
- 2 Cole, *Napoleon’s Egypt: Invading the Middle East*, p.157 Palgrave MacMillan, 2007.
- 3 The preamble provides that the member states have determined ‘to adhere our commitment to the principles of the United Nations Charter, the present Charter and international law’. For the full text, see [www.oic-oci.org/is11/english/Charter-en.pdf](http://www.oic-oci.org/is11/english/Charter-en.pdf).
- 4 See, generally, *Lawless World*, Philippe Sands, revised edition, Penguin, 2006.
- 5 See Hugo Grotius, *Mare Liberum*, tr. Magoffin, O.U.P. New York 1916, p.13 and the discussion in Kattan, *From Coexistence to Conquest: International Law and the Origins of the Arab-Israeli Conflict, 1891-1949*, Pluto, 2009, p.57.
- 6 See e.g. *Opinion by the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, July 2004, para. 118. [www.icj-cij.org/doctet/files/131/1671.pdf](http://www.icj-cij.org/doctet/files/131/1671.pdf).
- 7 See *Declaration by Judge Buergenthal*, [www.icj-cij.org/doctet/files/131/1687.pdf](http://www.icj-cij.org/doctet/files/131/1687.pdf)
- 8 See *Report of the United Nations Fact Finding Mission on the Gaza Conflict*, 15 September 2009, [www2.ohchr.org/English/bodies/hrcouncil/specialsession/9/docs/UNFFMGC\\_Report.pdf](http://www2.ohchr.org/English/bodies/hrcouncil/specialsession/9/docs/UNFFMGC_Report.pdf)
- 9 Melanie Phillips, *Londonistan*, Gibson Square, 2006 p.168.
- 10 Gove, *Celsius 7/7*, Weidenfeld & Nicholson, 2006, p.54.





## From Aceh to Helsinki: Lessons

\*PROFESSOR MICHAEL MORFIT

INDONESIA is one of the few countries in the world that experiences man-made and natural disasters on a regular basis. This is compounded by major prolonged conflicts between the central government and regional ethnic separatists groups. In most instances, these have been rooted in historical grievances between an ethnic minority with a regional base and the central government dominated by Indonesia's ethnic majority, the Javanese.

One of the longest conflicts was the struggle by the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM) to establish an independent state on the northern tip of Sumatra. Although ostensibly an internal affair, this armed insurgency involved international advocates and allies enjoying significant financial and political support from an active ethnic Diaspora, with networks that stretched from neighboring Southeast Asian states to Europe and America. Within Southeast Asia, the insurgency even enjoyed more direct clandestine support from acquiescence neighboring states, including safe havens for training GAM military cadre.

At its peak, from the mid-1990s until about 2003, the conflict had major negative impacts on civilian populations within the province of Aceh, with significant casualties, destruction of physical infrastructure and disruption of economic activities. Inevitably, the armed struggle also led to accusations by international observers and groups of human rights violations towards the civil populations against both the GAM and the national government.

Of even greater concern was the extent to which the insurgency in Aceh became something of an inspiration to other disaffected ethnic groups seeking independence from the government in Jakarta. For both the national government and also the international community closely following events in Indonesia, the impact

of the Aceh insurgency in the resource-rich province of Irian, at the other end of the island archipelago, was of particular concern.

**During the Soeharto regime, the Indonesian military had been both the chief instrument for combating GAM and also the strongest political opponent of any concessions that would threaten the integrity of the Indonesian state.**

For Indonesia, there was no easy or obvious solution to the conflict in Aceh. Although there had been periodic fitful negotiations yielding tenuous peace agreements in the past, these consistently came unraveled. Each cycle of faltering negotiations and failed agreements was followed by escalating violence and deteriorating trust between two sides. Ironically, negotiations often seemed to end up pushing the parties further apart.

However, the 2004 tsunami provided an opportunity to break out of this cycle of violence. The 2005 Helsinki Memorandum of Understanding allowed both sides to bring the conflict to an end and launch a new era in Aceh. This paper seeks to explain how this opportunity was seized by both sides as well as identifying the critical factors enabling negotiators in Helsinki to reach agreement.

This paper draws heavily on previously completed research involving face-to-face interviews with the leaders of both the Government of Indonesia and GAM, as well as political observers and analysts and

Indonesian media sources<sup>1</sup>. The paper reviews negotiations held in Helsinki and identifies salient lessons from the resolution of the conflict that may have some relevance beyond Aceh and also identifies a possible strategy to address similar problems in other countries.

## ACEH AND THE HELSINKI MOU

### *Prelude to Helsinki*

After decades of conflict between the national government and GAM, the fall of President Soeharto in May 1998 seemed to open a new opportunity to for some kind of political settlement in Aceh. During the Soeharto regime, the Indonesian military had been both the chief instrument for combating GAM and also the strongest political opponent of any concessions that would threaten the integrity of the Indonesian state. In the post-Soeharto era of government reform, however, public sentiment in general had turned sharply against the military, reducing its ability to drive national policy regarding Aceh.

This dramatic change in the national political environment created the space for several different efforts to negotiations between the Jakarta government and GAM. From 1999 to 2003, three different Indonesian presidents were involved in different efforts to reach some kind of settlement with GAM and end the conflict. All were unsuccessful.

Despite the inability of either side to prevail militarily, neither side was prepared to make significant compromises to the other. For each, a negotiated settlement was more of a tactical pause than a strategic goal<sup>2</sup>. Peace negotiations were thus seen as a convenient tactic, a time to regroup but not a genuine path to reach an enduring settlement.

### *Helsinki Negotiations in 2005*

The public announcement that negotiations between the government and GAM would begin was made in a press release by the Finnish non-governmental organisation, the Crisis Management Initiative (CMI), on January 23, 2005. The negotiators met on January 27 for the first of what was

eventually five rounds of negotiations over seven months. CMI's founder and president, former Finland President Martti Ahtisaari, served as the convener and facilitator of the negotiations. Although the negotiations were supported by the government of Finland,<sup>3</sup> Ahtisaari actively managed the negotiation process<sup>4</sup>.

This announcement, however, made no mention of the very active dialogue between the Government of Indonesia and GAM that stretched back at least eighteen months, from June 2003. Both Susilo Bambang Yudhoyono<sup>5</sup> and Jusuf Kalla<sup>6</sup> were closely involved, with Kalla playing a key hub role. Over a period of months, Farid Husain -- a trusted aide of Jusuf Kalla -- actively pursued opportunities to open a dialogue with the GAM leadership<sup>7</sup>. Once formally launched, the Helsinki negotiations were concluded in five relatively brisk rounds between January and July 2005, with the final signing of the Memorandum of Agreement (MOU) on August 15<sup>8</sup>.

Although relatively short, the Helsinki MOU contained agreement on several key points, including expanding local autonomy and increased authorities for the provincial government in Aceh; expanded local autonomy for the provincial government in Aceh; special authorization for the creation of local political parties; amnesty and release of detained political prisoners and mechanisms to identify and hold accountable those responsible for human rights violations.

### *Post Helsinki and the Transition to a New Governor*

If the success of the Helsinki negotiations was greeted with a mixture of surprise and relief, the prospects for a negotiated peace actually taking hold and weathering challenges from potential spoilers still had to be demonstrated. Previous peace negotiations had eroded relatively quickly, taking Aceh back into renewed (and often escalated) military conflict.

Throughout the post-Helsinki period, GAM's conscious policy was to continue to demonstrate its internal coherence and discipline by clearly meeting its commitments under the MOU. The AMM

credited GAM with having demonstrated great discipline in adhering to the terms of the agreement. Although GAM leaders expressed frustration that the government has not met its commitments in a number of important areas GAM itself carefully kept its objections within the framework of the Helsinki agreement.

Despite these tensions, the peace agreement seemed to be holding, and attention gradually shifted to the planned provincial elections in December 2006. Irwandi Jusuf, a leader of GAM's intelligence operations during the conflict and a frequent hard-line critic of the Jakarta government, launched his independent candidacy for governor. After a relatively peaceful campaign and smooth election, Jusuf received a large plurality of votes, with support drawn fairly evenly from across the whole province, and was inaugurated as Aceh's new governor in February 2007. This result could have been expected to raise considerable anxiety in Jakarta. Jusuf was widely seen as a GAM leader who had only reluctantly acquiesced to the fundamental premise of the Helsinki MOU that Aceh would remain an integral part of the unitary republic.

However, the central government moved quickly to express respect for the results and a pragmatic willingness to work with whomever had been selected by the Acehnese people as their new governor. In the period following his election Governor Jusuf continued to reach out to earlier opponents, and the current story of Aceh is about the everyday politics and the normal challenges of governing rather than continuing the dramatic armed struggle of the past<sup>9</sup>.

## SEVEN KEY SUCCESS FACTORS

The following section tries to identify and discuss seven key success factors explaining how and why they were critical without oversimplifying a complicated and very rich story<sup>10</sup>.

### 1. The necessity of a political settlement

The critical starting point for the whole negotiation process was premised on the acceptance by the Indonesian government

and GAM that they could not achieve their goals by military means. Notwithstanding the successes of the military emergency after May 2003, key leaders of both sides were convinced that neither side could prevail militarily – and that continuing previous policies would only result in a costly 'hurting stalemate'.

On the government side, Susilo Bambang Yudhoyono, came into office convinced that no military solution was possible. With his military background and prior peace-keeping experience in Bosnia, Yudhoyono was a head of state. While the Indonesian military (*Tentara Nasional Indonesia*, or TNI) might be experiencing some military success, Yudhoyono believed that the military would never be able to eliminate GAM as a political force. Yudhoyono insisted that sooner or later, the government would have to sit down and negotiate with GAM. Furthermore, the sooner the 'Aceh issue' was settled, the sooner he and his administration would be able to turn their attention to other major challenges facing the country. Continued delay in negotiation and continued reliance on a military option merely meant continued drain on the government budget, loss of life and hardships for the civilian population.

## The historical lack of policy coherence and administrative discipline on the part of the Government of Indonesia (GOI) was a significant threat to the success of the Helsinki negotiations

For GAM, the military offensive after the collapse of the 2002 Cessation of Hostilities Agreement (CoHA) had inflicted considerable damage, and they had been forced to withdraw both the GAM military and civil governance structures from several areas. The earlier hopes of an independent Acehnese state, which seemed to be so near in 2000 and 2001, had receded. It was clear that the Jakarta government was not about

to give up and the TNI was not about to go home. At the same time, the GAM leadership remained convinced that they could endure. GAM may have been battered but it was not defeated.

Furthermore, after disappointing cycles of negotiations followed by renewed hostilities, the new Yudhoyono administration seemed to offer the prospect of something different. Initially skeptical and hesitant, over a period of time the GAM leadership began to feel that maybe this was an administration that they could work with.<sup>11</sup>

This was essentially a pragmatic rather than ideological conclusion. Both sides recognised they could not get what they wanted through unilateral action and the challenge facing the leadership was thus less about defending the purity of an abstract cause than with getting the best deal possible under the prevailing circumstances.

## **2. Discipline on both sides**

It is only possible to bring about a successful negotiation and enduring peace agreement if each side is able to live up to its commitments and deliver on its promises. Rogue elements that reject the agreement and continue to pursue their own policies undermine the credibility of their own side. An inept, ineffective or corrupt bureaucracy that does not deliver on the promises of political leaders erodes the confidence and trust in the viability of the agreement. Strong leaders, who can ensure the coherence and discipline of their own supporters and guarantee the performance of their own administrative structures, are essential to the success of any peace process.

The historical lack of policy coherence and administrative discipline on the part of the Government of Indonesia (GOI) was a significant threat to the success of the Helsinki negotiations and the subsequent period of implementing the MOU in Aceh. Within the civilian administration, there generally had been no clear 'center of gravity' to organise the government's peace efforts, often little clarity about government objectives and policies, not to forget frequent confusion spoke for the government.

What made the Helsinki negotiations

different was that as of September 2004, there was a new president in Jakarta -- a former general who was able to enforce discipline on the TNI. Yudhoyono made a very conscious effort to sideline those whose radical views would inflame the situation and undermine any negotiations and agreement. Together with his Vice President, he also enforced greater discipline within the executive branch, including both the military and the civilian agencies. However, because Yudhoyono was convinced that no military solution was possible, he was prepared to invest political capital to ensure greater discipline on the side of the GOI in order to pursue a negotiated settlement. As a result, the GOI brought greater clarity, focus, coherence and discipline to its own negotiating position, facilitating agreement in Helsinki. Over time, these efforts were seen and appreciated by GAM, which eventually accepted that the GOI overtures should be taken seriously.

## **3. Commitment at the top, and willingness to invest political capital**

The decision on both sides to pursue a political settlement, and the ability to enforce discipline within their own ranks, was only possible with full engagement at the top and the willingness to invest political capital. From the GOI side, President Yudhoyono and his Vice President Jusuf Kalla shared this commitment and in practice, there was a rough division of labor between the two of them. Yudhoyono took on the hard-core elements within the military, while Jusuf Kalla managed relations with the difficult and often undisciplined parliament, where he led the largest party bloc. If there was to be agreement in Helsinki and then effective implementation of that agreement, both of these groups needed to be engaged and managed. Neither Yudhoyono nor Kalla could have accomplished this on his own.

Yudhoyono and Kalla working as a team was particularly important because Indonesia's democratic transition after the fall of Soeharto meant that the Yudhoyono administration was dealing with a very complex and fluid environment. The Indonesian parliament was active, vociferous

and often unruly. National political parties were prepared to use Aceh (or almost any other issue) to exploit narrow partisan purposes or pursue short-term political goals. The Indonesian press was free, active and far from timid. Both the parliament and the press could be used by those opposed to any peace agreement to inflame nationalist sentiments and paint the Yudhoyono administration as compromising sacred national principles.

SBY's commitment to pursuing a negotiated settlement was only partially driven by his evaluation of events in Aceh. Also at stake was a larger vision for of the continuing transition to a more democratic Indonesia, with a professional military that had a progressively reduced political role. This meant strengthening the ability of the civilian government to formulate policies without having them effectively overturned by the military. Aceh was a critical test. If the TNI could undermine government policies in Aceh, they could do so anywhere. So success in Aceh had wider systemic implications than that one geographic area.

Fortunately, the plans for negotiation were falling into place and the Helsinki process was formally launched in the first few months of the Yudhoyono administration, rather than its final few months. Fresh from a convincing election win, enjoying high public approval ratings, and faced with a national parliament that was still adjusting to its new role in an increasingly democratic political order, Yudhoyono had considerable political capital to throw behind the peace negotiations.

In some respects, GAM faced a much less complicated environment. It had no parliament to contend with, and there were few other organised groups able to challenge GAM's claim to speak on behalf of the Acehnese people. Arguably this simplified their negotiating challenges. Nonetheless, once the GAM leadership moved away from its long-standing insistence on complete independence, they faced a formidable challenge of selling this to their constituencies. These ranged from international NGOS and supporters in Europe and the United States, to local field commanders and foot soldiers. GAM was aided by the wide-spread deference to the traditional leadership of

Aceh personified by the supreme GAM leader, Hasan di Tiro. At the same time, the day to day leaders nonetheless had to invest their own political capital to ensure that the Helsinki agreement was understood and its provisions respected.

#### **4. Long lead time to prepare the ground for negotiations.**

The Helsinki negotiations came only a few weeks after the December 2004 tsunami, with the first round starting end of January 2005. Some observers view the tsunami as the critical trigger that triggered the negotiations. In fact, the agreement to negotiate in Helsinki had already been reached and details were locked into place a few days before the tsunami struck. This was the result of nearly eighteen months intensive behind the scenes work. Throughout this period, the GOI – and particularly Vice President Jusuf Kalla, with the agreement and support of Yudhoyono – was actively trying to establish a dialogue with GAM.

Although the initiative for this early and informal dialogue with GAM came directly from Kalla and Yudhoyono, GOI efforts had support from an unofficial facilitator Finnish Juha Christensen. At one level his nationality was irrelevant – it was Christensen's personal energy, commitment and ability to facilitate the dialogue that was important. At another level, being Finnish made it easier for Christensen to get the interest and involvement of former Finnish President Ahtisaari, who subsequently played a key role as facilitator during the Helsinki negotiations.

#### **5. Skillful facilitator and carefully managed negotiations**

The involvement of international facilitators and mediators in past Aceh negotiations had achieved decidedly mixed results. The Geneva-based Human Development Center (HDC) played an important role in facilitating both the 2000 Humanitarian Pause and the 2002 Cessation of Hostilities Agreement (CoHA). By April 2003, however, the CoHA had collapsed, with both sides complaining about the fragility of the monitoring and enforcement

mechanisms. As a result, the HDC became increasingly marginal.

By 2004, Ahtisaari and his non-governmental organisation, the Conflict Management Initiative (CMI), were brought into contact with the GOI and GAM through Juha Christensen. Ultimately, Ahtisaari proved himself to be a skillful facilitator who was demanding on both sides. But his initial response was one of great caution. He did not immediately leap at the opportunity to facilitate the negotiations, but initially tested commitment and sincerity of both parties.

From the GOI, Ahtisaari sought direct and explicit assurances that the team had the full confidence and mandate of Yudhoyono and Kalla, and that the GOI was indeed serious about pursuing a negotiated settlement. From GAM, Ahtisaari insisted that full independence was not on the table, and that GAM would have to agree to negotiate the status of Aceh within the framework of a unitary Indonesian state. Absent assurances from both parties on these points, Ahtisaari would not accept the role of facilitator. With credible assurance on these points, he was prepared to proceed. In this sense, Ahtisaari did not lead parties to agreement to negotiate, but confirmed their pre-existing recognition that no military solution was possible and they would have to negotiate with each other.

From the outset, Ahtisaari set out clear ground rules of the discussions, as well as the mandate of CMI. The negotiations would specifically not include full independence for Aceh (a condition which the government insisted upon). However, they would explore options for an expansion of local government authorities beyond the existing legal framework of 'special autonomy' (which was an anathema to GAM). Ahtisaari also insisted that any negotiations would have to be direct, and he ruled out the idea of 'proximity talks', which had been a key feature of earlier negotiations for the Humanitarian Pause and CoHA.

Very early on Ahtisaari also established the basic principle that 'nothing is agreed until everything is agreed'. This forced both sides to look for a comprehensive settlement that included even the most difficult issues, rather

than seeking quick agreement on individual issues but evading some of the core problems that separated the two sides. He also tried to channel all information through CMI, crafting very sparsely-worded press statements during the negotiations and restricting opportunities for either side to use the media to play to their own constituencies.

In carrying out his role, Ahtisaari was able to draw on an exceptionally wide personal network to bring outside resources and expertise to the negotiations. For example, as the negotiations proceeded, Ahtisaari was able to borrow the services of a Finnish colonel to help advise on technical issues of disarmament, demobilisation and reintegration. He also used his connections with the EU to persuade them to send 'observers' to the final rounds of negotiations, and then to expand that involvement to EU participation in the Aceh Monitoring Mission (AMM). Ahtisaari is also credited by the GOI and GAM for establishing effective ground rules for negotiations. The basic principle that 'nothing is agreed until everything is agreed' was seen as particularly important.

## 6. Accepting political accommodation: Shift from defined positions to key interests

In the final Helsinki MOU, both sides made significant compromises. For the GOI, the toughest issue was agreement on the idea of local political parties, which almost became the issue that brought the negotiations down. For many in Jakarta, this was painted as a grave constitutional issue that threatened the established political order. More precisely, however, it directly threatened the interests of the existing national political parties. Nonetheless, it was clear that this was an essential accommodation, giving GAM a genuine channel for peaceful political expression.

For GAM, the toughest issue was the acceptance of the status of Aceh as a province within the unitary Indonesian state (*Negara Kesatuan Republik Indonesia*, or NKRI). This was a major concession, relinquishing a long-held aspiration for complete independence. But in exchange, GAM got agreement for new

and expanded definition of local autonomy specifically for Aceh. It also got agreement on a new political process that would provide an avenue for legitimate political activity and expression through local parties, revised and more generous formulas for sharing tax revenues from local natural resources, reintegrating GAM fighters, amongst other things.

From a distance, this may look at fundamental (or even damaging) political compromise on key issues. In fact, something else is going on here. Both sides began to shift from a focus on 'defined positions' to a focus on 'key interests'. For GAM, their defined position was an independent state but their key interest was in securing for the Acehnese people effective control over their own destinies. By focusing on this interest, they were able to concentrate on getting agreement on local government with expanded authorities and increased revenues in Aceh.

For the GOI, their defined position was that GAM has no legitimacy and there could be no independent Acehnese state. But their key interest was putting an end to the violent conflict by channeling political aspirations of Acehnese people into peaceful political process within the framework of Indonesian state. The GOI delegation implicitly acknowledged this shift from positions to interests in its preparations for the negotiations. It developed a clear idea of what it could offer GAM, rather than articulating a clear demand of what it wanted from GAM. This was a deliberate appeal to GAM interests, tacitly setting aside GAM's stated position.

## The Aceh Monitoring Mission (AMM) was an imaginative compromise that moved far beyond previous monitoring mechanisms

For each side, positions were incompatible. However, their key interests could only be secured with the cooperation of the other

side. This shift from positions to interests was key to allowing the negotiations to proceed. In general, trying to defend positions often results in no agreement. Trying to define interests helps clarify where agreement of the other side is needed. As the GOI lead negotiator has observed, the GOI never asked GAM explicitly to repudiate their position of full independence for Aceh, but instead focused on the interests that lay behind that position.

### 7. More than just a credible mechanism to monitor compliance

Finally, the Helsinki MOU established a mechanism to monitor compliance in which both sides had some confidence. This was critically important. Despite the steadily improved negotiating atmosphere between the two sides over the course of the Helsinki process, there was still lingering skepticism. The history of previous peace negotiations was not encouraging. Neither side was completely confident that the other would not undermine the agreement, violate its spirit or its letter, and seek to resume the military struggle.

The Aceh Monitoring Mission (AMM) was an imaginative compromise that moved far beyond previous monitoring mechanisms established under the Humanitarian Pause and CoHA. Neither the GOI nor GAM had confidence that a non-governmental organisation (like the HDC) would have the clout to serve as an effective and robust monitoring mechanism. Some alternative mechanism was necessary, and one that had greater political clout than any non-governmental organisation, but there was no obvious candidate at hand. UN monitoring was not acceptable to the GOI, which was particularly sensitive about international involvement in what many hardliners insisted was an internal issue. The Association of East Asian Nations (ASEAN) was originally proposed by the GOI, but GAM questioned the credibility and independence of a regional organisation that has the GOI as one of its leading members.

Ahtisaari proposed balancing ASEAN (one regional organisation) with the EU (another regional organisation). The involvement

of two regional organisations seemed to be acceptable to the GOI, avoiding accusations that the Yudhoyono peace efforts had opened Indonesia to ‘international interference’ in its internal affairs. After some initial hesitation, the EU agreed to take on this function. Given the reputation of government and multilateral bureaucracies in general to move with glacial speed, the establishment of the AMM was a remarkable achievement, with its core staff selected, mobilised and functioning in Aceh within a few weeks of the Helsinki MOU.

The AMM appears to have been effective more because of its organisational skill and moral stature than its size and ability to cover the whole province. During the Helsinki negotiations, an international advisor to GAM had proposed a very large monitoring mission, which Ahtisaari rejected as impractical and unaffordable. Instead, the AMM relied on the leadership of an experienced EU diplomat, Pieter Feith, who had worked in a number of post-conflict environments and was clearly closely connected with both Ahtisaari and with the EU bureaucracy in Brussels.

Whilst the ‘lessons of Aceh’ may not be directly or easily transferred to other countries, ultimately, it is up to these countries to decide whether, how, when and where to use any lessons of Aceh to resolve the ongoing conflict in their country.

One of the first acts of the AMM was to preside over the disarmament and demobilisation of GAM forces, and the surrender of GAM weapons. The public destruction of GAM weapons was highly publicised and treated as a joint celebration of a significant step toward peace, rather than the surrender of arms by one side of the conflict. Thereafter, AMM established a

monitoring matrix with clear benchmarks and milestones to assess performance and compliance on both sides.

In important respects, AMM was also used as much more than just a monitoring mechanism tracking compliance with the provisions with the MOU. The AMM launched an active ‘socialisation’ program to educate the population about MOU provisions. In effect, AMM was not just creating understanding of MOU, but building political will to support the Helsinki process. Political leadership would have found it very difficult to undermine or ignore the agreement in part because AMM was consciously building public support for it.

The AMM Committee on Security Arrangements (COSA) emerged as an effective forum for ongoing peaceful dialogue on implementation issues, and a safe space for negotiation of operational issues not resolved in Helsinki.

## CONCLUSION

Whilst the ‘lessons of Aceh’ may not be directly or easily transferred to other countries, ultimately, it is up to these countries to decide whether, how, when and where to use any lessons of Aceh to resolve the ongoing conflict in their country. However, the experience of Aceh suggests that these lessons form in some sense a single coherent ‘package’. That is, no single success factor, taken separately or in isolation, was critical or decisive. The seven factors seemed to have worked effectively because they worked in a mutually supportive and reinforcing way. In this sense, the greatest relevance the Aceh experience may be less in pointing to single steps than in suggesting a coherent framework for examining a situation, identifying problem areas and identifying to possible actions to address them.

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\*Dr. Michael Morfit has been working in academic institutions, non-governmental organisations, grant-making bodies, and the U.S. Government. He was a commissioned Foreign Service Officer with USAID, whereby he developed the multi-billion dollar Multilateral Assistance Initiative to support the Aquino

administration after the 'People Power Revolution' in the Philippines. Morfit served as the Director for the Office of Strategic Planning at USAID; Officer-in-Charge for Central and Eastern Europe, Director of the Office of Caribbean Affairs and the Director of the Haiti Task Force in Washington, D.C., and Vice President of Development Alternatives, Inc., a large U.S.-based for-profit consulting firm, where he launched the democracy and governance practice. He has also served as a consultant with the Government of Indonesia developing strategies for public engagement to combat corruption. Morfit's analysis of the Helsinki negotiations commissioned by the Office of the President of Jakarta also resulted in the resolution of the long-running violent conflict in Aceh. He is currently on assignment in Serbia, where he is facilitating ongoing multi-stakeholder negotiations to revise the legal framework governing responses to emergency situations and civil protection.

## ENDNOTES

- 1 This paper draws heavily on previously completed research involving face-to-face interviews with the leaders of both the Government of Indonesia and GAM, as well as political observers and analysts and Indonesian media so
- 2 The various peace negotiations from 1999-2004, therefore, created a legacy of suspicion more than a foundation for an enduring peace. Both sides believed that the recorded vividly demonstrated that the other was not to be trusted. Each side held stubbornly to incompatible objectives, and each was unwilling to consider any fundamental compromise
- 3 The Finnish government provided both the venue for the talks and security for the delegations
- 4 Ahtisaari subsequently received the 2008 Nobel Peace Prize

for his efforts in resolving the conflict in Aceh, as well as his contributions to peace in other parts of the world  
5 currently President of the Republic of Indonesia,

6 Currently Vice President

7 The government initially tried to establish direct dialogue with GAM field commanders at the same time, in an unsuccessful effort to undercut the leadership and splinter the movement. When this did not succeed, they turned their attention exclusively on the GAM leaders living in exile in Europe. Gradually these efforts began to pay-off as a series of informal discussions began to establish the basic framework for more structured negotiations

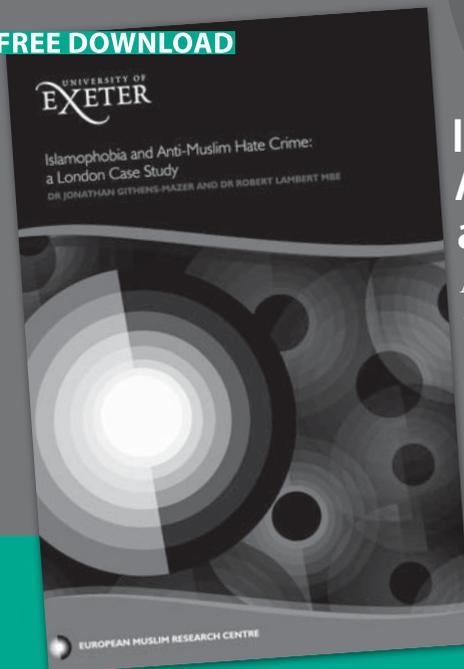
8 The pace and intensity of negotiations was in sharp contrast with earlier negotiations which had dragged on and did not result in an enduring settlement.

9 While there remain delicate and sometimes contentious issues between Aceh and Jakarta, there is now an increasingly tested and robust set of mechanisms to handle them.

10 Earlier research involved extensive face-to-face conversation with the leadership of both the Government of Indonesia and GAM, in an effort to understand their perceptions, assessments and strategies going into the Helsinki negotiations and leading to their conclusion in August 2005. The history of these negotiations was complex, often highly subjective and subtly nuanced. They were also punctuated by fortuitous accidents and unexpected surprises.

11 It is important to note that this does not mean that *all* leaders on both sides accepted the necessity of a political settlement as there were notable destabilizing dissenters who believed in military struggle. Similarly leaders from both sides were highly suspicious of the intentions of the other.

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# Sri Lanka – Challenges for Reconciliation

\*AMJAD MOHAMED-SALEEM

ON 18 May 2009, the prolonged conflict in Sri Lanka between the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka (GOSL), came to an end with the death of the LTTE Leader, Vellupillai Prabhakaran.<sup>1</sup> It triggered a massive humanitarian crisis<sup>2</sup> and Sri Lanka has come under international condemnation, primarily from the West under pressure from the large pro-LTTE Tamil lobby.

The demise of the LTTE, one of most ruthless terrorist groups in the world<sup>3</sup>, signals a bright spot on the ‘Global War on Terror’ initiated by the USA. Instead of plaudits for eliminating the LTTE, the GOSL is under pressure to initiate a ‘quick’ solution to the humanitarian crisis. There is also pressure to address key minority issues through a constitutional framework that will satisfy the aspirations of all its citizens.

Sri Lanka is at a cross road and what the future holds, is largely dependent on the next steps of the political leadership of the GOSL. Reconciliation between increasingly suspicious and polarised communities is the need of the hour to ensure an environment of peace, justice and equity through the medium of good governance.

## A BRIEF LESSON IN HISTORY

Sri Lanka’s history can broadly be divided into three phases: pre, and post independence, and post 1970’s/1983 to 2002/post 2002. The colonial period is blamed by most analysts for sowing the seed of ethnic divisions that thrived in the post 1948 Sri Lanka. Under the British, a new concept of colonial identities<sup>4</sup> weakened the process of ethnic assimilation that existed hitherto (Rajasingham-Senanayake, 1999), and Sinhala nationalism emerged in the nineteenth century as a counter-colonial movement. The Buddhist identity mobilised popular support against Christian missionaries, and later British

capitalist interests, especially regarding Indian immigrants who came to work on the plantations<sup>5</sup> (Moore 1989). Sinhala nationalism was also irked by what it saw as the excessive political demands of Tamil leaders, and the disproportionate power and position Tamils had gained under British rule<sup>6</sup>.

Upon independence, it was inevitable the Sinhalese would redefine ethnic relations as they wished, and establish a voting system on ethnic lines<sup>7</sup>. Consequently, constitutional arrangements at independence lacked sufficient safeguards for minority rights<sup>8</sup>. However, it was not until 1956, that the full political logic of Sinhala Buddhist nationalism would be realised, when in a move for pure political gain only, the opposition party campaigning on an uncompromising nationalist platform of “Sinhala Only”<sup>9</sup>, gained power<sup>10</sup>.

The Tamils felt excluded by the language policy and its effects on the availability of public sector jobs and services, which led democratic Tamil parties to start their largely non-violent civil disobedience. The Sinhala Buddhist nationalism concept set a trend of ‘political upmanship’ where the main opposition party wrecked attempts by the party in power to ensure that the country belonged to all.<sup>11</sup>

By the 1970s, it was clear that the Government spearheaded the decrease of the dominant positions of Tamils (and other minorities) in state sectors, and later in the private sector that exacerbated ethnic tensions, thereby leading to the emergence of small militant Tamil groups demanding a separate Tamil state. The murder of 13 policemen in 1983 by the LTTE, sparked anti-Tamil riots in Colombo. As many as a thousand Tamils were killed and thousands of others displaced<sup>12</sup> in this pogrom, sending out a message of shocking atrocities committed

by the majority Sinhalese community. It created an outpour of sympathy for the Tamil civilians, who sought asylum in other countries as well as for those militant Tamil groups who opted to take arms for their struggle.

The LTTE emerged as one of the world's most ruthless terrorist organisation, known from its use of suicide bombers and recruitment of child soldiers, to overpowering the Indian Peacekeeping Force<sup>13</sup> and the mass displacement of Muslims from the north in 1990<sup>14</sup>, to the assassination of key Sri Lankan political and military leaders, including, Rajiv Gandhi (in 1991). The eighties and nineties in particular proved to be the most violent periods in Sri Lanka's young history<sup>15</sup>.

In 2002, the GOSL and LTTE signed a Cease Fire Agreement (CFA) under the mediation of Norway, in anticipation of talks for a lasting solution, but tensions persisted as both parties accused each other for CFA violations.<sup>16</sup> By 2008, after a period of a low intensity military defensive strategy embarked upon by the GOSL, the CFA was abrogated.

## RESUMPTION OF THE CONFLICT

There are many factors that need to be considered with the resumption of the conflict. Both sides seemed reluctant to enforce discipline to arrive at a solution by moving away from a situation of "hurting stalemate", and therefore, a coherent strategy did not emerge to enduring peace. No one had a plan for post-conflict reintegration of combatants into the society, economic development or political reconciliation. Both sides simply viewed the CFA as an opportunity to entrench their positions<sup>17</sup>, which was made more evident in 2003, as the LTTE impatient at the slow progress of talks, put forward proposals for an Interim Self-Governing Administration (ISGA) to transfer most government powers to an LTTE-dominated body in the north east for five years, following which negotiations would decide the fate of the territory<sup>18</sup>.

The negotiations for the CFA seemed to centre on normalisation measures – trying to build trust and discuss pressing humanitarian issues. Neither side it seemed wanted to rush

into substantive political issues and discuss the future long term viability of the CFA. The inability of the All Party Committee (appointed by the President) to agree on a coherent strategy to address the root causes of the conflict, and come up with a broad range of measures continued and still continues to be a challenge to the GOSL's efforts, to come up with a coherent political solution<sup>19</sup>.

More importantly, even at the peace talks between the LTTE and the GOSL, public and civil society were excluded on a presumption that benefits of agreements reached between these two parties, will trickle down and win the confidence and trust of the people.<sup>20</sup> Whilst both sides invested in bureaucratic structures such as Peace Secretariats, no attempt was made to engage civil society early in the process. USAID funded projects through AED<sup>21</sup>, tried to advocate for more increased civil society involvement in the peace process with some success, but were unable to link grassroots community reconciliation with the wider issues, national institutions, and Government authorities, thus allowing community opinions to remain unheard.

There was a lack of skilful and trusted facilitators as well as a monitoring mechanism in the process, to help guide the parties from shifting the stakeholders from defined positions to key interests<sup>22</sup>. On the ground the Monitoring Mission that was set up to monitor CFA compliance lacked the power to enforce the agreement, and further lacked the confidence of the GOSL, particularly its neutrality as the Scandinavians who constituted the Monitoring Mission were too close to the facilitators<sup>23</sup>.

The lack of confidence in the CFA was further compounded by a lack of transparency with the process that led to its signing, and with what it contained; causing many Sri Lankans to be suspicious of what had been signed, thereby increasing misunderstandings and dissatisfaction.<sup>24</sup> What made matters worse was the lack of coordination and agreement between the President and Prime Minister, which led to frequent confusions.

## FACTORS THAT LED TO THE COMPLETION OF THE CONFLICT

The first step was to establish an unwavering political will, a lack of which had plagued previous governments and attempts to defeat the LTTE militarily<sup>25</sup>. To this end, the new President removed any civilian link with the military and brought in hard-line military strategists (from the same infantry regiment) to lead Ministry of Defence, with a deep emphasis on younger field commanders and the incorporation of the police. This basically meant a single-minded pursuit of the military option with no negotiation with forces of terror. The government then embarked upon a twin-track approach of pursuing talks while also maintaining a low intensity 'defensive' hard-line military strategy, which started as a result of an LTTE siege on a water body that denied water for downstream farming communities, in 2006.

As initial military advances proved successful, the momentum gathered and it came to a point that military gains of the Sri Lankans forces could not be held back<sup>26</sup>. Thus, when the GOSL came under pressure and threat of losing aid from the traditional aid giving Western countries, instigated by the Tamil Diaspora<sup>27</sup>, Sri Lanka simply reacted by realigning itself with countries such as, Pakistan, Ukraine, Libya, and Iran, and further strengthening its good relations with India and China<sup>28</sup>. This attempt to strengthen bilateral relationships with countries outside the Western axis would later prove vital<sup>29</sup>, especially in May 2009, when the EU sought to pursue a motion against Sri Lanka for war crimes investigations at the UN Human Rights Council, which collapsed when 29 countries (from the developing world) of the 47 member council voted in solidarity with Sri Lanka<sup>30</sup>.

## WAY FORWARD

Windows of opportunities have been missed in the past: the 2004 tsunami that caused vast destruction and death to Sri Lanka could have been turned into an opportunity for reconciliation, but was squandered. There is now a new opportunity. Post-conflict reconstruction, resettlement and rehabilitation are the immediate challenge, and will have to be expertly handled to avoid a repeat of secessionist proclivity and mistakes.

**The Tamils believed that they were fighting for an identity by their ability to control their own affairs.**

Infrastructure reconstruction will be the most easiest and attractive as it involves developing the war-damaged economy, and hence the search for donors can become the major focus for the country in the immediate to long term. Thus, creating a secure environment of equity and social justice may be relegated to a lower priority. Reconciliation between people is equally important and needs a separate, if not, parallel effort to remove barriers that have been erected between the various communities, particularly since the post 1983- Sinhalese pogrom against the Tamil community. In this respect, the State will have to be more proactive to gain the confidence of people through special programmes of social engineering to build bridges, to bring them back into the mainstream of nation building.

The Tamils believed that they were fighting for an identity by their ability to control their own affairs. Such feelings cannot be blotted out by eliminating the LTTE, but they can be made irrelevant by making Sri Lanka a place where all people feel that they are equal citizens with equal rights. On the contrary, continued feeling of alienation by the minorities, with fewer rights and voice will lead them to revolt for their rightful place, which could be detrimental for the future and cause a recurrence of the LTTE scenario.

Although there have been some governmental steps to address the original grievances in respect of the use of Tamil language, and discrimination in employment, the bureaucracy and political will have lacked enthusiasm to implement changes. Since independence, the political architecture of Sri Lanka has been such that two parties, relying mainly on the majority Sinhalese community for votes could not agree on political solutions to the national crisis. Proposals from one party was shot down by the other and used to win votes claiming "sell

out of the Sinhalese”. In addition, the State has relied on a paternalistic system which is based on party patronage and the election of politicians on their ability to redistribute resources, provide access to public sector goods and jobs, and develop infrastructure for supporters. Thus, the State will have to develop a mechanism that is inclusive and responsive to hold all communities in the country at the centre of any development priority.

An active and systematic campaign for celebrating coexistence and common values maybe the starting point to forge amity among the diverse communities, so that a new environment will ensue equality and justice ensuring movement towards freedom of thought and expression, upholding and protecting individual and collective rights and dignity in the pursuit of life’s goals, without fear and suspicion.

Reconciliation entails infusing human values with an understanding of the need to move away from apportioning blame for deceit and destruction. Rebuilding trust has to become everybody’s responsibility. Individuals, civil society and in particular the religious leaders, will need to bring out the values of honouring unity and celebrating diversity by committing to principles of equity and justice as means of eradicating of social prejudices.

In December 2008<sup>31</sup>, religious leaders developed a set of guiding principles necessary to infuse human values and guide future policies for reconciliation and nation building. These principles included honoring unity and celebrating diversity; equity and justice as guiding principles for human wellbeing; eradicating social prejudices; morality and accountability in leadership viewed as the cornerstones all human interaction and engagement; and resource use and environmental safety.

## CONCLUSION

The President’s address at the opening of the fourth session of Parliament on May 19<sup>th</sup> 2009 - “we have removed the word minorities from our vocabulary three years ago” ...comes as a sign of some conviction that unless the majority-minority factionalism is eschewed

the people will not be ready “to direct our motherland to that new era of national revival”. By expunging ‘minorities’ from the Sri Lankan vocabulary, the President has now created that space for all and also pre-empted a new course for Sri Lanka with a central rallying point for reconciliation and communal amity, to leap into the next era.

From the reading of history, the President is the only leader who has openly made the pronouncement that there are no minorities in this country and all citizens have equal rights. This is an important policy statement ever to be made in Sri Lanka, and if taken in all seriousness, it should end the root cause of all the problems the country has encountered so far. However, it is clear that no one let alone the government and opposition has taken this seriously as a national strategy. What Sri Lanka should be concentrating now is for the future development and reconciliation.

**Sri Lanka is now at the crossroads of moving forward, cleansed of the past and with a chance to develop a common vision shared by all.**

Sri Lanka is now at the crossroads of moving forward, cleansed of the past and with a chance to develop a common vision shared by all towards collective nation-building and prosperity, or to plunge back into another unknown era of bitter interethnic rivalries fanned by divisive politics. It is in the choice made that will determine whether this tear drop country will be large enough for all to live in peace and achieve prosperity. It should realise that there is a long way to go, and as Nelson Mandela famously said:

‘I have walked that long road to freedom. I have tried not to falter; I have made missteps along the way. But I have discovered the secret that after climbing a great hill, one only finds that there are many more hills to climb. I have taken a moment here to rest, to steal a view of the glorious vista that surrounds me, to look back on the distance I have come. But I can only rest for a moment, for with

freedom comes responsibilities, and I dare not linger, for my long walk is not ended'

\*Amjad Mohamed-Saleem was born in Nigeria and received his early education in Ethiopia and Britain, later graduating from Imperial College, London, with a Masters in Civil and Environmental Engineering. In 2009, he completed an MBA from Universitas21 Global in Singapore. After the 2004 Tsunami and having lost several family members to it in Sri Lanka, Saleem left the engineering profession and joined the humanitarian and development field working for British NGO Muslim Aid. In 2006, Saleem became Country Director of Muslim Aid's Sri Lankan office whilst also coordinating projects in Bangladesh. Saleem joined The Cordoba Foundation as Head of Communications in 2009. He maintains a blog on Reuters Alertnet and is a regular contributor to IslamOnline.net and other forums.

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## ENDNOTES

- 1 He and two of his commanders reportedly died trying to flee the last rebel-held patch of jungle in the north-east (<http://news.bbc.co.uk/1/hi/8055015.stm>). Revered with almost God like status, the death of Prabhakaran puts an end to the conventional leadership of the LTTE, its ideology and any military will to oppose the Sri Lankan Government.
- 2 The crisis triggered the displacement of about 280,000 people who were kept mainly in refugee camps in the north looked after by the government and NGOs.
- 3 With the death of its senior commanders and later the arrest of its international spokesman by the GOSL, the LTTE has no viable leadership that will allow it to continue.
- 4 The British had divided Sri Lanka into three main ethnicities: Sinhala, Tamil and Muslim. Muslims are classed separately because of a slight difference in culture, food and dress. Within the Sinhala and Tamil ethnicities, there is a further division based on religion as there are Sinhalese Buddhists, Christians and Muslims, and within the Tamil community there are Hindus, Christians and Muslims.
- 5 As an example of this hostility towards Indian migrants, the first major act of government after independence in 1948 was to deny citizenship and voting rights to some 800,000 Indian workers. This was also supported by parts of the Sri Lankan Tamil leadership, undermining their own later claims for minority rights.
- 6 With Tamils having a disproportionate share of government, university and professional jobs – largely due to better education – many Sinhalese felt excluded from political and economic power.
- 7 It was the product of a contradiction between a democratic system in which 70% of ethnic voters were previously underrepresented in the State.
- 8 Section 29(2) of the Soulbury Constitution, independent Ceylon's first, states: "No law shall make a person or any community or religion liable to disabilities or restrictions to which persons of other communities or religions are not made liable. No law shall confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religions. Any law made in contravention of sub section (2) shall to the extent of such contravention be void". This only restricted parliament from enacting discriminatory laws but gave no protection against discriminatory practices (International Crisis Group 2007).
- 9 'Sinhala Only' was a system to establish Sinhala as the single official language for government business within 24 hours of election and capture the votes of rural, Sinhala-educated elites.
- 10 This victory sought to reverse the preferential colonial treatment of Tamil elites. However it was a disastrous policy which led to the minorities being sidelined and decades of confrontation between the Tamils and Sinhalese. It also set in motion a process which dropped the Tamil language (and consequently Tamil speakers from the Tamil and Muslim community) from having equal status.
- 11 Between 1956 and 1970, in roles that were reversed depending on who was in power, both major political parties (when they were in opposition) would manipulate Sinhalese parochialism to wreck any attempt by the party in power to foster communal accommodation. This is something that is still very much apparent in Sri Lankan politics today with the result that often when rival parties come to power, they tend to undo what has been done by the previous opposition government much to the detriment of the country.
- 12 This led to the mass migration of Tamils seeking refuge to places like Canada, UK and US thereby encouraging support for the 'Tamil' cause. It has been known as one of the darkest days in Sri Lanka's history and is often referred to as Black July, particularly

as the security forces did very little to help the Tamils, supposedly at the orders of the government. Later, evidence has shown that the government of the day (and ministers at that time) had been part of the anti Tamil riots. In 2004, then president, Chandrika Kumaratunge, tendered a public apology for this act.

13 A disastrous attempt by the Indian government to interfere both militarily and politically in the conflict in 1987.

14 About 100,000 Muslims were given 24 hours by the LTTE (without warning or reason) to leave the northern province. They eventually settled around the capital Colombo, or in an area called Puttalam (3 hours north of Colombo) where they have been in refugee camps till today.

15 Between 1987 and 1990, the Sri Lankan Government was effectively fighting uprisings on two fronts: one in the north with the Tamils and one in the south with Sinhala youth, influenced by leftist communist tendencies. Ethnic issues aside, many of the causes of Tamil and Sinhala militancy were strikingly similar – the frustrations of unemployed youth with a failing economy and a class ridden political system that offered no channel for their aspirations. In the south, the uprising was dealt with bloodily, setting aside almost all pretence of legality with death squads, mass human rights abuses and disappearances.

16 There was uneasiness about the neutrality of Norway given the presence of a huge Tamil lobby in Norway. In addition, the CFA made a key provision of respecting existing frontlines which left large tracts of territory in the north and east under LTTE control, leaving them to develop their own institutions and systems, effectively, a *de facto* State. Furthermore, there were repeated violations including attacks on rival Tamil parties, recruitment of child soldiers and attacks on border villages. The fear was that the LTTE were not serious in enforcing the CFA and were mainly using the period to regroup

17 The LTTE wanted time to regroup and try to gain some political recognition; the government wanted a breathing space in which to reinvigorate the economy (International Crisis Group 2006)

18 The ISGA was deeply problematic: it posited an LTTE-dominated government which would lay claim to all land and sea resources, included little in the way of democratic provisions and offered no space for the development of more pluralism. The five-year period would presumably end with either an independent state or at least an extreme form of confederation.

19 The focus on issues of autonomy for the north and east as demanded by the LTTE, while necessary, left the problems of the more than 600,000 Sri Lankan Tamils who did not live in those regions, let alone the issues of up-country Tamils or of the Muslim community (who make up the majority population in the east), unaddressed. It was clear from the treatment of the Muslims in the north in 1990, that the LTTE would not allow them to live in their proclaimed Tamil homeland.

20 In a workshop held for civil society, humanitarian organisations leaders of, Muslim Aid and UMCOR (United Methodist Committee on Relief), in August 2007, participants voiced their opinion that the CFA contributed to an absence or reduction in hostility and not towards peace. There was a political expectation for people to reconcile with one another, but nothing was put in place.

21 Evaluation of the AED Peace Support Program (Phase III) and the TAD-ICMA Transparent and Accountable Local Governance (TALG) Program, USAID 2007

22 The shift from defined positions to key interests would have allowed negotiations to continue. What was the compromise to be reached in order to allow a win-win strategy.

23 This was particularly felt just after the CFA when there were many ceasefire violations, disrespect for the agreements, largely by the LTTE and lack of free movement in the LTTE held areas, which heightened fear amongst rival Tamil, and Muslim communities

24 At one stage the President of the country herself, claimed to be in the dark over the terms and conditions of the CFA which had been signed between the prime minister (from another political party) and the LTTE. On the whole, the Sri Lankan experience with the Scandinavian led Monitoring Mission that monitored the implementation of the CFA was very unsatisfactory as a large chunk of information was not made available to the general public.

25 It is well documented that one of the reasons why the conflict has been prolonged for this long was that the political party in power and the military benefited enormously from the perpetuation of the conflict. In fact, in 1994, the then Prime Minister (and about to become the President), Chandrika Kumaratunga, told a media conference in Colombo, "My government wants to bring about peace because it does not wish to make business out of the war." Her reference was to a persistent allegation against the United National Party whose seventeen-year-old rule had just ended (and which was extensively used as an election slogan by the victorious People's Alliance in its election campaign) that the war had dragged on because ruling party politicians and security forces personnel were making a tidy sum out of it. Needless to say the same accusation can be made of her party as well.

26 Any attempt to do so would have caused a political backlash.

27 Like in previous times, the LTTE and the Tamil Diaspora had been able to draw on international sympathy at the outbreak of any hostilities. The result of this international (mainly western) pressure had often previously succeeded in the Sri Lankan government ceasing hostilities and initiating peace talks.

28 Between 2006 – 2008, China's investment in Sri Lanka has been over \$2billion while in the last two years, Iran's investment has been over \$1billion.

29 With the LTTE on the verge of defeat, there were determined attempts by the West, led by the EU, to table a resolution against Sri Lanka at the UN Security Council, a move that China and Russia vetoed on all five occasions

30 Commenting on Sri Lanka's diplomatic feat, the former Sri Lankan Ambassador to the United Nations in Geneva, Dayan Jayatillaka, said: "This is not a lesson that Sri Lanka taught the West. It is a victory... of the developing countries and the global south. It was not a defeat of the Tiger Diaspora alone. It was the defeat of a powerful bloc of forces... Geneva was a miniature diplomatic Dien Bien Phu or Bay of Pigs for the EU."

31 The conference was organised by UMCOR and Muslim Aid in partnership with the Methodist Church of Sri Lanka and brought civil society and faith leaders round a table to discuss spiritual reconciliation in moving beyond the conflict.



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## Bosnia's Vicious Circle: Between Reconciliation and the Potential for Conflict

\*IMAM HAZIM FAZLIC

IT has been fourteen years since the Dayton Agreement ended the four-year war in Bosnia and Herzegovina (BiH). The agreement envisaged an end to the bloodshed between the three ethnic groups of the Serbs, the Croats and the Bosniaks (Bosnian Muslims) and assisted in implementing the peace settlement. The agreement also anticipated refugees returning to their pre-war homes, or a compensation for any property which was not restored to them.

After more than one and a half decades, the existing fragile peace has been maintained with the aid of the international community and its peacekeeping force. Tensions between the ethnic groups are still very much present in this post-war Yugoslav successor state. Bosnia is still divided, not only along ethnic and administrative lines, i.e. Republic of Srpska and the Federation of BiH, but also as a society. Fears are rife that these divisions will become more pronounced over time. The last two years have been particularly difficult for any peace and reconciliation efforts in the country. The nationalistic rhetoric of local leaders and politicians has been harsh to the effect that some international diplomats have even evoked the possibility of a new conflict in Bosnia. Although there has not been a direct threat to the security of the country during the last fourteen years, concerns about the future of this war-torn country are emerging more strongly than ever, since the Dayton Agreement came into effect.

This paper analyses state of the current security situation in Bosnia as well as the progress made thusfar, and the options for reconciliation efforts in the country.

### CURRENT SITUATION

The current political and constitutional order in Bosnia and Herzegovina is mainly a product of the Dayton Peace Agreement as signed at the end of 1995. Kurt Bassuener

correctly states in his recent observation that 'the Dayton constitution prevents politicians from forging the political and social consensus needed to allow a functional state, much less one capable of meeting EU membership conditions.'<sup>1</sup> If all the annexes and provisions of the Dayton Agreement were implemented, it would have been much easier to update it and enable the country to function properly. However, this did not happen. Obstructions by local politicians on all sides have not been adequately sanctioned. Bosnia is a mixture of a post-conflict, post-communist, transitional society burdened with an enormous state administration, social payouts, crime, nepotism and corruption.

Fifteen years on, large numbers of refugees have still not returned to their homes and live either in different towns across the country or earn a citizenship abroad, in places such as Europe, or America. The reality is that, even if it were possible, with full incentives, most refugees would not return to their original homes as they have rebuilt their lives elsewhere.

With a large number of factories and businesses destroyed during the war, business links were disrupted and consequently led to the current dependence on help and favourable loans from abroad, leaving the Bosnian economy staggering behind other countries in the region. Privatisation of national companies has not been completely and justly concluded and many state companies have intentionally been made insolvent in order to be bought for pennies. It does not come as a surprise that Bosnia is among the most corrupt states in the region and one of most corrupt in the world. With a score of 3.2 (worse than 3.0 in 2008), this country shares the 99th place with the Dominican Republic, Jamaica, Madagascar, Senegal, Tonga and Zambia.<sup>2</sup>

Despite the Bosnian economy being so

fragile and the standard of living far below the European one, most politicians are still well-off, with salaries of up to ten times more than the average salary in the country. There has been much media and public attention recently over the repeated increase of salaries of the members of state and federal parliaments.<sup>3</sup>

The very same politicians, with the support of some media agencies and intellectuals with a nationalistic agenda, frequently spread fear of war and create animosity towards other ethnic groups. There is a constant concern that some form of conflict or war could reoccur. With Bosnian Muslims and Croats often calling for the abolition of the Republic of Srpska, there is a fear initiated among the Serb population that they may lose a considerable degree of autonomy that they gained during the war. In response to this, Serb politicians call for referendums and secessions of the Republic of Srpska from the rest of the country. If realized, the result would leave Bosnian Muslims in a ghetto and would most likely ignite another conflict. Regular references to the war and former enemies carve unrest and insecurity among ordinary people, as well as suspicion, mistrust and a reluctance to accept the country and society as credible partners among foreign investors and international diplomats. Yet this limbo perfectly suits politicians, often linked with a criminal milieu, to further remain in power and derive materialistic gains:

“The incentives inherent in Dayton’s constitution promote nationalist agitation and homogenization; politicians feel no sense of accountability to the citizenry. The Dayton system is more oligarchical than genuinely democratic, with fierce competition within or among nationalist parties professing to protect “their” constituent people. Fear is the currency of Bosnian politics, and it pays its practitioners very well – at the people’s expense.”<sup>4</sup>

As far as security of the country is concerned the international community is resolute in maintaining its military presence as long as is necessary. The prospects of a new conflict are very low not only because

of a firm resolution of the international community to maintain the peace through its military presence, and diplomatic influence, but also because the local population has lost any interest in fighting again. Yet if this situation of political turmoil, social unrest and economic downturn persists, it is hard to predict what might happen in ten to fifteen years time. This particular problem is due to the secessionist tendencies of some Serb politicians aiming to reduce powers of the central government in order to strengthen the position of the Republic of Srpska with the view of a final departure from the rest of the country.

**If Bosnia is not accepted... to the family of European nations... then it is most likely that the halted war will break out in the near future.**

The situation would completely change if BiH were to be accepted as a candidate, and eventually as a fully fledged member, of the EU. The recent reluctance on the part of the EU to even place Bosnia on the so called ‘white shengen list,’ which would allow citizens of BiH to travel across Europe without a visa, sends discouraging signals to the people of Bosnia, especially to its Muslims. Only citizens of Albania, Kosovo and BiH, i.e., countries with majority Muslim population, are excluded from the white shengen. If Bosnia is not accepted, or on route to the family of European nations, where borders do not represent the need for domination or clashes, then it is most likely that the halted war will break out in the near future with unpredictable consequences.

## RECONCILIATION

In his book *An Ethic for Enemies: Forgiveness in Politics*, Donald Shriver suggests four steps towards the reconciliation of former political enemies: moral judgement about past injustices, forbearance from revenge, empathy for the enemy and the commitment to repair the broken social relationship. He

further proposes the

“Call for a collective turning from the past that neither ignores past evil nor excuses it, that neither overlooks justice nor reduces justice to revenge, that insists on the humanity of enemies even in their commission of dehumanizing deeds, and that values the justice that restores political community above the justice that destroys it.”<sup>5</sup>

As discussed above, ethnic groups in Bosnia have maintained their political roles since the war and reconciliation is firmly linked with the will of local politicians. In the Bosnian case, the former war parties are unable to agree on their past and do not speak about the present or the future. Thus different perspectives of the war and its consequences seriously affect any prospect of mutual agreement or reconciliatory rhetoric. Bosnian Muslims hold that the war was carved by interference from neighbouring countries, i.e. Serbia and Croatia, and that Bosnia and Herzegovina was subject to brutal aggression, especially by the state of Serbia. What frustrates Muslims most is that the genocide and mass killing of this ethnic group occurred in front of the eyes of the international community. Muslims had the largest number of casualties in the war and the majority of those expelled from half of the territory of BiH, now controlled by the Serbs, were Muslims. Those who have returned to their pre-war homes are often looked at as second class citizens. Bosnian Muslims see the Republic of Srpska as a direct result of genocide, genocidal politics and the expulsion of the non-Serb population, and as a result should be abolished.

The Serbs, on the other hand, believe that the war was a civil conflict between the three ethnic groups. The whole population of the country suffered, regardless of their ethnic classification. When faced with the mass killing of Muslims particularly at Srebrenica, the Serb response is that they had casualties also, and that they are not the only one's who committed atrocities and blameworthy ones.<sup>6</sup> They are also angry at the international community for labelling them as the ‘bad boys’<sup>7</sup>, and disappointed

with the International Court of Justice as the Serbs constitute the majority of those prosecuted there. According to the Serb view, the Republic of Srpska is an expression of the will of all of the Serb population living in that area and so will continue to exist at any cost.

**Every ethnic group... believe[s] they are the least guilty for what happened during the war.**

In the eyes of the Croats, the Dayton agreement made their particular group part of a minority in the Federation of BiH, and hence they feel discriminated in government and parliament. The Croats are the only ones, of the three ethnic groups, which have not been granted their ethnic entity. Their position now is to wait for an opportune moment for a third, Croatian, entity.

Common to every ethnic group is that they believe they are the least guilty for what happened during the war. All parties still believe that they should not repent or ask for forgiveness for what members of their ethnic group have done. In the case of the International Court of Justice, all of the accused or prosecuted are seen as heroes and defendants of their own people. The example of former president of the Republic of Srpska, Mrs Biljana Plavsic, who was sentenced for war crimes in Bosnia, is evidence of such thought. When she was released recently from a prison in Sweden, after serving two-thirds of her original eleven-year sentence, she was welcomed by the prime-minister of the Republic of Srpska as a national hero. Even when a verdict is reached at the International Court of Justice in Hague against a member of any ethnic group, the international community is blamed for a conspiracy against that particular ethnic group. Blaming the Serbs, Croats, Bosniaks and the International Community is a common feature of everyday Bosnian politics.

If reconciliation happens then the fear of others will disappear. The very reason for staying in power for certain politicians would lose effect. Hence, there is reluctance on the

side of the politicians for reconciliation, especially by the politicians of the Republic of Srpska. They are continuously obstructing the passage of laws in the state parliament in the hope of proving that Bosnia and Herzegovina is untenable as a multicultural country and society and that the separation of the Republic of Srpska in the near future is therefore inevitable.

That is why the role of the international community is crucial at this stage. As discussed above, the international community, the European Union and the US in particular, have more power, influence over, as well as the trust of the Bosnian people than an average politician in the country. Yet the current rationale that informs representatives of the international community is to let local politicians agree on how the country should be administered. 'We are here to assist you, but we will not do your job,' is something one will often hear from foreign diplomats in the country. This is the same rationale which was used fifteen years ago when the war was raging in Bosnia and thousand of innocent people were massacred. Representatives of the international community expected former local leaders to forge peace and fifteen years on most of those leaders have now been accused or persecuted for war crimes at the Hague.

Therefore, steps should be taken towards fostering a political climate which will lead to a functionality of the state according to European standards, laws and rights. This engagement should be used also for a thorough action plan towards reconciliation in Bosnia. The process should also include politicians, religious leaders, teachers, artists, sports professionals, NGOs, and so forth. Should the current situation persist, the new generation of children and young people will be raised completely unaware of the multicultural and interdependent nature of the country. They will grow up on the evil upshots of the past war. This will render Bosnian society further towards a lack of prospects for future attempts of reconciliation.

## CONCLUSION

All three ethnic groups should be aware

that their individualistic demands will make the Bosnian crisis even more severe. Serbs should be completely clear that any call for a referendum and secession of the Republic of Srpska will bring about greater unrest across the country. A referendum would not be possible and feasible without a new war with potentially catastrophic consequences. Furthermore, the tendencies of weakening the Bosnian central government will only prolong the country's prospects of joining the EU, the stabilisation of the country and the attraction of foreign investments which would further create jobs and ensure better lives for all ethnic groups.

The Muslims of Bosnia and Herzegovina seriously suffered during the past war. They can not retrieve the pre-war political order of Bosnia and Herzegovina. They have to first accept the reality in which they now find themselves and try to find ways on how to improve their own position, and the state of affairs of the country they live in. Blaming others or relying too much on others, especially the international community, Europe, USA, the Islamic world, will not solve the ever growing problems. Of course, this does not exclude working with international partners and lobbying for the interests of the country. Yet, the Muslims of Bosnia and Herzegovina should be aware of their historical demographics in the wider region of the Balkans and the continuous shrinking process of the Muslim population in this region since the Ottoman period. They do not want to become another Palestinian style pocket of a frustrated, disgruntled and religiously labelled group in this part of Europe.

It seems that there is little attempt within the three ethnic groups to each try with their people to formulate possible solutions to the mounting problems of the country as well as society at large. As far as the Bosnian Muslims are concerned it seems that they have not yet managed to free themselves from the pre-war communist and post-war victim mentality. The theological principle of changing one's own condition before expecting God to change it<sup>8</sup> are frequently preached in mosques and community gatherings, but are little implemented in practical terms and real life.

Islamic vices such as alcohol, premarital sex, crime, are now even higher than during the communist times. According to the UNDP research study about 52% of the Bosniak youth approves pre-marital cohabitation as opposed to more traditional attitude before.<sup>9</sup>

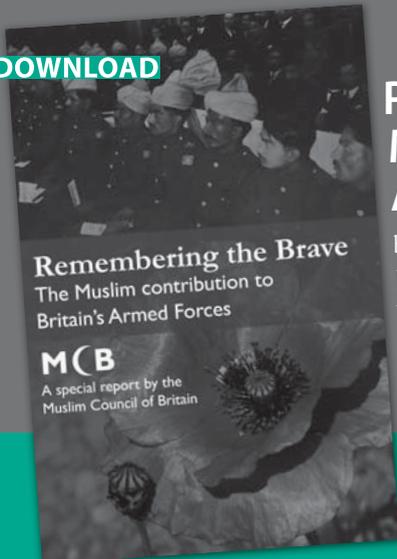
Certainly, one should be aware that there is no universal justice, and the Hague will only alleviate, to some extent, the suffering of the families who lost their members. Communities should be satisfied with the verdicts and proceedings of this court, as ultimate justice could only truly be fulfilled, as the majority of believers profess, in the hereafter. With this attitude it will be easier to repair a broken social relationship within Bosnian society. Furthermore, it will be possible, with the support of universal religious teachings on forgiveness, to collectively turn from the past, not ignoring or forgetting the evil, but accepting that steps of reconciliation are inevitable if a brighter tomorrow is envisaged for the future generations of Bosnia and Herzegovina.

\*Hazim Fazlic is a Bosnian Imam and the director of an Interfaith Centre in Birmingham, United Kingdom

**ENDNOTES**

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# Missing Persons Commission: Picking Up the Pieces, Bringing Closure to Bosnians

\*KATHRYNE BOMBERGER

“WE are gathered here today to commemorate those persons who are missing from armed conflict, crimes against humanity and other violations of human rights from around the world. We are here to remember those persons who have been effectively deleted because they belonged to the wrong nationality, religion, race, class, gender or political group.

We are also gathered here today to pay our respects and to show compassion to the families of the missing and disappeared. Their pain and suffering is increased by the lingering uncertainty regarding the fate of a loved one. The United Nations and the European Court for Human Rights have classified this continual suffering as a form of mental torture.”

Such were the words that I, as Director-General of the International Commission on Missing Persons, delivered at a special session of the Parliamentary Assembly of Bosnia-Herzegovina to commemorate the International Day of the Disappeared in Sarajevo on 31<sup>st</sup> August this year. Its fourteen years now since the war ended in Bosnia, and the country’s psycho-social and political-economic landscape is, for the first time in years, no stranger to the vitally important elements of truth, justice and reconciliation. But sabres are rattling again, ethnic division

and politically-orientated nationalism are raising their heads, and whilst those who would say that this state of affairs presages a return to conflict are by necessity in a minority, it would be amiss to say that Bosnia is not almost as much divided now as it was in the late nineties.

Across this landscape remains the whole problem of the thousands of persons still missing from the war, and the way in which this problem is resolved, with the resultant reconciliation and closure it will bring, or whether it is exploited for political means. It remains one of the most high-profile issues facing Bosnia-Herzegovina today.

For over a decade, ICMP has been assisting the governments of the Western Balkans in addressing the issue of persons missing from armed conflict, crimes against humanity and other violations of human rights that occurred during the period between 1991 to 2001 in the region. The difficulty of finding persons missing from those armed conflicts is daunting. Those who disappeared are often missing as a consequence of the actions of governments or institutions acting on a government’s behalf, which attempted to eradicate communities based on their national identity. The subsequent attempts to systematically hide the mortal remains of persons who were forcibly disappeared and

Described by British Foreign Secretary David Miliband on a visit to Bosnia in November 2009 as “a global centre of excellence,” the International Commission on Missing Persons (ICMP) is an independent, inter-governmental commission that address the issue of missing persons directly with governments. With its world headquarters in Sarajevo, ICMP is currently providing assistance to governments in the Western Balkans, Iraq, Colombia, the Philippines and other countries such as Norway, South Africa and Kuwait. ICMP seeks to ensure that governments exhibit the political will to address the issue and then assists them to locate, recover and identify missing persons.

ICMP also works with governments to ensure that the rights of victims in this process are met, including the concept that relatives of the missing have a right to information regarding the fate of a missing person, that they have the right to reliable and accurate information regarding the search process and that they have the right to social and economic benefits.

The Commission also works directly with civil society organizations, including family associations of the missing, to ensure that they are fully educated about their rights, that they are capable of engaging in the advocacy of their rights and in raising awareness of the issue.

ICMP provides technical assistance to governments to support the process of locating, recovering and identifying missing persons. It supports the work of justice sector institutions. In its technical assistance program, ICMP is perhaps best known for pioneering the application of a DNA-led identification process to large-scale cases of missing persons, and currently has made more than 16,500 DNA-assisted identifications worldwide, more to the power of four than any other forensic science institution on earth.

then killed were elaborate and extensive.

Over the years, ICMP has assisted in uncovering mass graves hidden under marked graves in cemeteries in the heart of Sarajevo, in wells, and in caves where heaps of garbage, rubble and even animal carcasses were thrown on top to hide the evidence. Victims have also been found in remote fields surrounded by deadly landmines and Unexploded Ordnance, on mountain tops, in ravines, after being thrown over cliffs, or under the houses and in the backyards of refugees returning to their homes. At a recently-discovered execution site in a lost pine forest in eastern Bosnia the remains of adults and a teenager had not even been buried: in the intervening years between their killing during the conflict and their recovery by ICMP in 2009 the bodies had been partially eaten by dogs and possibly wolves.

Remains have been found in football fields and abandoned factories and warehouses. But perhaps the most difficult cases relate to the 8,100 persons who went missing after the July 1995 fall of Srebrenica. The perpetrators, in an attempt to hide these bodies, used heavy machinery to remove them from one mass grave location to another and then to another and another. ICMP has evidence of the mortal remains of one man being so dispersed that his disarticulated body parts were found in 4 different mass graves. In some cases mortal remains were burned or thrown into rivers, thus decreasing the likelihood of ever being able to find them.

Equally daunting is the process of addressing the needs of the surviving relatives and others who rightfully demand answers. This situation has been especially difficult given that governments are either reluctant to provide such information, or may be actively engaged in concealing it. As one former regional politician put it “if there is no body, there is no crime”. There are also the attempts by regional governments, politicians and society, including journalists and so-called ‘humanitarian’ NGOs, to exaggerate the numbers of missing and to distort and manipulate the process of searching for missing persons to their own advantage, so as to augment the sense of

suffering and entitlement of their particular national group. Efforts, such as those of the Missing Persons Institute for BiH, which the ICMP co-founded in 2005, to move towards a universal approach to the issue, where persons are searched for without regard to religious or national origin, are becoming stronger, but it is still an uphill battle in a region where aggressive nationalism flourishes. The success of state-level structures and legislation that transcend nationalistic agendas and approach the issue in a universal sense are the only long-term hope for relatives of the missing to continue to find answers regarding the fate of their loved ones, to exert their rights and to commemorate the missing.

The creation in the mid-nineties of the International Criminal Tribunal for the former Yugoslavia, or ICTY, and its efforts to bring perpetrators to justice by collecting evidence which included excavating hundreds of mass or clandestine graves and exhuming thousands of bodies, represented a new approach to conducting investigations to be used in war crimes trials. In addition, domestic teams representing *ad hoc* nationally oriented commissions, exhumed graves not only to assist families, but to publicly demonstrate the level and kind of atrocities committed against their national group. In the rush to meet the needs of the prosecution, or to promote personal or nationalistic interests in many cases, the strategies to find and exhume the bodies were not well thought through. And, in the case of ICTY no provisions were made to identify the bodies, or to return them to families, since this task was beyond its mandate.

With those remains relating to the fall of Srebrenica, the ICTY handed over thousands of body bags containing unidentified body parts to the Tuzla Clinical Center in north-eastern Bosnia, most of which were then stored in local salt mines where they were assailed by rodents. Relatives of the missing, who knew of the large scale exhumations that were taking place, demanded that the mortal remains of their loved ones be handed over but there were no provisions for identifying the bodies, or pieces of bodies that were emerging. ICTY’s clear mandate was to investigate cause and manner of death, and

not to identify and return mortal remains. This task was left to local authorities. The Tuzla Clinical Center staff went on strike in 1998 because it could not cope with the large numbers of body bags that were strewn about the autopsy rooms and hallways of the hospital.

In 1999, ICMP initiated the creation of the Podrinje Identification Project in Tuzla, which brought together a team of court medicine experts to work only on the identification of Srebrenica 1995 victims. In the year 2000, the bodies were removed from the nearby salt mines and put into a purpose-made, refrigerated facility built by the ICMP in Tuzla where the local team, assisted by ICMP forensic experts could work. In 2001, ICMP completed the construction of its laboratory system and began the use of a DNA-led identification process in the region. In November 2001, ICMP made its first DNA-led identification of a 15 year-old boy from Srebrenica. As of the 20<sup>th</sup> November 2009, ICMP had made 6,316 DNA-matches of the estimated 8,100 persons missing from Srebrenica.

It is estimated that as consequence of the conflicts in the Western Balkans, 40,000 persons were missing. This number includes the conflicts relevant to Croatia, Bosnia and Herzegovina, Kosovo, as well as the 2001 crisis in Macedonia. Of this number, the vast majority of persons missing were also presumed dead and their mortal remains were hidden in numerous mass and clandestine graves throughout the region.

**[Since 20 November 2009] ICMP... assisted in making 15,242 DNA-led identifications; of which 12,801 are relevant to Bosnia conflicts and 2,237 to the Kosovo conflict.**

Today, ICMP estimates that at least 15,000 persons are still missing in the region, including approximately 2,000 persons from the Croatia conflicts (out

of 6,000), some 1,800 persons from the Kosovo conflict (out of 4,400), 12 from the 2001 crisis in Macedonia (out of 21), and 9-10,000 from Bosnia and Herzegovina (out of 30,000). For ICMP, it is only possible to accurately determine the number of persons recovered and identified in cases where ICMP used DNA to assist a government with identifications. For the remaining cases, ICMP numbers are based on the reports of government authorities.

In this regard as of 20<sup>th</sup> November 2009, ICMP has assisted in making 15,242 DNA-led identifications; of which 12,801 are relevant to Bosnia conflicts and 2,237 to the Kosovo conflict. It has assisted in the excavation of over 1,000 sites and the exhumation of over 13,500 sets of mortal remains. Based on reports from governments, ICMP estimates that prior to the application of ICMP's DNA-led identification process in late 2001, approximately 7,000 – 8,000 sets of mortal remains were found and cases were closed relevant to the BiH conflict, and 2,000 mortal remains were found and cases closed relevant to the Kosovo conflict.

The technical challenges faced by the regional governments to locate, recover and identify missing persons are also daunting. Even taking into account the fact that hospitals were damaged, and that few technical experts remained in the region after the conflicts, it defies the ability of any country or region, even the most advanced, to deal with the overwhelming task of finding 40,000 missing persons and to do so in a manner that respects the needs of families, the requirements of proper criminal judicial investigations and the long term societal necessity to provide an historically accurate accounting of atrocities that can counterbalance unsubstantiated and politically motivated narratives.

This last point cannot be underestimated. As the countries of the Western Balkans build or create new states, they continue to struggle with notions of identity, as well as the issue of how to deal with the past, and these two elements are often purposely interlinked. The atrocities committed in the previous decade are still wounds that are dangerously susceptible to being re-opened by those who seek political advantage. Given the historical

record of the region, where the issue of mass atrocities from WWII was used to inflame the hatred that ignited the conflicts of the 1990s, it is important to provide a counter-narrative based on reliable and accurate information. ICMP's efforts have therefore focused on opening up closed systems, the promotion of transparency and the creation of sustainable rule of law institutions, ensuring dialogue between communities and between civil society and governments, as well as the provision of technical assistance that allows for the proper recording of mass graves as well as irrefutable evidence of the identity of victims recovered. Through these efforts the primary goal of ICMP's work in the Western Balkans is to contribute to peace and stability in the region.

In order to measure progress in providing assistance to governments to address the issue of missing persons in accordance with ICMP's primary goal, it is important to understand that there are few relevant historical benchmarks that can be used. The international community response to assist in rehabilitating the war-torn regions of the Western Balkans, and particularly the manner in which it chose to address the issue of mass atrocities, are markedly different from previous historical efforts, including - for example - WWII and the Spanish Civil War.

In addition, there are no contemporary efforts to which ICMP's work can be compared. ICMP now receives delegations from Colombia, Argentina, Iraq and Cyprus, all of which have been dealing with a legacy of missing persons for a much longer period than the countries of the Western Balkans. They are eager to learn about laws, institutions and technology that can be applied to these cases. Following a visit to ICMP facilities in BiH, the Chief Prosecutor from Colombia described what he saw as a "miracle" that he dreams of replicating in Colombia.

Therefore, as with the creation of ICTY, the establishment of ICMP spearheaded by President Clinton and the international community in Lyon in 1996 to address the needs of the Western Balkans and beyond is very much a product of a historical shift in societal thinking regarding how to deal with

post-conflict societies and mass atrocities.

After a decade of existence, ICMP has emerged as a successful organization that provides concerned governments with a forum to provide assistance to countries confronted with large numbers of missing persons in a manner that holds governments to account and ensures that they meet the needs of victims through the provision of rule of law institutions and through the use of modern forensic technology. Therefore the goals of the ICMP are in concert with the overall aims of the international community in the Western Balkans to obtain peace and security.

**ICMP... provides concerned governments with a forum to provide assistance to countries confronted with large numbers of missing persons.**

ICMP's goals, among others, are that sustainable, professional and impartial institutions are in place and capable of addressing the issue of missing persons regardless of the religious and national origin of the person missing. That governments, and other authorities ensure that the technical capacity to locate, recover and identify missing persons is sustainable and conducted in accordance with best practice procedures that not only assist families, but allow for assistance to criminal judicial proceedings and serve as reliable and accurate historical documentation. Also that governments and other authorities provide accurate and reliable information regarding numbers of missing persons as well as regarding the process of locating, recovering and identifying missing persons, and that the efforts of the regional governments allows for the number of persons recovered and identified to continue to increase. As well, that governments provide sustainable funds and resources to institutions tasked with addressing the issue, as well as provisions that allow for

compensation to families of the victims, and that legislation on missing persons exists that allows family members of the missing to exert their right to information regarding a missing relative as well as access to social and economic benefits.

In order to measure ICMP's progress in achieving objectives in line with the goals listed above, it is important to understand the nature of ICMP's support to the governments of the Western Balkans. First, ICMP assistance to the governments or government authorities is based upon formal agreements with ICMP. Second, ICMP's work is funded through voluntary donations from sponsoring governments. Thirdly, ICMP assistance is divided between, a) capacity building (assistance in the creation of institutions, legislation, work with civil society groups and the creation of specific technical projects such as the Podrinje Identification Project and the Krajina Identification Project); b) the provision of technical assistance (including the provision of forensic anthropologists and archeologists to assist in excavations and the examination of mortal remains and the use of DNA identity testing to identify the missing); and c) assistance to justice sector institutions, whereby ICMP provides expert reports on its technical findings.

## ICMP now has the biggest DNA identification laboratory system in the world dedicated to addressing missing persons cases.

The distinction between ICMP's capacity building program and technical assistance is an important one. For example, ICMP's capacity building program in the Western Balkans does not include building the capacity of the regional governments to engage in DNA testing for the purposes of making identifications of persons missing from the conflicts. Indeed, the decision was made by governments, including that of the

UK, who sponsor ICMP's work at a working group session held in 2002 that ICMP should build upon its own technical capacity to address the issue of missing persons, not only in the Western Balkans, but beyond that region. In addition, it was agreed by ICMP's sponsoring governments that this capacity could be applied to cases of persons missing from disasters as well as armed conflict.

As a consequence of these decisions by sponsoring governments and their continued support, ICMP now has the biggest DNA identification laboratory system in the world dedicated to addressing missing persons cases. As such it has become a significant independent global resource for addressing missing persons cases from armed conflict, crimes against humanity, violations of human rights, terrorist attacks and cases of natural disasters. Consequently, in addition to the provision of assistance in the Western Balkans, ICMP has, or is assisting the Philippines (Typhoon Frank), Thailand (the 2004 SE Asian Tsunami), the United States (Hurricane Katrina), Chile, Colombia, Iraq, Kuwait, Cyprus and Norway (WWII).

In this regard, in terms of its long term strategy for the Western Balkans, ICMP seeks to meet its capacity building goals by the end of 2010; however, it may need to continue to provide technical assistance, especially the provision of assistance in DNA identity testing beyond 2010, since that process is contingent upon the will of governments to sustain a robust search and recovery process.

However, the issue of continued technical assistance beyond 2010 looms large, particularly since families of the missing will continue to seek answers on the identity of victims recovered and courts, particularly ICTY and the State Court in BiH rely on ICMP DNA match reports and supporting expert testimony in trials. Of great concern to ICMP is the ability to provide sustainable support in the trial of Radovan Karadzic where disclosure of ICMP evidence has already begun. Furthermore, the provision of sustainable DNA assistance in the Western Balkans will help to strengthen the rights of families and sustain the credibility of regional institutions, such as the Missing Persons Institute and the Kosovo Commission.

Commitments from international donors to support such efforts beyond 2010-2011 are already forthcoming: ICMP is keen to stress that they should, if possible, continue.

When it comes to it, the reason that they should continue is because of people like Rufeida Buhic, a 68-year-old Bosnian Muslim woman whose husband was killed early in the 1992-1995 war. Serb forces caught her only son, Razim, 17, when he tried to escape from Potocari, outside Srebrenica. A survivor later told Rufeida that her Razim was one of the first to be shot. His body was never found. Talking to Aida Cerkez-Robinson, the veteran Sarajevo Bureau Chief of The Associated Press this year in eastern Bosnia, just before the 14<sup>th</sup> anniversary of the Srebrenica massacre, she told how she waited desperately for news from ICMP that any mortal remains of her son had been found.

After the end of the conflict, she said, she returned to her pre-war home near Srebrenica to be where the three of them – her husband and son and herself – had lived together.

*“That’s where they walked, where they worked. That’s where I want to walk,”* said Rufeida.

When neighbours see her working around the house and the garden all day, *“They say,*

*you really work too much. But I’m not alone, I tell them. The two are with me and are helping me.”*

Buhic can’t sleep at night. No medication helps. Often she visits a neighbor’s house, where her son’s friend lived and where Razim once measured how tall he grew. She goes there just to look at the line carved in the wood of the doorway: 195 centimeters, or nearly 6-foot-5.

Constantly, she checks her mobile phone. *“Every time it rings, I think they are calling me to say they found him ... even one bone,”* she said.

\*Kathryne Bomberger was appointed Director-General of the International Commission on Missing Persons (ICMP) in April 2004. She began working for ICMP as the Deputy Chief of Staff in July 1998. Prior to working with the ICMP, Bomberger worked for the Organization for Security and Cooperation, Europe (OSCE) in Bosnia and for the United Nations Civilian Mission in Haiti. Before entering the field of Human Rights, Bomberger worked for the United States Senate in Washington, D.C. on publications relevant to the history of the Senate. She has a Masters in International Relations with an emphasis on Middle East Studies from the George Washington University in Washington, D.C. and a BA in History from the same university. On June 14, 2007, she was made Chevalier de la Legion d’Honneur by the President of France as “the proof of attention and recognition of the French Government for the work of Kathryne Bomberger in her mission and the exceptional achievements of ICMP”.

## ANALYSIS OF ISSUES AND DEVELOPMENTS IN THE ARENA OF DIALOGUE AND CIVILIZATIONS





# Al-Muraji'at: Egypt's Pact with Radical Islam

\*DR BARBARA ZOLLNER

IN November and December 2007, Sayyid Imam al-Sharif, aka Dr Fadl, issued a series of articles which called upon those engaging in militant *jihad* to lay down their arms. The statements, which are collated under the title *Wathiqat Tarshid al-Jihad fi Misr wa al-'Alam* ("Evidence of Guidance for al-Jihad in Egypt and the World"), aim to address members of the Egyptian *Jama'at al-Jihad* (EJJ) and its ally *al-Qa'ida*.

Of course, any work deconstructing the ideas of violence and militancy using Muslim theology and law is worthwhile engaging with. Al-Sharif's contribution carries undoubtedly particular weight. After all, before aligning himself to the camp of Islamists which speak out in favour of non-violent activism, Dr Fadl was one of the major ideological figures of militant *jihad*.

Considering al-Sharif's personal history, the question remains whether the purpose of his *Wathiqat* is indeed departing from radical and potentially militant ideas. The question boils down to whether his revision really revisits Muslim law in order to engage with the principle of non-violence or whether he merely advocates that the strategies of militant *jihad* need to adopt to a context which significantly changed following 9/11 and the subsequent 'the war on terror'. The difference between fundamental revision and strategic manoeuvre is extremely important. Islamist movements which substantially re-engage with the juridical premises tend to align themselves with moderate and peaceful understandings of Islam which are more likely to adopt a reformist stance; while Islamist movements which only adjust their tactics remain essentially radical in their vocation and are more likely to return to militancy in future.

Our recourse to historical examples of movements that went through a process of theological and juridical reflection to

effectively renounce violence will show that radical Islamist worldviews are irreversible and are thus not static ideologies. This is a key point of observation and it further allows us to look into the factors which can influence a de-radicalisation process. The most systematic approach to do this is to use aspects of Social Movement Theory.

## AL-SHARIF: PAST AND PRESENT

Analysts who are familiar with the world of militant Islamist networks might have heard of al-Sharif before. After all, he was known to be one of Ayman al-Zawahiri's oldest brothers in arms and, like the latter, a first tier member of the EJJ. It was this organisation which was, in conjunction with another militant Egyptian Islamist movement, *al-Jama'a al-Islamiyya*, involved in the assassination of President Anwar al-Sadat. After this event, al-Sharif took refuge in exile, first in the UAE, then in Peshawar/Pakistan where he took charge of the EJJ. Sharif's manual *al-'Umda fi 'Idad Al-'Udda* ("The Essential Guide for Preparation") written in 1988 provided the growing *jihadists* movement in neighbouring Afghanistan with the theological underpinnings for the use of weapons in the fight against the 'kuffar forces' of the Soviet Union. This text and his more expansive *al-Jami' fi Talab al-'Ilm al-Sharif* ("The Compendium for the Pursuit of Divine Knowledge"), which he wrote shortly before breaking with al-Zawahiri, were to become essential reading material of future Islamist terrorists.

However, in the course of the early 1990s, al-Sharif started to gradually distance himself from al-Zawahiri and the emerging, Osama bin Laden funded, al-Qa'ida network. The primary reason for al-Sharif's detachment was a rift over the tactics of militant engagement. The dispute over the strategy of the militant *jihadist* movement became first apparent

with the withdrawal of the Soviet Union from Afghanistan in 1989. In its aftermath, al-Sharif favoured the idea of jihad against the 'near enemy', meaning violent opposition against leaders of nation states such as President Husni Mubarak in Egypt, while al-Zawahiri and Bin Laden adopted the vision of fighting the 'far enemy', namely the US, which they consider as the true source of evil. Still, al-Sharif moved with al-Zawahiri to Sudan in 1992, where Bin Laden and his companions were welcome by the Omar Bashir's regime. However, by 1994, al-Sharif capped his affiliation and clearly distanced himself from al-Zawahiri and Bin Laden.

In fact, al-Sharif's dislike of his former companions grew so strong that he later accused al-Zawahiri of plagiarising his *Compendium* and misusing his work for the justification of a jihad he considered illegitimate. Leaving Sudan, al-Sharif settled in Yemen where he was arrested shortly after 9/11 and from where he was extradited to Egypt in 2004. With al-Sharif gone, EJJ effectively merged with al-Qa'ida; Ayman al-Zawahiri became its ideological head while members of EJJ formed the core of al-Qa'ida's *shura* council.

## Du'at la Qudat ("Preachers not Judges") challenges the idea of takfir... and neo-jahiliyya.

Considering al-Sharif's past, his previous ties to the network of militant Islamism and his reputation as the *Shaykh al-Jihad*, his *Wathiqah Tarshid al-'Amal al-Jihadi fi Misr wa al-'Alam* ("Evidence of Guidance for al-Jihad in Egypt and the World") is undoubtedly significant. A quick glimpse at its content shows that its major aim is to redirect affiliates of al-Qa'ida towards a more nuanced and, hence, less militant understanding of jihad. Because he points out examples of al-Qa'ida's misconducts, al-Sharif clearly thwarts al-Zawahiri's rhetoric and criticises his influence on the minds on a generation of jihadists. Published first as a series of articles in the Egyptian newspaper *al-Misr al-Yawm* in November 2007, al-Sharif's *Wathiqah* is

relatively easy to locate on the web in its original Arabic<sup>1</sup> and it is already available in a number of translations, including English. The fact that al-Zawahiri felt compelled to reply to al-Sharif's accusations by issuing a number statements and even writing a response shows that al-Sharif's message was heard in jihadist circles and that it has indeed shaken al-Qa'ida's leadership.

## ISLAMIST MOVEMENTS AND DE-RADICALISATION

Al-Sharif's revision follows suit a number of *muraja'at* (revisions) of the 'jurisprudence of violence' (*fiqh al-urf*). Already in the late 1960s, the Muslim Brotherhood (*Jama'at al-Ikhwan al-Muslimun*; MB) issued a juridical exposition which elaborates on a theology of non-violent political engagement and peaceful opposition. The text which is known under the title *Du'at la Qudat* ("Preachers not Judges") by Hassan al-Hudaybi, challenges the idea of *takfir* (accusation of unbelief) and neo-jahiliyya (a state of ignorance similar to that of pre-Islamic times).

With *Du'at la Qudat*, the Brotherhood took a clear step away from revolutionary visions in its midst amongst them radical interpretations inspired by Sayyid Qurb's *Ma'alim fi al-Tariq* ("Milestones"). *Du'at la Qudat* is an early example of the *muraji'at* genre; its continuous importance lies in the fact that it was a moderate Islamist response to extreme Islamist views. As such it used theological arguments against militant interpretations of *jihad* (struggle, particularly armed struggle) and fanatic views on *hakimiyyat Allah* ("absolute sovereignty of God"). The effectiveness of a theological answer from within the ranks of the movement can be seen in the fact that it vindicated the Muslim Brotherhood's pursuit of a non-violent, yet outspoken opposition against the regimes of Anwar al-Sadat and Husni Mubarak.

Apart from the MB, a second example comes to mind. In 1997, the Egyptian *Gama'at al-Islamiyya* (EGI) abandoned its theology of violence. Over two decades, the organisation engaged in high profile strikes such as the collaboration with EJJ in the assassination of President Anwar al-Sadat and

attacks on the lives of public figures amongst them for example the Egyptian secularist Farag Fouda. EGI was involved in numerous terrorist attacks such as setting of car bombs and strikes on tourists, most notably the Luxor massacre of 1996 and engaging in bloody gun-battles with police and army in Upper Egypt.

The EGI's decision to lay down its weapons ended a bloody period of Egyptian Republic. Renouncing its radical ideology and strategy, EGI's leadership issued a set of volumes in the years after 1997. These writings were based on a religious rationale which deemed militant *jihad* as an illegitimate means of resisting the Egyptian regime and which instead suggested seeking political solutions through dialogue, negotiation and participation in the political system.

## Reflections of theology and jurisprudence [play] a central role in the de-radicalisation process.

When comparing the immediate circumstances of al-Sharif's recantation with that of the Muslim Brotherhood or that of the EGI leaders, it is astonishing to see that the turn towards less radical ideas took place in prison. How can it be that the experience of imprisonment has such a positive effect? The fact that prisons are the locale for revisiting theology and law turns Kepel's observation that 'in the beginning were the prison camps' on its head. One only needs to remember Sayyid Qutb, Mustafa Shukri and 'Abd al-Salam Faraj, who all were radicalised whilst imprisoned to raise caution about any suggestions that detention is an effective means of rehabilitation.

Still, it is important to note that a reflection of theology and jurisprudence played a central role in the de-radicalisation process. Al-Hudaybi, members of the historical leadership of EGI or al-Sharif had not only time to access books and literature, but were moreover actively encouraged to discuss their views with trained '*ulama*. It is self-study and the exchange of ideas with scholars which led to their substantial revision.

No doubt, the three examples of apparently successful de-radicalisation processes give hope that a less extreme future is possible. However, one needs to be cautious not to overstate this optimism, but further investigate factors contributing to the rise of radical ideologies. Assuming that similar factors are crucial elements of a de-radicalisation process, it will give us the necessary clues whether revisions, such as those of al-Sharif, indeed engage in fundamental renunciation of violence or whether they are only a strategic manoeuvre. Furthermore, the analysis will help us to understand what we can do in future to 'fight' terror in the name of Islam.

## SOCIAL CONTEXT AND DE-RADICALISATION

Without intending to justify violence and militancy, there is no doubt that radical movements feed of and, one could even argue, are the product of social and political context which is in crisis. Social movement theorist such as Wiktorowicz and Kurzman describe in their analysis how contextual aspects are interlinked with the rise of resistance. Amongst these factors are severe socio-economic conditions such as lack of social mobility, the rise of a 'lumpen intelligencia', inequalities in income or urbanisation.

A second obvious contextual factor is political oppression. Military regimes such as that of Husni Mubarak apply authoritarian methods to block out political opposition. Egypt is certainly not a functioning democracy and political activists challenging the regime, whether Islamist or not, live under the fear of repression. The US, which has supported the Egyptian state ever since it agreed to peace with neighbouring Israel in 1978, approves of Egypt's undemocratic regime in exchange for security alliances.

There is no doubt that socio-economic and political factors such as those briefly mentioned here generate disequilibrium in society that prepares a fertile ground for discontent. Allowing for democratic means of voicing grievances and working towards better living standards would have without any doubt a positive effect on the confidence of the people in the state. It therefore seems

obvious that the introduction of a truly democratic system would undermine radical Islamist ideologies. Nevertheless, since Egypt has not fundamentally changed its authoritarian ways during almost 30 years under Mubarak, this initial observation does not answer why al-Sharif or the leadership of EGI decided to renounce violence.

Other factors are coming into play. Current studies of social movements suggest that, no matter whether Islamist organisations use violent means or whether they opt for exercising peaceful methods, the choice of ideologies and strategies are based on a rational calculation. In a nutshell, the observation underlines the fact that movements constantly assess and reassess their impact, weighing up risk and effectiveness with their purpose and estimated outcomes. This process is a complex rapport between risk and intended outcome, known as 'resource mobilisation'.

While there is certain reluctance in scholarship and policy making to describe radical and militant movements as rational actors, conventional approaches to preventing terrorism actually recognise this interrelation between risk and outcome. In fact, they aim to increase the risk of being detected in the hope that the increased risk eventually leads militant organisations to give up. Effective policing and surveillance is only one aspect of this strategy. In Egypt, where the rules of combating terrorism often cross the line to state-brutality, the imprisonment of suspects without charges, inhuman prison conditions and torture, intimidation of families or searching entire neighbourhoods are only a few examples of how 'the end' should not justify 'the means'. In fact, Egypt's uncompromising combat strategy and its dubious practices are largely counter-productive. Without intending to say that radical Islamists are the victim of state-force, militant Islamist organisations, such as previously EGI and EJJ, used the regime's heavy-handed anti-terror policy as evidence to argue that they fight a legitimate cause against unjust rule. One therefore cannot but wonder how it is possible that the *muraji'at* could evolve in such an environment.

So what has changed? What made the

leaders of EGI or al-Sharif change their minds? If we argue that radical Islamists apply a rational calculation, then there need to be identifiable rational factors. When looking into EGI, it becomes obvious that the 1997 Luxor attack was a turning point for the organisation. The massacre, which left 78 people dead, was received with outrage amongst Egyptians. EGI, which considered itself rooted in Islam of the masses hoping that one day their activism would lead to a popular uprising against the regime, had to recognise that it lost the little support or rather the little empathy it had in general public. In the aftermath, EGI leaders gradually realised that their actions only called for grief and were met with resentment. Only once leaders took a step back to review their action, they were able to take a second step to review their ideology.

In the case of al-Sharif and the EJJ, the rational calculus which initiated his retraction is not as obvious. As indicated above, the history of his relationship to al-Zawahiri and the emerging al-Qa'ida started to turn sour already in 1994. So why did he not speak out against militant jihad then or in the years to follow? The reason lies in the fact that al-Sharif did not object to the concept of militant jihad itself, but only disagreed on al-Zawahiri's strategy of targeting the 'far enemy'. The major turning point for al-Sharif was then 9/11 and the subsequent international and national efforts in the 'war against terror'. Since then, the stakes for joining groups are high and, apart from the hard-core, individuals might reconsider any direct or indirect affiliation. Perhaps the loss of so many innocent lives made him consider that violence only produces victims. However, this reflection is not based on rational risk calculation. Al-Sharif's renunciation is therefore less influenced by a risk/balance calculation and goes beyond a rational sum of strategic choice. It seems that al-Sharif lost confidence in the motivational factors of the jihadist cause. No longer was the dispute on whether the tactics of combating the 'near enemy' is more effective than targeting the US, but more fundamentally he took issue with al-Zawahiri's theological and juridical justifications.

In the language of Social Movement Theory, this reflection on the motivational aspect of activism is described as 'framing'. EGI and EJJ previously were inspired by ideas of revolution, which they developed from the concept that it is the duty of true Muslims to actively engage in a fight against a political system they regarded as anti-Islamic. Despite the fact that leaders of EGI and al-Sharif as a representative of EJJ still regard the rule of an Islamic state as their ultimate goal, they decided to redefine their motivational explanations of jihad. Looking at their use of religious language and theological precepts of text issued since 1996, EGI leaders address their members to tell them that in no unclear terms the use of force against a leader is against the principles of Islamic law since it causes *fitna* (civil strife).

Al-Sharif's exposition contains a similar line of thought. However, there is a crucial difference between the works of EGI leaders and that of al-Sharif. While EGI leaders definitely underwent a substantial theological turn, al-Sharif is less categorical in his review of jihad. In fact, on a number of occasions he holds on to assertions of armed struggle and rather retreats to a critique of al-Qa'ida's use of jihad. One therefore needs to be cautious to see al-Sharif as a reformed character who now fully propagates non-violence.

Nevertheless, the writings of EGI leaders and al-Sharif's *Wathiqah* show an enormous potential to influence the scene of militant Islamism. In fact, their ideological battle is much more effective than the use of force in combating terrorism. Not only are they more familiar with the logic of radical Islamism and its use of theological and juridical arguments; but much more fundamentally they are motivated by the same frame, namely religion. It is his recourse to Muslim theology and jurisprudence which really makes the difference. It is the only persuasive language which radical jihadist listen to and perhaps the only means to convince them to reconsider their position.

Furthermore, the fact that leaders of EGI and al-Sharif were previously part of the radical scene, gives them an aura of credibility amongst jihadist which other Muslim scholars cannot be sure of. Therefore,

the fact that previous radicals issue revised juridical benchmarks on jihad makes it more likely that these *muraji'at* reach the target audience.

## WHAT CAN WE LEARN?

There are a number of points we can learn from the Egyptian cases which can be utilised to prevent the spread of militant ideas or to perhaps initiate a fundamental shift in the ideology and strategy of al-Qa'ida and its allies.

**Egyptian Muslim Brotherhood and al-Qa'ida, which are both labelled as Islamist organisations, have little in common except for their use of religion as a source of reference.**

On a basic level, we learn to understand that the scene of Islamist activism is not static; of course it is already widely acknowledged that there is diversity within Islamist movements, ranging from moderate and peaceful to radical and militant. It is obvious that the Egyptian Muslim Brotherhood and al-Qa'ida, which are both labelled as Islamist organisations, have little in common except for their use of religion as a source of reference for their political ideas. Apart from acknowledging that there is such a wide range within political Islam, the process of de-radicalisation shows us that Islamist can change. As much as people and organisations can undergo a development towards radicalisation, they can also de-radicalise. This does not mean that proponents of political Islam necessarily give up their Islamist ideas, but the *muraji'at* give us room to hope that there members of militant jihadist organisations can be convinced to give up their radical ideas.

Despite the fact that Egypt seems to be the hub of the revision movement (if there is one that is), there are of course no easy and ready-made policies which encourage such a process of de-radicalisation. While it is

remarkable that the de-radicalisation of MB, EGI or EJJ took first shape in the confines of Egyptian prisons, the extent of the claim that Egypt's anti-terror strategy is effective needs to be seen. After all, Egypt under Mubarak remains an authoritarian regime and the lack of democratic participation is much part of the problem. This and the fact that the socio-economic and political malaise has not considerably changed also disproves claims that the de-radicalisation is merely the reverse of radicalisation. If anything, the *muraji'aat* are a product of the internal self-assessment which led to the revision of primary motivational factor and frames.

The fact that de-radicalisation is a process which shapes Islamist organisations from inside-out makes it more likely that organisations which underwent such a process are indeed renouncing violence for good. However, because it is revisions originate internally, it makes a prevent strategy which

encourages a self-reflective discourse a highly subjective approach which can only work as a long-term engagement and not as an immediate solution.

## ENDNOTES

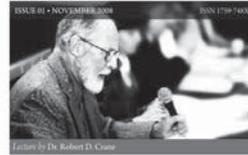
<sup>1</sup>See for example [www. Murajaat.com](http://www.Murajaat.com)

\*Dr Barbara Zollner is a lecturer in Islamic Studies at the Department of Politics at Birkbeck College, London. She specialises in political trends in the Middle East and North Africa; Islamist movements, particularly their strategies and ideologies, and Muslim political and legal discourses. Zollner is Network Coordinator for the British Society for Middle Eastern Studies (BRISMES) and a Fellow of the Higher Education Academy (HEA) and member of the Area Studies Advisory Group. Zollner's recent publications include 'Islamic Jihad, the group', in Gerhard Böwering's (ed.) *Encyclopaedia of Islamic Political Thought*; 'Muslim Theologians and Scholars: Moderate and Progressive Voices', Policy Report for the Foreign and Commonwealth Office, London (2008); *The Muslim Brotherhood: Hasan al-Hudaybi and Ideology*, Routledge Series in Political Islam, (2008); and 'Prison Talk', *The Muslim Brotherhood's Internal Struggle During the Period of Abdel Nasir's Persecution, 1954 to 1971*, in: *International Journal of Middle East Studies* 39:3, Cambridge University Press.

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# War, Peace and Reconciliation: The Kurdish Question

\*KASIM AGPAK

THERE have been many debates, meetings both official and unofficial, and discussions in recent days in relation to the Kurdish question of achieving a possible peaceful solution. It is understood that the Kurdish question is one of the most important issues in the Middle East with the stability of the entire region being strongly linked with its solution. Before everything else however, there are few questions which one, in a sense, ought to hold in order to understand the complexity of the issue. First of all, how can we understand the meaning of peace without understanding the implications of war? Is it simply possible to find a peaceful solution without even acknowledging the sufferings?

## The Kurdish question... holds many complexities and difficulties.

Or is it the realisation of unnecessary suffering and crimes that push for a possible peace process? Is it simply the defeat of the Turkish states' dreadful assimilation process on the Kurds? Is it the changing world and the interest of capital that requires the conflict to be resolved, of course, within the interest of capital itself? Is it the victory of PKK's (Partiya Karkaren Kurdistan) guerrilla warfare against Turkey? Or the peace genuinely wanted by both Kurdish and Turkish people? If so what are the significant evidences pertaining to it? The Kurdish question in this sense holds many complexities and difficulties. It could be said that the history of humanity is usually defined by wars and its terrible consequences. It is the concept of war and it being perhaps the most conflicting term that clashes with what it means to be human being. Therefore, one of the contradictions of humanity is claiming to be civilised on one hand and slaughtering millions of people on

the other, ironically in the name of civilising the ones who are not 'civilised' and fighting against the enemy. Enemy that is; constantly produced through a series of discourses in order to justify ones' existence. Therefore, it could be argued that the concept of war is internalised so much, that humanity has almost forgotten the meaning of peace. It can be said that one may have many definitions for war, without any hesitation, but we do not hold what it takes to live in a peaceful world, simply because we (humanity) do not know what we mean by peace.

Mankind has been in a constant mood of war, therefore, it could be argued that the psychological implications of this way of living and practising, which internalises the war machine within individual units so that every individual is ready to fight whenever it is required of him, has had a great impact on human beings. It is precisely for these reasons that, one could argue that we do not know what we mean by peace. However, this does not prevent one from pursuing the true or more accurate meaning of peace. Furthermore, this text also recognises the peace movements and their tireless labouring and activities in the search of possible peace in the world.

Bearing the complexities of war and peace in mind in a general context, it is vital to illustrate the implications of war in the case of Kurdistan, in order to understand today's 'peace processes'. One does not have to go too far back in order to attempt an explanation to the issue. It is clearly visible that both Kurdish and Turkish communities are almost seeing things from different planets. This becomes more apparent through celebrations of the peace groups return to Turkey both from Qandil and Maxmur, in order to give peace a chance and to contribute a possible peace process to follow up the call from Mr. Abdullah Ocalan. The celebrations were such

that had never been heard of or seen before. For some it was a huge surprise, for others it was the norm if the conditions and the tragedies of the region were to be considered. On the Kurdish side, there were thousands of people on the streets celebrating and hoping that the return of those peace groups may lead to possible peace and the struggle they waged was returning them alive. There have been many different interpretations of this event and I would like to elaborate on them a little further. We could begin by asking who needs peace. Some may argue that the Kurds need peace most, precisely because they have been the subject of heavy state oppression; it was they who lost their homes, it was they whose villages burned, it was they who were imprisoned and mocked simply for speaking their own mother tongue, and it was the Kurds who lost their lives and loved ones. There is a common claim that is often heard from Turkish politicians that the war cost forty thousand peoples' lives. If one was to break this into percentages, it is clear that almost thirty three thousand of the Kurds lost their lives in this war and the remainder accounted for the security forces of the Turkish state. This demonstrates the scale of the effect of this war on the Kurds. Every life lost to this war can be seen as a loss to the whole of humanity; therefore, it is important to recognise the effects and the evils of war whether it is just or unjust.

The celebrations were viewed as an outrage amongst the Turkish state and for some of the Turkish communities. The occasion had been interpreted as the Kurdish people celebrating the victory of the PKK, and therefore deemed an unacceptable act. There were many demonstrations which took place to condemn the release of those who returned to Turkey, condemning the whole peace process. This was the outcome of a traumatised, oppressed, frightened and consequently paranoid community's unconsciousness. Imagine a community that had been under the bombardment of state influence, lies, discourses and falsifications about reality and would one day face the reality that was deliberately denied to it.

The actions and demonstrations against any peace process can be viewed as a struggle

to cope with the reality and to believe that they have not been lied to. One can imagine a father raising his child telling him that he is the father and acting accordingly, only to one day tell him that he lied and the reality is that he is not the father. It is difficult to measure the consequences and interpretations of this in the mind of the child. The Turkish community's case is similar to this analogy of the father and son. The Turks were told that there was no such a thing as a Kurd. They were also told that they did not have language, they were uncivilised "Mountain Turks", they did not have a culture. Anything that falsified and did not define the Kurds was included within a set discourse denying the very existence of the Kurds. But now these Kurds, which supposedly did not exist, are central to the Turkish people's dilemma.

The Turkish state constantly imposed the idea of Kurds being uncivilized, barbarians and therefore terrorists. That concept of terrorism in the minds of the Turkish people equated to being Kurdish. In this sense, their struggle for identity, recognition of existence, culture, language, traditions has been constantly falsified and misinterpreted by the Turkish community. After all, this Kurdish community did not exist. It is important not to generalise that all of the Turkish community think of the Kurds exactly in this manner. There are some valuable understandings for the whole issue. For instance, a well known journalist Murat Belge argued this issue as a Turkish Problem. In his column he explained what he meant by the Turkish problem as; "The notion of the Turkish problem is remaining silent when war is shouted, when you send your child to fight an unjust war without any questions asked, yet when the peace process is called you throw yourself to the streets in protest, that is called Turkish Problem". This highlights the different perceptions between the two communities, on the one hand Kurdish people celebrate the return of their sons and daughters and this becomes a significant element of the struggle and the way in which they define the concept of life itself. On the other hand, the Turkish people sending their children to do compulsory military service with celebrations, knowing that they may

lose their life clearly demonstrates a different understanding and definition of life and the meaning of peace.

## Reconciliation lies in understanding the roots of these issues and genuinely empathizing with one another.

The dilemma is that on one hand there are nations that have been subject to systematic oppression and are therefore hungry for a possible peaceful solution. On the other hand, there is a nation that has been bombarded by state propaganda, the consequences of which are visible in their general attitude towards war and peace. This paranoid nature of the society does not allow any sense of debate concerning what it means to be living in a peaceful society. After all, people progress from their family life into education, military service to work life and have been exposed to the idea that “every Turk is born a soldier”. It is this militaristic discourse that in a sense poisons the minds perception of society.

Therefore, the difficulty lies in a lack of understanding and empathy between the two communities. Although, born from seeds of the same land they have been exposed to different consequences of the same set of discourses. What we have today is two nations that are suffering in different ways and contexts from one state policy and despite their common oppressor; the failure to date reconciliation comes from a lack of empathy and understanding each others common sufferings as being from the same source. The difference is that the Turkish people do not realise that they are victims of their own state. The Kurdish people, however, are resiliently trying to overcome being victims. Reconciliation lies in understanding the roots of these issues and genuinely empathising with one another. Although the sufferings of the two communities vary from each other, the point is not to measure and champion the sufferings that both communities have experienced. The objective is to explore how to prevent further suffering and to

understand and acknowledge the need for peace, not only for those two communities but for the entire world.

One of main obstacles is that the mentality of the nation-state formation that emerged as a result of modernity, denying the existence of other communities. The Turkish emerged from the ruins of the Ottoman Empire. The collapse of the empire resulted in many groups claiming rights to nationhood. The empire was picked at from all sides. The Turkish state is a relatively young nation whose very foundations are based in the legacy of the Ottoman Empire and the idea of people wanting to break the nation up. The state believes that it relies on nationalism and denying other identities to keep the country together. Whilst other longer established nations celebrate their diversities and see it as a richness, Turkey fears it as a threat. This is the very basis of Turkey's consistent and relentless policy of assimilation, denial and propaganda that runs through the veins of the state. It is this very policy that denies the Turkish and Kurdish people of the same land the ability to empathise with one another.

It is the lack of empathy and understanding that is the thorn in the possibility for a peaceful solution. This does not necessarily mean that a peaceful solution is impossible but it suggests that through genuine empathy it is possible and vital in the search of our true meaning of what it means to be a human being. After all, tears those mothers shed has no colour, nationality, religion. One of the tangible ways to a peaceful solution therefore is through bringing mothers together who lost their loved ones, sons and daughters. Most importantly, the solution of the Kurdish question is also possible through respecting, recognizing the existence and the rights of the Kurds as a nation.

\*Kasim Agpak has an MA in Postcolonial Studies and is currently completing a doctorate that investigates the Kurdish Question. Agpak's research interests include Identity, nation, power/knowledge, postcolonial theory and the concept of the state that includes the ways that it is formed and maintained.





مؤسسة قرطبة  
*The Cordoba Foundation*

Westgate House, Level 7, Westgate Road, Ealing, London W5 1YY • Tel 020 8991 3372 • Fax 020 8991 3373  
 info@thecordobafoundation.com • www.thecordobafoundation.com



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مؤسسة قرطبة

*The Cordoba Foundation*

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Level 7, Westgate House  
Westgate Road, Ealing  
London W5 1YY  
United Kingdom

---

Telephone +44 (0) 20 8991 3370

Telephone +44 (0) 20 8991 3372

Facsimile +44 (0) 20 8991 3373

---

[info@thecordobafoundation.com](mailto:info@thecordobafoundation.com)

[www.thecordobafoundation.com](http://www.thecordobafoundation.com)

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