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**“New Frontiers in Conflict Management:
A Grand Strategy to Wage Jihad
Against Terrorist Muslims who would Hijack Islam”¹
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I. Introduction

On September 3rd, 2004, nationalist extremists from the Caucasus region of Russia demonstrated their demonic hatred of everything sacred by taking a thousand teachers, parents, and children hostage in a school and then shot children in the back when they tried to escape. This has been called Russia’s 9/11, but this act of terrorism was perhaps worse than 9/11 in its sheer evilness because the terrorists did not first dehumanize their targets by lumping them all as unknown ciphers in a group condemned by collective guilt. Instead, they knew many of the victims as individual persons. They had taken these innocent people hostage with the precise purpose to kill them as an act of war.

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The moral issue here is not merely whether suicide bombing can be justified, because only those who have lost even the rudiments of civilized values can possibly think that it is. A larger issue is whether the terrorists' actions can be categorized as war. If so, what limits does the "just war doctrine" impose as recognized universally by the classical scholars in all the world's religious traditions.

The larger challenge to global civilization in the twenty-first century is how does one manage conflict with hate-filled extremists who are immune to all tactics of conflict resolution? Can such extremists be marginalized by marshaling spiritual and intellectual powers against which they have no defenses? If so, is there a "grand strategy" to do so?

II. Arguing Cause and Effect

All terrorists justify their actions based on cause and effect. All terrorists are alienated in one way or another and they pursue a cycle of escalating violence by claiming that the other guy started it all. This begs the question whether their response to their perceived grievance meets the standards of "just war."

The terrorists who committed the atrocity in Beslan justified their crime as an act of self-defense against the Russian military, who four years earlier at the turn of the century had flattened an entire city of a half a million inhabitants, Grozny, because it was the capital of Chechnya and had become a symbol of resistance throughout the Caucasus at a time when the disintegration of the old Soviet Empire into sixteen independent countries still threatened to spread into Russia proper.

Over the previous five years, since the Russian invasion of 1994, Chechnya was collapsing toward the status of a "failed state." The last freely elected president of Chechnya, Aslan Maskhadov, was losing control to a radical coalition of foreign Arab fighters, led by the Saudi Emir Ibn al Khattab, an Omar bin Laden protégé, and the followers of the Chechen war hero, Shamil Basayev. When these two radicals invaded neighboring Dagestan on August 7th, 1999, in order to launch a general uprising throughout the entire Caucasus and install a Caliphate "from sea [Black] to sea [Caspian]," the fate of Chechnya was sealed.

Two days later, Vladimir Putin, the head of the Russian secret police, succeeded Boris Yeltsin as Prime Minister and immediately declared that Russia must annihilate the Chechens or the resulting domino effect would cause Russia, as he put it, “to cease to exist as a state.” He summarized his general formula for conflict management as preemptive intervention: “You have to hit first and hit so hard that your opponent will not get to his feet.”

On New Year’s Eve, Year Two Thousand (YK2), Yeltsin appointed Putin acting President pending his election three months later as a war hero. His first act was to launch a preemptive war against Chechnya by effectively wiping out its capital. American officials, who advocated a political solution under the anti-war Chechen president, Aslam Maskhadov, and still do, nevertheless felt bound to give limited support to Putin by lamenting only “the excess use of force.” American officials described Putin as a pragmatic, can-do leader, a “man with whom we can do business.” President Clinton, based on his advisers’ political calculations, characterized the conquest of Grozny as “liberation.” On January 6th, 2000, William Safire declared in the *New York Times* that Clinton’s characterization was an abomination.

This history, which is well-known throughout both the Caucasus and the entire Muslim world, linked America with almost three centuries of imperialistic repression. Russia first invaded Chechnya in 1722 and by 1864, when the uprising had finally been temporarily suppressed, Russia had killed seventy-five percent of the Chechen population. The last resistance hero, the martyred Imam Shamil, has been a sacred icon throughout the entire Caucasus ever since and is an inspiration for tens of millions of Muslims everywhere in the world today.

The second liquidation came in February, 1944, when Stalin ordered the deportation of all Chechens to Siberia and in a bloodbath killed the half of the population that resisted. Khrushchev finally permitted what was left to return in 1957.

After the Soviet Union collapsed, and a year and a half before the Russian Federation was established on March 31, 1992, the Chechens exercised their felt right to national independence, along with all the other nations of the Caucasus, the Dagestanis, Ingush, Abkhazians, and Azeris, and led the way in reviving the North Caucasus Federation of May 11, 1918, working toward a larger regional

identity. The Chechens held national elections, but the new Russia opposed this as insurrection and initiated the third major liquidation from 1994 to 1996.³

The past four years since Putin's occupation from 2000 to 2004 may be considered a failed effort at a fourth liquidation. The specific Great Russian objective toward the Chechens today is not merely to counter an aggressive offensive by Al Qa'ida professionals, but to Russify the Chechens, whose myths date back 26,000 years, in a counter-offensive in order to destroy them as a nation with a common sense of the past, common values for the present, and common hopes for the future.

The terrorist attack in Beslan a week before the third anniversary of 9/11 is now debated both in Russia and America as a possible lesson on the limits of force in countering terrorism without addressing its causes.

III. When Muslims Are No Longer Islamic

More important even than the causes of terrorism is its legitimacy. Do ends justify means without limits? A sign of civilizational rise is when limits are not only recognized but applied, and the sure sign of civilizational collapse is when they are not. This would apply both to terrorism and to terroristic counter-terrorism.

It can be a fatal mistake to over-emphasize the causes of terrorism of whatever kind at the expense of appreciating the extent of the evil inherent in the terrorist mentality itself.

There is perhaps merit in the argument that, after Communism imploded, Muslims provided a convenient target for Cold Warriors who needed a new enemy. But, the spread of religious exclusivism and extremism, which had been funded for two decades by the Saudi government for its own political purposes, clearly stoked the terrorist paradigm of thought and the nihilism of suicide bombing. This led inevitably to what amounted to a new Fourth World War against the traditions of all world religions and against the civilizations built upon them.

³ See the author's position paper, *Kosovo and Chechnya: Products of the Past, Harbingers of the Future*, Islamic Institute for Strategic Studies, February 2000, 32 pp.

The clash of which Samuel Huntington has spoken has taken place primarily within civilizations rather than between them.

This clash within the Muslim world is clearly shown by President Aslam Makhadov of Chechnya, who stated on September 7th that, “There cannot be any justification for people who raise their hand against what is most sacred to us – the life of defenseless children! And there are no words able to express the full depth of our indignation at what happened.” For a decade he has been a voice of traditionalist Islam in Chechnya, as well as in much of the rest of the Muslim world. I had the honor to introduce him at the Plenary Session of the Second International Unity Conference sponsored on August 8th to 10th, 1998, by the Islamic Supreme Council of America in Washington, D.C., when he was battling to overcome the extremists who were committing crimes against their own religion under the guise of defending it.

Maskhadov is widely recognized as one of the greatest leaders of the twentieth century for his work in resolving disputes between emerging nations and declining empires. He is a Sufi, like most of the people in the Caucasus, and a follower of Mahatma Gandhi’s doctrine of passive resistance. Although no Muslim is a doctrinaire or absolute pacifist, Maskhadov has led the way in opposing violence as a means to secure human rights.

Maskhadov has been supported by authoritative Muslims throughout the world, who have become increasingly appalled by those who are trying to hijack Islam, as well as every other religion, in a global war of hatred. They were incensed at the vicious sadism of the kidnappers in Beslan who denied the children food and water and forbid them even to go to the bathroom. Egypt’s top cleric, Grand Mufti Mohammed Sayed Tantawi, declared at the Friday Prayer on September 3rd that, “Those who carried out the kidnappings are criminals, not Muslims.”

The General Manager of the popular TV station, *Al Arabiya*, Abdel Rahman al-Rashed, commented after the Beslan massacre, “It is a certain fact that not all Muslims are terrorists, but it is equally certain, and exceptionally painful, that most terrorists are Muslims.” He called them “Neo-Muslims,” perhaps in reference to the Neo-Conservatives in America.

The traditionalist Muslim leaders are asking who these Arabs and Muslims are who pray, fast, grow beards, demand that women wear veils, call for the defense of

Islamic causes, and then slash the throats of hostages, behead them, and indiscriminately blow up innocent people.

The committed Muslims have been forced to distinguish sharply between the religion of Islam and those Muslims who violate all its principles and then call their actions Islamic. There is no Islamic world, because no country observes the human responsibilities and human rights laid out over the course of centuries in classical Islamic jurisprudence. But, there is a Muslim world, where individual persons and governments claim to be Muslim, regardless of whether they are Islamic or not. And there are Islamists who have tried to turn the religion of Islam into a political ideology and thereby cut it off from its classical traditions. Like the suicide bombers, these are Muslims but not Islamic.

Clearly there is a “culture war” developing within the Muslim communities around the world in response to the extremists who once were tolerated but after the 9/11 experiences of America and Russia can be tolerated no more. The Council on American Islamic Relations (CAIR), which is the leading Muslim civil liberties group in the United States and an influential part of the global Muslim Brotherhood, is collecting signatures on a petition entitled “Not in the Name of Islam.” This reads: “We, the undersigned Muslims, wish to state clearly that those who commit acts of terror, murder, and cruelty in the name of Islam are not only destroying innocent lives, but are also betraying the values of the faith they claim to represent. No injustice done to Muslims can ever justify the massacre of innocent people, and no act of terror will ever serve the cause of Islam. We repudiate and disassociate ourselves from any Muslim group or individual who commits such brutal and un-Islamic acts. We refuse to allow our faith to be held hostage by the criminal actions of a tiny minority acting outside the teachings of both the Qur’an and the Prophet Muhammad, peace be upon him.”

Easier said than done. The question is, what are the teachings of these two sources of the Islamic faith? This question forms the core of the clash within the Muslim world. The problem is largely one of vincible ignorance. The success of re-education efforts by Islamic scholars in marginalizing the extremists within the Muslim communities during the coming century will determine the future of civilizational clash and perhaps even the continued existence of civilization itself.

IV. Two Paradigms of Thought that Produce Terrorism

The key premise or paradigm of thought that almost inevitably must lead to war and terrorism in the modern world is Syed Qutb's teaching that, "There is only one place on earth which can be called the House of Islam (Dar al Islam), and it is that place where an Islamic state is established and the Shari'ah is the authority and God's laws are observed. ... The rest of the world is the House of War (Dar al Harb)." Modern extremists may use different words, like Dar al Zulm, the land of evil, or Dar al Kufr, the land of those who are going to hell because they deliberately reject the truth, but the substance of their war to exterminate entire civilizations is the same.

This confrontational view of reality and the destructiveness that derives from it have been around ever since some hadith scholars collected and interpreted the sayings of the Prophet Muhammad to justify war against the Byzantine Empire in the second and third Islamic centuries more than a thousand years ago. The concept of a war of extinction between the East and the Beast as a mirror image of the alleged war between the West and the Rest is older than the Crusades.

All except a few Muslims except in that early period and during the past century, however, have rejected such malignant concepts as grossly un-Islamic. They may use dichotomies, but they are benign, such as *dar al taqwa*, the land of those who stand in loving awe of God, contrasted with *dar al da'wa*, the land of those who still need enlightenment, or *dar al ijaba*, the land of those who have accepted Islam, contrasted with *dar al abd*, the land of those with whom one has treaties of friendship and cooperation.

Radical puritanical reformism, whether anti-establishment like the Salafis in Saudi Arabia, or pro-establishment like the fascist Wahhabis, represents a complete break with traditional Islamic teachings. The same is equally true of those Islamists who would reduce Islam de facto to a political movement, modeled perhaps unconsciously after the Bolsheviks of Lenin, Trotsky, and Stalin, designed oxymoronically to establish an "Islamic state." Traditional Islam has always derived from reliance on a transcendent reality as the source of truth and justice, rather than from reliance on oneself as the ultimate power. Desperate resort to war or terrorism in the pursuit of justice is nothing other than worship of oneself as a false god.

Traditional Islam values thought before action, principles more than slogans, and addresses the root of all ignorance, namely, what the Qur'an calls

diseases of the heart, which infect Muslims as well as Christians and Jews. Puritanical religious reductionism, as well as the covertly secular movement of ideological Muslims, are caused by pressures on the ignorant to become secularized by denying the spiritual sovereignty of person and community. Once one denies one's higher identity and purpose and therefore fails to recognize the same identity and purpose in every other person, the entire world is dehumanized. The basis of right versus wrong becomes the relativistic reduction of justice to one's own narrow self-interest in a clash with everyone else. Aborting fetuses or blowing up Jewish babies can be easily justified.

This is why Joseph E. B. Lumbard, the editor of perhaps the best book ever published on the distinction between Islam and Muslims, entitled *Islam, Fundamentalism, and the Betrayal of Tradition: Essays by Western Muslim Scholars*, World Wisdom Books, 2004, states that Muslims must set their own house in order, because no-one else can do it. He writes, "Though others may blame Islam for the spread of wanton violence, such violence is a defining, if not *the*, defining feature of the twentieth century."

The second paradigm or premise of thought, other than dichotomizing the world, that necessarily leads to war and terrorism is the restriction of the concept of *jihad* to defeating the enemy. Muslim bashers like to restrict the term *jihad* to the totally un-Islamic concept of "holy war," perhaps because there are so many Muslims who stereotypically do the same. No war can be "holy," but every distortion of terms has its Muslim supporters.

The Arabic term *jihad* has three classical meanings. The first two are found only in the sayings of the Prophet Muhammad. These are: 1) *jihad al akbar* or "greatest jihad," which is the effort or struggle to understand the true word of God and to control one's human impulses in order to achieve real peace by submitting to the will of God; 2) and *jihad al sagbrir* or the lesser jihad, which is the community approved joint struggle using armed force to defend the seven universal principles of human rights, established over the course of centuries in classical Islamic law, against attack by armed aggressors.

The third form of jihad, which is mentioned by name only in the Qur'an (*Surah al Furqan 25:52*), is the *jihad al kabir* or simply the "great jihad." This is the intellectual jihad, which requires respect for knowledge (*haqq al 'ilm*), including freedom of thought, publication, and assembly. It calls for concerned citizens and those in leadership positions to bring the wisdom of divine revelation

to bear on all issues of conscience. This third form of jihad recognizes the legitimacy of “just war” doctrines, but calls for “just peace.”

V. The Mother of All Black Sheep

What Bishop Richard John Neuhaus calls Osama bin Laden’s “monistic fanaticism” is mild compared to the messages that were distributed by the Saudi Embassy in the form of a new Qur’an to hundreds of mosques in America immediately before 9/11. This official Saudi version of the Qur’an calls not only for war against the infidel, meaning also Americans, but for their enslavement.

This Qur’an, known as the Hilali/Khan translation or merely as the Khan Qur’an, employs the spurious technique of abrogation to eliminate passages that recognize the legitimacy of diverse religions and that call for interfaith cooperation. The official Wahhabi scholars are troubled by such passages as *Surah al Ma’ida 5:69*, which reads, “Surely, those who believe (in the Oneness of Allah and His Messenger Muhammad and all that was revealed to him from Allah), *and* those who are Jews and Christians – whosoever believes in Allah and the Last Day and works righteousness, on them shall be no fear, nor shall they grieve.”

The Saudis invoke the doctrine of abrogation, which has been rejected by most Islamic scholars throughout history, by asserting that God changed His mind and overruled this passage by a later one in *Imran 3:85*, which reads, “Whoever seeks a religion other than Islam, it will never be accepted of him and in the Hereafter he will be among the losers.” The authors of the Khan Qur’an interpret this by asserting that Islam means submission to the official Saudi view rather than submission to God, Who in *Surah al Ma’ida 5:69* above explicitly spells out the only three requirements for submission to God, namely, belief in God, belief in divine justice, and the practice of good works. Through resort to the doctrine of abrogation more than two hundred times, which feeds on itself, and by means of such circular reasoning the Saudi clerics have managed to gut the Qur’an and harness what is left of it to their own political agenda.

Once the basic principles of Islam are conveniently eliminated, the Saudi commentators in this Khan Qur’an are free to advocate the enslavement of non-Muslims. They cite *Surah Ali Imran 3:110* and translate it as: “You [true believers in Islamic monotheism and the real followers of Prophet Muhammad and the Sunnah] are the best of peoples ever raised up for mankind.” Then comes the

official comment, which reads, “This means the best for the people, as you bring them with chains on their necks till they embrace Islam (and thereby save them from the eternal punishment in the Hell-fire and make them enter Paradise in the Hereafter).”

Their scholarly support for this interpretation is a *sahih* hadith from Abu Huraira. This prolific reporter of hadith was known as a misogynist who put his own spin on whatever he remembered or thought he remembered from the sayings of the Prophet Muhammad, regardless of whether this spin was consistent with the Qur’an.

Ancient spin leads to modern spin which has led in Saudi Arabia to the creation of a reigning pseudo-religion that mocks everything Islamic. In no century of Muslim history and in no Muslim culture have self-proclaimed Muslims preached and proselytized such a bizarre distortion of divine revelation. For their own political purposes, the leaders of Saudi Arabia have produced the mother of black sheep among religions, which in turn has given birth to raging lions that threaten to devour their creators.

VI. Exposing Extremists on their Own Grounds

In their efforts to expose the extremists among Muslims, the counter-terrorists run the risk of buying into the same distortions of the Qur’an that feed terrorism. They interpret the Qur’an just as the terrorists do and thereby lend them support, when they should be attacking the terrorists’ distortion of their own religion.

For example, terrorists like to deny that they are terrorists by claiming that the word terrorism is subjective. They claim that the term is used indiscriminately by their enemies to attack political opponents. It would be more effective to accuse the terrorists of *hiraba*, which is the classical Arabic word for terrorism and has a precise definition.

The term *hiraba* refers to public terrorism in a war against society and civilization. In legal terminology it is defined as “spreading mischief in the land,” but its precise meaning, as defined by Professor Khalid Abou el Fadl, is “killing by stealth and targeting a defenseless victim in a way intended to cause terror in society.” This is the Islamic definition of terrorism. It is the very opposite of jihad.

A cognate word, from the common root *hariba* meaning enraged, is *harb*, which means enemy or war, as in Syed Qutb's *Dar al Harb*.

In order to counter the extremists, one must hoist them by their own petards by using classical Islamic terminology to show that they are frauds. There is no such thing as Islamic terrorism, but there have always been *muharibun* or Muslim terrorists. And there is no such thing as "holy war," certainly not as a translation of jihad, but there are extremists who claim that their extremism is holy, when in fact they are only exhibiting the supreme sin in Islamic thought, which is arrogance. Arrogance is incurable, because arrogance denies itself.

The Muslim terrorists are *muharibun*, guilty of *hariba*. Classical jurists state there can be no greater evil and no greater sin, other than blaspheming against God. If there is to be a clash both within and among civilizations, the major cause will be not Islam or any religion, but the extremists in every religion who commit *hariba*. They have a name, and to name an evil is to expose it for what it is.

The extremist Muslims recite and distort various portions of the Qur'an to support their extremism, of which three are their favorites.

The first is *Surah al Ma'ida 5:51*, which has been translated by the six major translations of the Qur'an into English, namely, Arberry, Pickthall, Dawood, Yusuf Ali, Ahmad Ali, and now El-Halali/Khan, as follows: "O, you who believe [in the message of Muhammad], do not take Jews and Christians as friends. They are friends to one another, and the one among you who turns to them is of them. Truly, God does not guide wrongdoing folk."

The extremists like to give the term *awliya* the meaning of friends, when, in fact, it means much more than that. The singular, *wali*, means guardian, one to whom one entrusts one future and one's faith. *Wali* is one of the 99 names of God that Muslims often recite. A cognate meaning of *wali*, with emphasis on the first syllable, and also one of the names of God, is "ruler," one to whom one submits.

The extremists support their favorite distortion of this text by ignoring the circumstances of this particular revelation. According to one of the earliest and most famous historians and commentators, Al-Tabari, who died in the third Islamic century, this verse was revealed shortly after the Makkans had driven the Muslims out because Muhammad opposed the profitable pilgrimage of neighboring tribes

to visit the many gods set up in and around the Ka'aba. Although the Makkans were much more powerful militarily than the small group of Muslims who emigrated to Madina, the Makkans feared their growing popularity. Therefore the Makkans attacked Madina with a relatively overwhelming force.

Since it was the practice then to secure one's own personal survival and the survival of one's tribe or clan by making alliances with other tribes, many Muslims started to seek such alliances with Jewish and Christian tribes. This would have split the *umma* or community in Madina and caused the annihilation of the Muslims. In this case, the proper translation of *awliya* would be protectors or guardians.

The extremists among the Muslims today, however, like the translation of "friends" because this supports their ghetto mentality of confrontation with the outside world and suspicion of every Christian and Jew as an enemy. This is the perfect justification for demonizing entire civilizations and even one's next door neighbor as part of the Dar al Harb. From this it is not a great step to 9/11.

The second favorite distortion by the Muslim extremists, and one pounced upon by those who confuse Islam with extremist Muslims, is *Baqara 2:191*: "And slay them wheresoever you find them, and turn them out from where they have turned you out." This is a favorite of the suicide bombers in the Holy Land, whose ultimate aim is to drive the Jewish population into the sea.

This selection out of context ignores the immediately preceding verse, 2:190, which reads: "Fight in the way of God against those who fight you, but transgress not the limits. Truly, God does not love the transgressors [of limits]."

Again, the historical context is also necessary to put the "slay them" verse in perspective. It does not refer to all non-Muslims and very specifically not to Jews and Christians. The object of the verse are the *mushrikun* or polytheists who were driving the Muslims out of their homes in Makkah. By universal definition in Islamic law, Christians and Jews are not polytheists but People of the Book, with whom Muslims are free to intermarry.

In fact, these two verses, 2:190-191, are often cited by Islamic jurists as the first instance in which the Qur'an forbid all war and violence except in self-defense and within strict limitations, which were spelled out in other parts of the

Qur'an and in the whole body of later scholarship during the classical period of Islamic civilization.

As David Dukake points out in his chapter, "The Myth of a Militant Islam," in Lumbard's edited book, *Islam, Fundamentalism, and the Betrayal of Tradition*: "Al-Tabari gives many accounts detailing the limits placed upon the *mubajidun* [wagers of jihad]. He says, for instance, that the cousin of the Prophet of Islam, Ibn 'Abbas, commented upon Verse 190 as follows: 'Do not kill women, or children, or the old, or the one who greets you with peace, or the one who restrains his hand from hurting you, and if you do this then you have transgressed.' Another tradition related by Al-Tabari comes from the Ummayyad Caliph 'Umar ibn 'Abd al 'Aziz or 'Umar II [at the end of the first Islamic century], who explained the meaning of 2:190 as: 'Do not fight he who does not fight you, that is to say women, children, and monks'."

The hadith that prohibit exactly what the suicide bombers are doing to innocent Jews in the Holy Land and the suicide bombers did to the Christian women and children in the North Ossetian village of Beslan in the year 2004 are much too numerous to detail, but many are quoted in Dukake's chapter on "The Myth of Militant Islam."

Most Muslims are familiar with these many hadith, which is one reason why they are so horrified that any self-proclaimed Muslims would support suicide bombers in the name of Islam. The best way to marginalize Muslim extremists is to turn the tables on them and show that in their ignorant rage they are trying to hijack their own religion.

The third favorite distortion of the Qur'an by those who allegedly base their crimes upon it is *Surah al Taubah 9:73*: "O Prophet, perform jihad (*jahid*) against the unbelievers (*kafirin*) and the hypocrites (*munafiqin*), and attack them (*akblu*)." The Muslim extremists rightly believe that this is directed against Muslims as the hypocrites, but they are clearly distorting the meaning when they say that this verse requires war against all Christians and Jews as unbelievers. The Qur'an does often refer to Christians and Jews as unbelievers, but it distinguishes usually (only a few verses from each other) between those who have a disease in their hearts and those who don't. In verses 2:105, 5:78, 98:1, and 98:6, for example, it clearly prefaces the term unbelievers referring to the People of the Book with the preposition *min*, which means "among" the People of the Book. Extremists, like the Hisb al Tahrir, whose reason for existence is to institute a

global Caliphate to rule the world, deliberately leave out the qualifying adjective “among” when translating this verse, thereby deliberately corrupting the Qur’an.

The extremists simply overlook other verses that talk about the Christians and Jews who do not have a disease in their hearts or else they claim that they were abrogated. Especially embarrassing for the extremist Jew haters are verses 113-115 of *Surah Ali Imran*: “Not all of them are alike. Of the People of the Book are a group that stand (in prayer), rehearse the signs of God throughout the night and prostrate. They believe in God and the Last Day; they enjoin what is right and forbid what is wrong, and they hasten in (all) good works. These are among the righteous. Of the good that they do, nothing will be rejected of them, and God knows the God-fearing ones.”

The distortion by the extremists goes even further. They insist on translating the imperatives *jabid* “wage jihad” and *abklut* “attack or cause pain” in the sense of offensive military warfare. Perhaps the best translation of the Qur’an, by Muhammad Asad, renders *Surah al Tauba 9:73* as: “O Prophet! Strive hard against the deniers of the truth and the hypocrites, and be adamant with them.” Asad comments, “The imperative *jabid* is obviously used here in its spiritual connotation, implying efforts at convincing both the outspoken believers and the waverers, including the various types of hypocrites spoken of in the preceding passages.” He adds that the word *abklut* means, “Do not compromise with them in matters of principle.”

The historical context is important in understanding the meaning of such key terms as *umma* or “community” and jihad. Extremists interpret the term community exclusively in reference to Muslims and jihad exclusively in reference to non-Muslims. The Prophet Muhammad first used the term *umma* in reference to all the citizens of Madina, who were Muslims, Christians, and Jews. Perhaps the first reference in the Qur’an to jihad in *Surah al Hajj 22:39-40* was to defend Jews and Christians, as well as Muslims.

Prior to the revelation of this verse in *Surah al Hajj*, the Muslims were told to avoid all violence even in self defense, because their initial task was to purify themselves and not yet to transform society by promoting justice. Verses 39-40 were revealed as the Muslims were leaving Makkah in the migration to Madinah in the expectation that they would be attacked militarily. They read: “Permission [to fight] is given to those against whom war is being wrongfully waged – and, verily, God has indeed the power to succour them, that is, those who have been driven

from their homelands against all right for no other reason than their saying, ‘Our Sustainer is God!’ For, if God had not enabled people to defend themselves against one another, [all] monasteries and churches and synagogues and mosques – in [all of] which God’s name is abundantly extolled – would surely have been destroyed [ere now].” The call to jihad was not for the destruction of other faiths and peoples, but to preserve places of worship for all the People of the Book, including Muslims.

The Constitution of Madina, which governed the first Muslim civil community together with the Jews and Christians, spells out the permanent state of common identity as follows: “In the name of God, the Merciful, the Compassionate! This is a writing of Muhammad, the prophet, between the believers and Muslims of Quraish and Yathrib and those who follow them and are attached to them *and who fight along with them*. They are a single community distinct from other people. ... Whosoever of the Jews follows us has the (same) help and support ... so long as they are not wronged [by Muhammad] and he does not help [others] against them. ... Between them [Muslims and Jews] there is help (*nasr*) against whoever wars against the people of this document. Between them is sincere friendship (*nas’b wa nasiba*) and honorable dealing. ...”

Christians were prominent in the jihad waged against the enemies of Islam, because, as Lumbard puts it, the point of the jihad was not to establish a world populated only by Muslims; it was to create a social order in which the freedom to practice the worship of God was guaranteed for all Muslims as well as for the People of the Book.” He concludes, “Traditional Muslims saw all of life in terms of balance. ... It has primarily been certain modernized Muslims, whose influences are not the traditional teachings of the faith, but the attitudes and excesses of modernity (only cloaked with turbans and beards), who have transgressed all limits and discarded the Balance that is true Islam.”

VII. The Challenge of Transcendent Justice

The paradigm of radicalism and resulting resort to violence as a solution of first resort has passed from the twentieth century, the most violent in human history, into the present one, like a hurricane mutating from a Category Four to a Category Five or beyond the scale to a Category X. In order to address this monumental threat, Muslims, as well as everyone else, need what the British called a “grand strategy” that orchestrates all dimensions of civilizational dynamics. The

followers of every religion can best address the impending dissolution of civilization by reviving the core vision of their classical past. This is the vision of a transcendent justice that derives from an ultimate truth beyond the power and authority of human beings.

Among all the legal systems of the world, the principles of transcendent justice have been most beautifully articulated in classical Islamic thought. These constitute a sophisticated code of human responsibilities and corresponding human rights.

Unfortunately, in the Muslim world, especially in its Sunni portion, this enlightened legal system has been dead for six hundred years. Probably not one Muslim extremist in a thousand has ever even heard of the Islamic code of human rights. The task of Muslims in the world today is to revive the best of this classical Islam, just as it is the task of Americans, including American Muslims, to revive the equivalent in traditionalist or classical America. If there is to be a future for civilization, this project of recovering the best of the past in order reliably to build a better future must be a joint venture.

The starting point in reviving transcendent justice and applying it should be recognizing that the transcendent sources in revelation, natural law, and human reason (known in Islamic philosophy as *baqq al yaqin*, *'ain al yaqin*, and *'ilm al yaqin*) can be the starting point. The transcendent approach looks upon the details of the law, known in Arabic as the *abkam* or rules and regulations, from the starting point of the whole. The details can be understood and intelligently applied only as applications of higher principles. The opposite approach looks at the whole, if at all, from the starting point of the details. In the transcendent approach, analysis takes precedence over synthesis. In its opposite, synthesis takes precedence over analysis, often without any principles whatsoever.

Many centuries of the best Islamic scholarship developed Islamic jurisprudence into an elaborate and sophisticated holistic framework of human responsibilities and rights. The holistic system of Islamic philosophy and its expression in *shari'ah* thought is primarily educational and inspirational, focused on transcendent justice, in contrast to the positivist systems of tyrannical and totalitarian governance which serve primarily to consolidate the status quo with all of its injustices. The holistic regards the use of any force to assure compliance as a failure of the system, and it reveres non-violence though not to the extent of absolute pacifism. The positivist system, on the other hand, tends to regard the

monopoly of violence and its application by the power of established government as rule by law and as the very definition of justice. As some Muslims use the term, justice can even mean revenge.

According to some classical Islamic scholars, seven universal principles of law, known variously as *kulliyat* or universals, *maqasid* or purposes, and *dururiyat* or essentials, best reflect the architectonics of human rights and constitutional law in Islamic thought. The art of these *maqasid* as part of the science of *'usul al fiqh* (especially in the form of *istislah*) was initiated by the Prophet Muhammad but was first systematically developed by Imam Jafar and Abu Hamid al Ghazali. It reached its zenith in the writings of Abu Ishaq al Shatibi in the later 1300s and then suddenly died out. These universal principles finally were revived again toward the end of the twentieth century, among others, by Sa'id Ramadhan of Geneva, Switzerland, who married the daughter of Hassan al Banna, and by their son, Tariq Ramadhan, at the beginning of the twenty-first century as part of a movement to marginalize the extremist movements that threatened to hijack religion in all of the world's traditions.

The first universal principle is *haqq al din*, which provides the framework for the next six in the form of respect for a transcendent source of truth to guide human thought and action. Recognition of this absolute source of truth and of the responsibility to apply it in practice are needed to counter the temptations toward relativism and the resulting chaos, injustice, and tyranny that may result from the de-sacralization of public life.

The next six can be viewed as pairs. The first pair deals with human sovereignty. The first of this pair is *haqq al nafs*, which is the duty to respect the human person as the source of all sovereignty, subject only to the higher sovereignty of God.

A second order principle or subordinate goal of the first purpose in this pair is known as *haqq al haya*, which is the duty to respect life. This provides the framework for the third-order principles or *hajjiyat* of the just war doctrine. It also provides that the human embryo is sacred from the moment of conception, regardless of when the soul is breathed into the body.

The second *maqsud* of this first pair is *haqq al nasl*, which is the duty to respect the nuclear family of husband and wife as the basic building bloc of

society and to respect the community at every level all the way to the community of humankind as important expressions of the person.

The next pair deals with the institutional means to maintain the sovereignty of the person and of communities. The first *maqsud* of this pair is *haqq al mal*. This is the duty to respect the right of private property in the means of production, a right that Muslim socialists during the era of the Cold War did their best to eliminate. This *maqsud* requires respect for institutions that broaden access to capital ownership as a universal human right. This requires reform in the sense of perfecting the institutions of the global financial system in order to improve access to credit based on future, not merely on past, wealth.

The second *maqsud* of this second pair in the Islamic framework of human rights is *haqq al hurriyah*. This requires respect for self-determination of persons and communities through political freedom, including the concept that economic democracy through expanded capital ownership is a precondition for the political democracy of representative governance. All the great Islamic scholars were imprisoned, often for many years, for teaching this Islamic code of human rights, but particularly for insisting on this principle of freedom and its four subsidiary or second-order principles or *hajjiyat* of *khilafa*, *shura*, *ijma*, and an independent judiciary.

The third set of universal principles of justice deals with the means to promote human dignity through social justice. The first of this pair is *haqq al karama* or respect for personal dignity, especially through two *hajjiyat* or subsets of legal guidance, namely, religious freedom and gender equity.

The last of this third pair is *haqq al 'ilm* or respect for knowledge. The second-order principles of this universal principle of justice require freedom of thought, press, and assembly, so that all persons can fulfill their purpose to seek knowledge wherever they can find it.

These basic principles of human responsibilities and rights are universal. They form the core of human aspirations and they provide the basis for a global traditionalist movement led by enlightened Muslims, Christians, Jews, Buddhists, and all others who acknowledge an ultimate source of transcendent truth, who accept the accountability of each person and community for one's deeds in this life, and who perform good works out of love for the Infinite, whether known as

Allah, God, Jehovah, or other word, and out of love for its finite expression in every human being.

VIII. Applying Transcendent Justice in Chechnya

American foreign policy has advocated a political solution to the warfare in the Caucasus. This could apply both to the former republics that became independent states and in the autonomous regions that were smaller and lower in rank in the Leninist formula of power to the people and therefore did not qualify for independent statehood when the Soviet Union imploded. Since the peoples of this region are both Christian and Muslim, the political solution might be an Abraham Federation, as has been advocated for decades as a one-state solution to the dilemmas of the Holy Land.

This might obviate the political embarrassment that compromise might cause the Russian leadership in addressing the currently insoluble dilemma of terrorism emanating from Chechnya and from other peoples of the Caucasus that aspire to greater self-determination. If it were based on the Islamic code of human rights, this would undercut the Muslim extremists who are even more unwilling than the hard-line Russian leaders to “surrender.”

The solution must be more than merely political, because often economics is an unspoken but influential factor in conflict resolution. The terrorists claim that Russia is interested in Chechen oil, just as similar terrorists in Iraq insist that the United States wants to occupy Iraq permanently in order to steal its oil. There is a simple answer to these conspiratorial extremists. Privatize the oil resources in individual voting shares to every citizen of the federation, whether it is a federation of the Caucasus or of Iraq, with provision that the shares cannot be sold for twenty years until a true ownership mentality has taken hold.

Since ideas shape history over the long-run, the framework for such ambitious undertakings must be rooted in the ideas of transcendent justice. The basis for both these political and economic solutions to the conflict highlighted by Chechen terrorism must be respect for the sovereignty of the person as the source for all higher political sovereignty. This would give rise to the principle of subsidiarity, taught especially in classical Roman Catholic moral theology, whereby problems are solved at the lowest level of human society wherever possible and only then at ascending higher levels. This reduces the role and importance of

state sovereignty, which is more of a cause than a cure for much conflict in the world.

This revolutionary approach, if advocated by the spiritual leaders of the world as mediators and supported by the United States, would make the terrorists of the world irrelevant. Our task is not to stop evil, which can't be done, but to promote good, which can marginalize evil and overcome it.