

Commentary

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The paths toward a defeat of ISIS

Chibli Mallat | The Daily Star

We know where ISIS comes from, but we don't know what it is, other than resembling as close as possible a political monster.

There has been a fair amount of analysis and books on the self-declared caliphate of Abu Bakr al-Baghdadi. In the New York Review of Books of Aug. 12, an anonymous author rightly concluded that our understanding of the nature of ISIS remained inadequate. Here is my take on the why and what of ISIS, partly informed by watching from Baghdad last summer the ISIS threat to overrun Iraq.

The why first. The chain of events in the Middle East leading to the spread of ISIS is clear enough. There are two proximate, overwhelming causes that explain the group's rapid spread in both Iraq and Syria. One is the collapse in the legitimacy of central authority, embodied by Syrian President Bashar Assad and Iraqi Prime Minister Nouri al-Maliki. ISIS emerged as an angry sectarian Sunni backlash reflecting displeasure with the harsh anti-Sunni policies of both leaders. Beyond that, it was frustration with a string of continuous defeats and setbacks, ranging from the loss of Palestine in 1948, to the accusation that Hezbollah was involved in the assassination of former Lebanese Prime Minister Rafik Hariri, to the party's military takeover of western Beirut in May 2008, to the occupation of Sanaa by the Houthis in summer 2014.

A year ago, I was in Baghdad to help the Iraqi leadership, namely the (Sunni) speaker of parliament and the (Kurdish) president, with whom I had completed a revised constitution in Iraq in 2009. Implementation of the document, however, was blocked, in part, by Maliki. The visit helped hasten the departure of the authoritarian and embattled Iraqi prime minister by convincing the speaker and president, as well as the head of the Federal Supreme Court, that Maliki's constitutional argument for remaining in power was flawed. The president is mandated by the constitution to appoint the candidate most likely to get a government majority, and not necessarily, as Maliki suggested, the head of the largest parliamentary bloc. Maliki's ouster was a sine qua non to forming a government that could stand up to ISIS. In due course, Prime Minister Haider al-Abadi's current government can begin to roll ISIS back if it succeeds in reducing sectarianism in Iraq.

As for defeating ISIS in Syria, it is impossible short of deposing Bashar Assad. It is under the watch of the Syrian president that over 200,000 Syrians have been killed and half the population of Syria displaced. Keeping Assad in power can only reinforce ISIS.

What is ISIS? The question is more elusive. Alone among violent movements in the region, including Al-Qaeda, ISIS openly emphasizes its unfettered use of violence. But we should not kid ourselves: The bombings in Yemen or the U.S.-led coalition strikes in Syria and Iraq are frightening. When a house receives a barrel bomb or a Tomahawk missile, the resulting dislocation is no less traumatic than the beheadings foisted on us by ISIS propaganda. The only difference is that the beheadings or other executions are staged by ISIS in a carefully prepared spectacle of fear.

Therefore, relentless, indiscriminate violence distinguishes ISIS as a movement. That is not unprecedented. In the chronicles we have of the Mongol ruler Hulagu, who took over Baghdad in 1258, we have similar accounts. He too highlighted his mercilessness, building pyramids with the skulls of his enemies. He also used psychological warfare by engaging in active displays of the power of his army and its retinue, which, in its movements, seemed to shake the grounds kilometers ahead as if it were a growing earthquake.

What can be done to counter this spectacle? The response should be to deprive ISIS of the audience it seeks. This brings up the issue of freedom of information and balancing the public's right to know with protecting it from the massive fear engineered by ISIS. After the initial shock of the violent spectacles, there was an adjustment, particularly in the elusive world of social media.

However, blood continues to lead and ISIS revels in the attention. When CNN and other outlets succeed in telling us that a horror has been committed by ISIS or similar movements without the gore and high drama, the central feature of what distinguished ISIS – to instill fear through media-generated spectacles – may be seriously dented.

This, admittedly, is superficial. There are other aspects of the ISIS identity that we need to tackle. The central one is Islamic law, and Islam as the civilization behind it. The ISIS leadership promotes its rule as that of Islamic law. Its leader has been presented as a doctor of law, even though Baghdadi's Ph.D. was never finished. Therefore, we should question Islamic law and its uses not only by ISIS, but also by others in power who use it to bolster their authoritarianism.

There are two ways to address the issue. One is to consider Islam and Islamic law as quintessentially bad. I belong to a different school, one which holds Islamic law in great respect and considers it one of the most sophisticated legal corpuses in history. That there are those who interpret Islamic law in the wrong way should not prevent us from treating it in the same fashion as we treat other legal systems that can be criticized in their faulty implementation.

Conversely, we should the reinforce the good things in Islamic law, for instance its masterful treatment of the field of contracts and the humanist tradition in the legal corpus. This is a vast program. Doing so would deny ISIS and brutal governments the legitimacy they crave, and without which they can be defeated.

Chibli Mallat has taught and written on Islamic law over the past three decades, including in his latest book, “Philosophy of Nonviolence: Revolution, Constitutionalism and Justice beyond the Middle East,” (Oxford University Press, 2015). He wrote this commentary for THE DAILY STAR.

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