

The Evolution of al-Qaeda and its Implications

Barry Cooper

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I am very grateful to Doug Bland for his kind invitation to talk on the evolution of al-Qaeda and its implications. The first part of this talk is relatively straightforward and the contents are probably familiar to many of you. Looking at the implications is rather more speculative, particularly as concerns the motivations of salafist or so-called jihadi militants, to use a conventional term. It is important to understand their motivations, however, if we are to conduct what is conventionally called the war of ideas, let alone win it.

1. Terrorist Consciousness

Let me begin by referring to the characteristic of terrorist consciousness that seems to me to be of greatest importance. In New Political Religions I used a term invented by the 19th-century German philosopher, Schelling – namely pneumopathology. Literally it means spiritual disease, as distinct from a psychological disease. A psychopath, generally speaking, cannot tell the difference between right and wrong; a pneumopath can tell the difference perfectly well and obscures what he knows by a process similar to self-intoxication, in this case by the use of religious symbols.

The Nazis, for example, were perfectly aware that the Jews were as human as they were. That is why they went to such lengths to deny their humanity. An analogous process is involved with salafist militants.

The term, pneumopathology, is theoretically adequate but is hardly used in everyday commonsensical discussion. It has commonsensical analogues and I would like to indicate a few. Christopher Hitchens, who is nothing if not commonsensical, described Islamist consciousness as an amalgam of self-righteousness, self-pity, and self-hatred. The first attribute dates from the time of the Prophet; the second from the thirteenth century when the Mongol Khan, Hülagu executed the Caliph (according to legend) who was rolled in a carpet and stomped to death by Mongol ponies; the last is a twentieth-century experience and has been attributed to the inability of the Muslim community, the ummah, to resist modernity.

Martin Amis was even more straightforward:

We respect Islam – the donor of countless benefits to mankind, and the possessor of a thrilling history. But Islamism? No, we can hardly be asked to respect a creedal wave that calls for our own elimination.... Naturally we respect Islam. But we do not respect Islamism, just as we respect Muhammad and do not respect Muhammad Atta.

Those who are more comfortable with psychological language can look to accounts of a typical example of a salafist intellectual such as Sayeed Qutb and his strange anxieties about western women whom he found both threatening and tempting in Greeley, Colorado, of all places, in 1949, when Greeley was dry. Or there is the testimony of Azar Nafisi whose Reading Lolita in Tehran discusses the problem of “temporary marriage” as a response to “men’s needs.” Since the 1979 Revolution, such marriages can be consummated with nine-year old girls. She also reports on the problem of the “illegal dreams” experienced by a ten-year old boy, of his being at the seaside and witnessing, in the dream, men and women kissing. He did not know what to do. The language of sex also informs Islamist political discourse. As Bernard Lewis observed in The Crisis of Islam, the Great Satan, first identified by the Ayatolla Khomeini with the United States, is the “insidious tempter who whispers into the hearts of men from among the jinn and men” (Koran, cxiv).

The language of temptation and seduction seems to come naturally and unbidden. The problem with it is that the United States and, more broadly, the West is not engaged in seduction. The West may be attractive to Muslims, and immigration data would bear this out, but to pretend that the purpose of the West is to tantalize and tempt pious Muslims to sin says more

about their kind of piety than about the West and its many vulgar and sexualized faults.

It is important therefore to bear in mind from the start that Islamists and especially suicide-mass murderers are neither ordinary criminals nor honourable soldiers who would find useful employment in the genuine anti-Crusader armies of the great Saladin. In this respect, whether they are described as pneumopaths, psychopaths, or merely sex-obsessed narcissists, is secondary. However characterized, they are a problem to be analyzed, not a partner in conversation about God, the future of Afghanistan, or anything else. Moreover, in this respect it is secondary whether the analysis is undertaken by a psychologist, a literary critic, a historian, or a political scientist.

2. The Organization of al-Qaeda

There is, therefore, a problem with terrorist consciousness. For the moment, I would just like to leave it at that.

The second question I would like to discuss is the organization of al-Qaeda. Over the years it has been organized in a number of different modes. During the early 1990s it was focussed almost exclusively on Osama bin Laden and his “Afghan Arabs,” the veteran mujahadeen who, in their own

minds, had defeated the Red Army for the first time in Soviet history. This first organization was minimally trained and supported in camps in Afghanistan and then dispatched abroad to conduct terrorist or other militant operations. The most audacious action undertaken by this first al-Qaeda group, which we may call AQ-1, was the 1993 attack on the World Trade Center organized by Abdel Basit, aka Ramzi Yousef. Basit is thought by some analysts to have had ties to Iran. Other successful operations of the 1990s include attacks on the American embassy in Yemen and against USAF personnel in Aden. Operation Bojinka, which targetted a dozen or so trans-Pacific flights, and Basit's other attempts to kill the Pope and Bill Clinton did not work out.

Later in the 1990s, the links between al-Qaeda and its agents became more obvious to Western security and counterterrorism agencies. The 1998 bombings of the US embassies in Dar-es-Salaam and Nairobi left a trail that led almost directly to al-Qaeda, as did the so-called "millennium bomber," Assad Ressam, who was arrested after disembarking from the MV Coho in Port Angeles. Ressam had supported himself for several years in Montreal and had his sights on LAX. Perhaps acting on a tip from CSIS, he was arrested after panicking when questioned by an American customs officer – a woman, as it happened. The last attack by this mode of al-Qaeda was the

2000 attack that nearly sunk USS Cole. Looking back, AQ-1 enjoyed mixed success and, because bin Laden did not claim responsibility, it maintained a relatively low profile.

The 9/11 attack announced a new mode: AQ-2. The large team was carefully selected and very well trained. Despite a few lapses, they maintained good operational security. And they were spectacularly successful. They were dispatched under the direct control of bin Laden, though at first he denied responsibility as if it were an operation undertaken in the earlier mode. The advantage of AQ-2 was its tight command-and-control; the disadvantage was that it was resource-intensive and, despite the ability to hide from security forces, it left enough traces to ensure that it was, if not a one-time attack, then a mode of operation that was very difficult to repeat.

Even so, the success of 9/11 in influencing the consciousness of the salafist-inclined members of the ummah would be hard to exaggerate. Specifically it introduced and provided an opportunity to recruit “home-grown” jihadists precisely because the actions of counterterrorist organizations made a follow-on attack using the 9/11 model unlikely. A third variant, AQ-3, may be understood as a response to the new conditions created by Western and allied security forces after 9/11. This new mode uses

local cells and local leadership, not foreign-trained and centrally commanded terrorists undertaking operations on foreign soil. These terrorists may have spent some time abroad for training or fought in foreign parts such as the Balkans, but by and large they have only been inspired not commanded by the al-Qaeda leadership. The members are at home in the target societies and conduct their operations only in the places they live.

Examples of this mode include al-Qaeda in Arabia or Tawhid wa al-Jihad in Egypt, which carried out the attacks on tourist sites in Sinai. The July 2005 attack on the London transit system falls into this category as well, though the leader, Mohammed Siddique Khan, is also thought to have been in touch with the al-Qaeda leadership in Pakistan. Likewise the Madrid attack looked to have been conducted in this mode, as was the attack in Mumbai in July, 2005, which was likely carried out by Lashkar-e-Taiba (LeT), the first time an attack of such sophistication was carried out outside Kashmir. In contrast, al-Qaeda in Iraq, which might arguably fall into this category as well, can be better understood in the context of the Iraq insurgency rather than of the evolution of terrorist activity.

In this mode, as noted, the terrorists are not effectively directed by the al-Qaeda leadership nor are they dispatched abroad by them. Recruits are also not as competent as AQ-2 and several plots have been disrupted and

arrests made – for example, the August, 2006 airline plot was stopped by British and American counterterrorism authorities, and a month later two attacks aimed at oil facilities in Yemen were prevented. Both of these latter two operations, as the successful London subway bombing, may have had indirect or remote direction from the al-Qaeda leadership, which underlines the relative incompetence of the AQ-3 operatives.

The evolution of AQ-1 to AQ-3 has been described as the devolution of “al-Qaeda, the group” to “al-Qaeda, the movement.” The expectation is that the later modes are more like franchises than centrally-directed corporate entities. One of the expectations of this development is that the later modes will be less skillful in conducting clandestine activities among hostiles without exposure – what intelligence professionals and John Le Carré call “tradecraft.” The 7/7 bombers in London, for instance, were videotaped together on closed circuit television getting on a train in Luton, a week before the attack, presumably for a practice run. This violates an elementary rule of tradecraft.

Similar security lapses allowed American counterterrorist officials to plant a mole in the Liberty City, Florida cell. Members of this group, called “Seas of David,” wanted to get in touch with al-Qaeda but in fact contacted an FBI informant, which resulted in their arrest. A lot of big talk from

members about blowing up the Sears Tower in Chicago did not mean that the Florida group could not do some serious damage if ever they made contact, as the 7/7 terrorists apparently did, with capable individuals actually in, or associated with, al-Qaeda. Similarly the 2007 plot to blow up jet fuel tanks at JFK airport in New York might have succeeded had the plotters been more competent. We must constantly bear in mind that, notwithstanding their lax operational security, the London bombers succeeded in their attack.

In this context, the 2006 Toronto group, which operated in what might be called an AQ-4 mode, looks to have been organized on a basis that is significantly more sophisticated than the AQ-3 model. The Toronto jihadis, as with AQ-3, were home-grown and may also have had a loose connection to the al-Qaeda leadership. In addition, however, they had regular and password-protected communication to both American and British groups. AQ-4 is, by comparison to AQ-3, much more internationally connected, which opens the possibility of simultaneous attacks, say, in Toronto, New York, and London. This might have been possible for AQ-2, if it still existed, but has not previously been in the cards for a grassroots network operating, if not independently, then without the close operational control of the central leadership. Incidentally, the same kind of sympathetic online

communication seems to have enabled planning for school attacks in Pennsylvania, Finland and Germany earlier this month. The last one stopped after the Finnish police (extra alert after the killing at Joleka High School on November 7, 2007) told their German colleagues about an intercepted Internet discussion.

The big change from AQ-3 to AQ-4 seems to have been the use made of the Internet. For several years the Internet has been a source of technical information and a means of communication for aspiring terrorists. There are, quite literally, thousands of websites containing information on timing devices, recipes for mixing explosives for IEDs, and for biological and chemical toxins. Much of this information is not entirely accurate, which has the happy consequence that amateurs mixing up a batch of a volatile explosive such as TATP are likely to blow themselves up in the process.

Elsewhere, websites such as Azzam.com are useful for fundraising, recruiting, and PR. Al-Qaeda in Iraq, when led by the late Abu Musab al-Zarqawi, made daily use of the Internet to publicize their policy statements. Videos of suicide operations, ambushes, eulogies for suicide murderers, and, most brutal of all, the videos of the decapitation of captives, all ensured that Zarqawi became a household name. Generally speaking, the web has been a major enabler of the transition of al-Qaeda from group to movement, from

cadre to network. The Internet has also been used as an effective tool in conducting information warfare in order to maintain esprit de corps on the side of the terrorists and to try to break the will of their opponents.

In this context it is useful to mention one of the implications of al-Qaeda being organized as a network. This applies especially to AQ-3 and AQ-4. A hierarchy, as distinct from a network is usually organized as a more or less strict chain-of-command where orders are carried out by subordinates. Networks are characterized not by one person at the top issuing orders but by an animating narrative so that, as Louis Beam, a white supremacist militiaman speaking of “leaderless resistance,” put it: “they know what has to be done.” AQ-3 and AQ-4 know what has to be done because, more or less, they subscribe to the narrative of Western temptation and so on. What makes this version of Islam so insidious, in my view, is not that it is antithetical to non-salafist Islam but that there is considerable overlap.

To give just one example, Muslims, whether salafist or not, subscribe to the notion that the revelation of the Prophet, which resulted in the Holy Koran, is a supersession of the revelation of the Hebrew and Christian Bibles. The happy consequence for Muslims is that Jews and Christians are really Muslims who are as yet unaware of this fact. The unhappy

consequence for scholars, whatever their religious faith, is that any inquiry into the literary status of the Koran – what Biblical scholars call “source-critical techniques” – is construed as an attack on Islam. This does not make scholarly dialogue any easier, a point to which I will return.

Web-based technical information, inspiring narratives, and cyberwar aside, the key to success of a terrorist operation is, at the end of the day, the ability to avoid detection when the cops and counterterrorist agents are looking for you. Tradecraft is complex and subtle and can be learned only in the real world where many sparrows fall and many amateurs are arrested. In this respect terrorism (and counterterrorism) is like brain surgery: you can’t learn it on the Internet. Both the individual terrorist and the network must be skilled and, as with counterterrorist officers, the skills can be learned only with practice, not with technical sophistication. For example, on-line instructional materials tell would-be terrorists what kinds of information is needed for success but do not, because they cannot, explain how to get it without being caught. The arrest of Ahmed Ressam resulted directly from his inability to fight what intelligence people call the “burn syndrome,” the fear that the person observing you, in this case a front-line immigration official, knows you have a trunk full of explosives. In consequence of his

fear, whether the Americans had been tipped off or not, Ressay acted suspiciously and then tried to run away.

Perhaps the most significant fact in all this is that the terrorists from AQ-1 to AQ-4 seem unable to learn from their mistakes. Even the elite AQ-2 squad made major errors, any one of which could have resulted in failure. In this respect the mistakes of coalition intelligence agencies have apparently been easier to deal with, much to the surprise of many analysts. It might be more accurate, and would be more cautious, to say that in the balance between failures in tradecraft and failures in intelligence analysis, so far the intelligence agencies seem to have learned more than the terrorists. The future decentralization of al-Qaeda means a future decline in tradecraft, notwithstanding the very practical training in IED construction, for example, available to jihadists in Iraq and Afghanistan. After all, fighting an insurgency is as far from a clandestine operation as counter-insurgency is from Clausewitzian warfare between regular armies. Learning to fire an RPG will not help you glide invisibly through the back streets of London. On balance, therefore, it would seem that the devolved modes of al-Qaeda, AQ-3 and AQ-4, can be and have been significantly interrupted by coalition intelligence operations.

To return to the Toronto cell, which followed, we argued, the AQ-4 mode: clearly, Internet chat rooms enabled this group to communicate internationally. But that enabler is also a two-edged sword or an Achilles heel. On-line people are not always the same as in-person people: ask anyone who has had an unhappy experience with web-mediated dating. Likewise, just as cops can monitor and sometimes meet pedophiles by impersonating children, CSIS or MI-5 or the FBI can do the same with jihadist networks. Second, the Toronto group was penetrated by Mubin Shaikh, a self-proclaimed “sharia activist,” and devout Muslim in the pay of CSIS and the RCMP. Shaikh received a good deal more training by his handlers in the Canadian security organizations than he did from the target group. Indeed, the “Toronto 17” were so deficient in tradecraft that, even after three of their colleagues in the international network had been arrested, quite publicly, in the UK, the US, and Bangladesh, they still continued to prepare for their attack. Elementary prudence would have told them to keep their heads down until the pressure from law-enforcement and intelligence organizations was reduced.

The conclusion I would draw from this account of the evolution of the modes of al-Qaeda is that operational security in AQ-4 is no better than AQ-1. Of course, some AQ-4 bumblers could get lucky and pull off a major

attack, which means that counterterrorism officers will not be out of work any time soon. More important, several analysts have made the point that many AQ-3 and AQ-4 recruits, notwithstanding their incompetence in operational security to date, are well educated and intelligent. Eventually some of them will figure out what their chief weakness is and take steps to fix it.

A second conclusion, which leads to the second general point I would like to make, is that AQ-4, of which the Internet-savvy amateurs of Toronto are an early example, are also young men. They are too young to have fought in Bosnia or Afghanistan and, while they might make a pilgrimage to Pakistan for some rudimentary training as terrorists or insurgents, this will not be of much help in bringing down the CN Tower. On the one hand, their experience is limited. On the other, these Gen-Y jihadists became Islamists after the spectacular success of AQ-2 on 9/11. The same sort of radicalization seems to have affected the 7/7 bombers in London operating in mode AQ-3. In this context, the great success of 9/11 was not just in the large-scale killings that day but also that the terrorists recovered the purpose of their nineteenth-century predecessors: propaganda by deed.

One can conclude, I think, that for the “Toronto 17” and other potential Gen-Y jihadists, both 9/11 and the American-led coalition response

to it have been received as reasons to act. The AQ-2 attack, the invasion of Iraq and the almost effortless military occupation of the seat of the Caliphate, Baghdad, the on-going Israeli-Palestinian conflict, the nuclear stand-off with Iran – all these events have been interpreted as a call to jihadis to do something about what is seen as an attack on the ummah led by the Great Satan. That is, the ideologically inspired AQ-4 terrorists are also not likely to fade away any time soon. Moreover, as Beam said, “they know what has to be done.”

However that may be, al-Qaeda, in AQ-4 mode, is rapidly approaching the status of what Walter Laqueur called “nuisance terrorism.” They are not a strategic threat though they still can do damage. One measure of the current status of al-Qaeda is the reliance placed on the media. Of course, the al-Qaeda leadership has been in the business of media spin from the start – first by silence, then by low-grade but carefully scripted videos or audio tapes. Much of this production has been examined in the spirit of Kremlinology to see who says what, how bin Laden or al-Zawahiri looks, and so on. In recent years, however, several things have changed. To begin with, over the summer of 2006 the production values of As-Sahab, Arabic for “The Cloud,” which is the media arm of al-Qaeda, have improved. This

means they now have access to better equipment and perhaps even to a studio for production.

Second, al-Qaeda has since early 2006 been able to release video and audio productions directly and in record numbers through the Internet. This allows them to maintain full control over the message rather than having to rely on commercial broadcasters such as al-Jazeera. It is also less risky. At the very least, this new marketing tool reflects the increased availability of high-speed Internet connections in Pakistan and the technical competence of the As-Sahab IT team.

It does not, however, reflect growing strength. For example, when in July, 2006 bin Laden issued two videos in as many days, he was responding to the crisis in Iraq precipitated by the betrayal (probably by Sunni insurgents) and death of al-Zarqawi. At the time it looked like a negotiated settlement in Iraq was possible and the al-Qaeda leadership did their best to head it off. The best shot al-Qaeda had was a press release, not a wave of bomb attacks. A media blitz, however, is a long way from a Blitzkrieg. Accordingly, one may conclude that, in the absence of major attacks, video releases by As-Sahab are the only way to get the al-Qaeda message to market. Indeed, in some respects it is the only reliable way the al-Qaeda leadership has to communicate with the outside world.

3. Implications

Granted, then, that the al-Qaeda leadership cannot mount a strategic attack, as in mode AQ-2, AQ-4 can still pose a threat to Canada provided groups such as the “Toronto 17” improve their tradecraft, which on the face of it does not seem to be a particularly difficult problem.

The “Toronto 17” did not emerge from the woodwork and plan to attack CSIS, the Toronto Stock Exchange, the TTC, and so on because Canadians and their government sought to tempt them, to suppress them, to attack their religion, or do anything else that normal or commonsense Canadians would think wrong. On the contrary, they planned their attack because of what Canada did and does right: it allows individuals to live full and responsible lives, to worship God as they wish or not to worship at all. These considerations introduce the ever-sensitive problem of Canadian multiculturalism and its associated mythologies. Clearly normal counterterrorist precautions, including an agent on the inside of a terrorist group, are useful, but the real question of prevention must include the communities from which groups such as the “Toronto 17” spring.

Let us be clear about the nature of the problem before indicating the range of responses available to the Canadian government. Terrorist

conspiracies are prosecuted more or less along the lines of ordinary criminal conspiracies such as drug gangs. To do so successfully, each person charged must “adhere” to the object of a conspiracy and act in its furtherance. It seems to me that, so far as communities that shelter terrorists in their midst are concerned, the legal burden of proof may be too high.

The argument is straightforward: the first priority of government is to protect citizens, not prosecute offenders after the fact in order to obtain convictions. Even the ever so politically correct editors of the Harvard Law Review (February, 2002) did not think issuing an arrest warrant for bin Laden was an appropriate response to 9/11. That is, the traditional paradigm of punishing someone who commits a harm cannot work when the harm-doer is a suicide mass murderer. This is why, whatever the rhetorical problems associated with the term “global war on terror,” it is correct at least in its use of the term war. Salafist-inspired suicide-terrorists are conducting an ecumenic asymmetric war, not widespread criminality.

During the last formal war fought by Canada, the War Measures Act was in effect. It would be an understatement to say that ordinary civil liberties were curtailed. It also seems true that if Canada is engaged in asymmetric war at home as well as in Afghanistan, it will be necessary to introduce preventative or anticipatory measures as well as rely on the

existing criminal code. Such measures carry with them considerable threats to civil liberties. Even the existing anti-terrorist legislation proved controversial; preemptive counterterrorism laws, we can be confident, would prove even more so, especially if they were seen to impinge upon, or were intended to curtail, freedom of religion and associated liberties regarding speech and assembly.

It seems to me, however, that notwithstanding the problems – indeed, because of them – it is necessary to discuss the question of adapting our old approaches to the problem of religious freedom to the new realities of which AQ-4 is the most relevant constituent. To state the matter as starkly as possible: there is a difference between evidence useful for criminal prosecution and intelligence useful in counterterrorism operations. Accordingly, interrogation designed to gain evidence is not the same as interrogation designed to gain intelligence. The difference is, moreover, one of principle: it is better for ten guilty defendants to be wrongly acquitted than for one innocent defendant to be wrongly convicted. Hence the presumption of innocence at trial. The opposite is true in counterterrorism intelligence: better to follow ten false leads than to overlook one true one.

I am not unmindful of the legal and political difficulties imposed by the new reality introduced by AQ-4. Leaving the legal questions aside for

the moment, it seems to me that, if the burden of proof of adhering to a criminal conspiracy is too high, as I have suggested it is, there may be another, and a political, remedy. It is not a particularly obnoxious moral argument to hold that members of any ethnic or religious community who are aware that terrorists live among them have an obligation to turn them in. If the community and especially its leadership knowingly do nothing, they may be considered “guilty by association” with terrorists. Now, the notion of guilt by association is an anathema to ordinary criminal law. At the same time, associating with terrorists, which may be less than “adhering” to a terrorist criminal conspiracy, does seem to describe adequately an important dimension of AQ-4 operations.

So there is not misunderstanding: the “Toronto 17” were arrested not for undertaking a lot of wild talk in Internet chat rooms or even for shooting paintballs in the Ontario bush but because they had begun the transition from conspiring to act in a criminal manner to furthering their conspiracy, not in the cyber world but in the real world. In the “Toronto 17” case, the action of furthering the conspiracy came when the potential terrorists tried to purchase large amounts of ammonium nitrate that was to be used for bomb construction. At that point, the RCMP said, they posed a real and

unacceptable threat. Early in the fall of 2006 Danish police arrested nine men at this same transition phase.

The problem I would like to consider is somewhat different than the conventional procedures for interrupting terrorist activity – surveillance, the use of wiretaps, moles, and so on. It concerns the thorny matter of “guilt by association,” and is best approached indirectly. Shortly after the Toronto arrests, Imam Aly Hindy of the Salaheddin Islamic Centre in the suburb of Scarborough complained “we are being targetted not because of what we’ve done, but because of who we are and what we believe in.” On the contrary, he and his congregants were targetted because what they believe in led to what they did. That is, the problem is not whether the good Imam is a bit of a fundamentalist, and he is, but that he is part of a community that tolerated and harboured terrorists. To put the matter bluntly: Imam Hindy had a duty to report the likes of the “Toronto 17” to the police. Rants against kufirs and jahiliyya are the opposite of helpful. If Father O’Malley or Rabbi Goldstein were hiding Irish or Jewish terrorists in their church or synagogue, the same rules would apply.

Tarek Fatah of the moderate and secular Muslim Canadian Congress explained the reluctance of Muslims to turn in extremists as resulting from “a sense of community patriotism where people automatically don’t want to

wash their dirty linen in public.” Practically speaking, he said “the doors of debate are sealed by the cement of orthodoxy, but Muslims can’t go on behaving as if everything is normal. We can’t sit by quietly while fascist death cults secretly try to take control of our mosques.” This statement of the problem seems to me to be accurate.

Similarly Amir Taheri characterized the problem in the Wall Street Journal in terms of the widespread adoption of a posture he described as “yes-but-however.” It starts with a yes: mass murder of innocent people is a terrible crime. It proceeds to a but: the terrorist killers have legitimate grievances that have not been addressed by the government, which therefore shares the blame for the killing. It proceeds, then, to however: if the government does not change its policies, especially its foreign policies, there will be further attacks.

This attitude is unquestionably a practical as well as a theoretical problem. It is not at all clear whether British, American, and Canadian judges, particularly at the highest level, have the imagination to deal with it. In the States, following the 2006 Hamdan v. Rumsfeld decision, which on First Amendment grounds overturned procedures advocated by the government for using military commissions (as was done during World War II) to deal with Guantanamo detainees, Richard Posner, a prolific judge on

the US Court of Appeals, Seventh Circuit, wrote a book the title of which echoed a famous remark of Justice Jackson, Not a Suicide Pact: The Constitution in a Time of National Emergency. The argument is clear: “rooting out an invisible enemy in our midst might be fatally inhibited if we felt constrained to strict observance of civil liberties designed in and for eras in which the only serious internal threat (apart from spies) came from common criminals.” Such robust commonsense seems regrettably rare among senior judges in the US, the UK, and Canada.

The use of the War Measures Act during World War II did not cripple Canadian democracy. The wider context within which constitutional democracies defend themselves is established by the nature of regimes: all regimes stand for something, which means that no regime tolerates everything. This is why, for example, an Australian MP and Parliamentary Secretary for Immigration, Andrew Robb, told a meeting of local imams that they should conduct their sermons in English. By so doing they would be taking responsibility before their fellow-citizens for their stand against extremism, and could not claim, as many have done, that their allegedly jihadist sermons have been mistranslated.

In the Canadian context, either official language would no doubt be acceptable, but the principle is sound. Likewise one can anticipate the

routine banning of visits by radical clerics from foreign countries, a re-examination of immigration policy, multicultural policy, and even welfare policy. At the end of the day, however, it is not the introduction of what might be termed prophylactic measures that will make a difference. As Thomas Friedman wrote in the New York Times following 7/7: “If it’s a Muslim problem, it needs a Muslim solution.” This is undoubtedly true. We should not, however, underestimate the difficulties, which brings me to my final point, which I will make in an abbreviated fashion.

4. A Muslim Problem

The response of the Toronto Muslim leadership when Mubin Shaikh was identified as the CSIS mole who provided intelligence on the “Toronto 17” was anger and outrage, not praise for his understanding of the danger terrorists pose both to his community and to his non-Muslim fellow-citizens. Instead his motives were questioned by moderate and secular Muslim leaders. Conservative, which is to say salafist, leaders denounced Shaikh as a traitor. Two weeks later the moderate and secular Tarek Fatah himself resigned as leader of the Canadian Muslim Congress citing threats to him

and his family. The problems within the Toronto Muslim community point to a principle that Canadians have ignored for the past couple of generations: the duty of immigrants is to learn to cherish the principles of the Canadian regime; the duty of Canadians is to ensure they do. Among other things, this double duty would entail some serious readjustment chiefly on the part of salafist Muslims regarding the nature of citizenship.

Here I would make a few almost indecently terse observations. First, citizens obey the law because they consent to it, not because it is ordained by God. Religious communities are communities of subjects, of those who submit to a religious teaching, whether Islam or Anglicanism. For people who take the Arabic word islam literally, the idea of citizenship is extinguished. To put it another way, citizens are not brothers or members of an ummah; rather, citizenship relates people publicly and as strangers; it provides distance as well as relatedness and allows religious fulfillment to be carried on in private or, as we say, in civil society. Historically, modern citizenship emerged from the great and rather cynical compromise that ended the wars of religion at Augsburg and is embodied in the principle cuius regio, eius religio.

Citizenship alone is not enough, however necessary it may be. I would add – and this is almost shorthand – forgiveness, sacrifice, and irony

are also needed to provide citizenship with a heart. Most of us are familiar with the Christian and philosophical or, if you like, Socratic, versions of these things. It is true that the Koran invokes the mercy, compassion, and justice of Allah frequently, but no one can say that Allah is lenient. Allah is not amused by human folly and as Roger Scruton once put it, compared to the Bible or to philosophy, the Koran is a joke-free zone. There may be good reasons for this – and one can speculate about why this is so – but the political implications are what is of interest now.

Irony allows us to recognize that the one who judges is also judged. Forgiveness accepts the otherness of the other and grants him the liberty to be as he wishes. Societies that make irony and forgiveness central tend not to be dogmatic but also, at least with respect to irony, tend to combat the downside of forgiveness, namely the triumph of mediocrity and conformity.

So far as the salafists are concerned, there is a wide gulf between citizenship and sharia. The commandments of Allah are no joke and they are not to be debated so much as enforced. So far as militant salafists are concerned, death is the ultimate act of submission. Such a death, and the terror it inflicts, is both an exaltation of the world of brotherhood and a blow against the world of strangers, the world of citizens. This, it seems to me, is

the problem for Muslims today. It may be a result of the atrophy of irony in Islam or any of a thousand other reasons.

5. Conclusions

And where does that leave us? Particularly in the context of the “war of ideas” about which we have heard a great deal?

First of all, I would say the “global war on terrorism” is not an economic or political conflict but an existential one. We are being asked: “What right do you have to exist?” If we answer “none” we get the reply “just as I thought.” In other words, we must face the challenge or perish and perish unlamented. We must have an absolute conviction that we have a right to exist and will concede an equal right to the salafists only if it is mutual. And we can be pretty sure it will not be accepted on those terms, which means such a strategy may not succeed. But we can be perfectly certain that no other one will either.

On the other hand, by sending a message that we will share what we have but are not prepared to see it destroyed, we both reaffirm what is central to our own culture and, because forgiveness is part of that culture, that should be enough.

The evolution of al-Qaeda makes such a strategy more urgent than otherwise it might be. If we do not reach such an understanding with our adversaries, all Canadians, Muslim and non-Muslim alike, will be turned into spectators in the on-going game between AQ-4 and the security agencies, which has its own dangers to civil liberties.