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## SHARIAH'S SECURITY-RELEVANT ATTRIBUTES

Successfully assuring American security in the face of a determined jihadist effort to destroy this country will depend in part on an understanding of several attributes inherent in this seditious doctrine that have direct bearing on the character and insidiousness of the threat.

### TREATIES AND TRUCES

Although the objective of the Muslim community, in the eyes of its jurists, is to spread submission to shariah through jihad, there are circumstances when the forces of Islam are not strong enough to prevail. Governed as they are by Islamic law in all they do, it is incumbent upon Muslims accurately to judge their capabilities at any point in time. When Muslims are powerful, they are commanded to mount offensive jihad without hesitation, relying

on the Quranic verse 47:35 for authority: “So do not be faint-hearted and call for peace, when it is you who are the uppermost.”

When infidel forces are too powerful to defeat, however, Muslims are obligated under the laws of war as defined in shariah to refrain from engaging in violence until such time as their forces once again are strong enough not just to take on the enemy, but to defeat him. This injunction against “transgressing the limits” also derives from the Quran: “Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loveth not transgressors.” (Q2:190)

Transgressing the limits of war in the context of shariah means launching jihad against superior enemy forces without ensuring adequate Muslim forces first. If the result of such rash action is that the enemy then retaliates by invading Muslim lands, with the result that (innocent) Muslims are killed, this becomes a “transgressing the limits” issue and may be consonant with what, according to the Quran, Allah viewed as the terrible crime of “spreading mischief in the land.”

On that account: We ordained for the Children of Israel that if any one slew a person - unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole people: and if any one saved a life, it would be as if he saved the life of the whole people. Then although there came to them our messengers with clear signs, yet, even after that, many of them continued to commit excesses in the land. (Q 5:32)

The following verse, Quran 5:33, specifies the gruesome punishments that Allah ordains for those who violate this prohibition:

The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the

land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter.”<sup>132</sup>

One of the reasons that Osama bin Laden and al Qaeda came in for criticism from shariah-oriented entities after the attacks of 9/11 was not because he launched terror attacks that killed thousands of innocent civilians, but because some Islamic authorities viewed the attacks as precipitous and premature. The fact that the U.S. was still powerful enough after 9/11 to invade Muslim lands with a large military force and exact massive retribution against Muslim populations may be considered evidence that bin Laden exceeded Muslim abilities, that is, “transgressed the limits.”

It is important for national security leadership to pay attention when prominent Islamic entities or individuals, especially Salafis, appear to condemn the killing of non-Muslims in non-Muslim lands to determine whether the condemnation was made in an unqualified and outright manner or whether it was in some way associated with downstream acts that merely caused “mischief” to be brought down upon Muslim lands. This becomes especially relevant when jihadi forces come to be perceived as violating Islamic law themselves, especially actions that cause such downstream “killing without right” – meaning the unjust killing, not of non-Muslim innocents, but of *Muslims*.

This discussion about causing “mischief in the land” and the shariah prohibitions against launching jihad without the ability to carry through and prevail leads to situations in which Muslim forces might lawfully enter into a treaty or truce with the enemy. The classic example of such circumstances occurred in the year 628 when Mohammed, then in control of Medina, agreed to a 10-year truce with the pagan Qurashi tribe of Mecca.

Although he had set out to attack Mecca, Mohammed realized en route that his forces were not yet strong enough to prevail; so, he agreed to the Treaty of Hudaibiyyah. Two years later,

with 10,000 men now under his command, Mohammed broke the treaty and marched into Mecca. Sahih hadith from Bukhari attributed to Mohammed, “War is deceit”<sup>133</sup> and “By Allah, and Allah willing, if I take an oath and later find something else better than that, then I do what is better and expiate my oath”<sup>134</sup> clearly demonstrate this doctrinal or moral justification of deception and truces.

Yasser Arafat’s repeated references to the Treaty of Hudaibiyyah following his signature of the Oslo Accords in 1993 on behalf of the Palestinian Liberation Organization (PLO) is a good example in modern times of Muslim awareness of the Quranic position on entering into truces with the enemy. Arafat was careful to reassure his followers (in Arabic) that his commitment at Camp David was nothing more than a temporary hiatus in jihad (a *hudna*) at a time of PLO weakness vis-à-vis the Israelis – and entirely in keeping with shariah. Similarly, in 2006, the leadership of Hamas offered Israel a ten-year truce to break the deadlock over its refusal to recognize the Jewish State. At the time, few in the West seemed to realize that Palestinian Prime Minister Ismail Haniyeh was in perfect accord with the example of Mohammed and would predictably break any such *hudna* the moment it proved advantageous for the Muslim side to do so.

In practice, though, truces are generally disfavored under shariah “because it entails the nonperformance of jihad.”<sup>135</sup> As noted above, the Quran enjoins its followers “So do not be faint-hearted and call for peace, when it is you who are the uppermost.” (Q 47:35). Consequently, under Islamic law, the maintenance of a peaceful status quo cannot serve as the basis for a truce when the milestones favor Islamic success in Jihad.

As Majid Khadduri, the translator of Mohammed ibn al-Hasan al-Shaybani’s highly revered *Siyar*<sup>136</sup> puts it: “Muslim authorities concluded peace treaties with the enemy only when it was to the advantage of Islam, whether because it found itself in a

state of temporary weakness following a military defeat or because of engagement in war in another area.”<sup>137</sup>

### SACRED SPACE

The concept of “sacred space” is well-developed in shariah, which centuries of commentary have established as authoritative. Indeed, shariah is an aggressively territorial system that holds all land on earth has been given by Allah to Muslims in perpetuity: Since the world already belongs in its entirety to Muslims – whether currently in reality or prospectively – they are both destined and obligated to dominate it.<sup>138</sup>

Land already conquered and occupied by Muslims as well as any space ever gained in the past for the forces of the faith are *waqf* and considered sacred ground, endowed by Allah to the *ummah* or Muslim people forever. If ever such space has been lost, it is the duty of all Muslims to regain it, by jihad, if necessary. Chechnya, the State of Israel, Iberian Peninsula (or al-Andalus), and Indian subcontinent (Hind) are all examples of such territory, once conquered by the armies of Islam but now under the control of non-Muslims (infidels, or *kuffar*). In keeping with the shariah principle of sacred space, each of these places is to remain the target of declarations of ownership by the forces of jihad and repeated terrorist attacks and plots by Muslim jihadis intent upon returning them to the *Dar al-Islam*.

Sacralizing new or reclaimed territory for Islam is an ongoing venture in which migrant and converted Muslim communities in the West are constantly engaged, according to Patrick Sookhdeo, who has written extensively about the concept of Sacred Space in Islam.<sup>139</sup> Such Muslims may first sacralize the spaces within their own homes and mosques while later generations typically move outward to claim an ever-expanding share of the public space.

This Muslim mission to sacralize new physical ground for Islam has been especially obvious in Europe. There gigantic mosques (some have been dubbed “mega-mosques”) have been going up across the continent since the mid-20th century, when infusions of Saudi oil money began to make such massive buildings possible. The mosques, with their towering minarets, attest in a deliberately physical way to the presence and dominance of Islam. As Turkish Prime Minister Erdogan stated in 1998, “The mosques are our barracks, the domes our helmets, the minarets our bayonets, and the faithful our soldiers.”<sup>140</sup>

The neighborhoods around such mosques often are purchased in an incremental way, too, gradually expanding to encompass apartment buildings and even entire city blocks occupied exclusively by Muslims. This tactic (in the U.S.) often involves Muslim real estate agents who ensure that homes occupied by Muslims will always be occupied by Muslim families. By establishing such a network of Muslim-controlled space, in which adherence to shariah is enforced and from which non-Muslims are excluded, Islamic communities seek the ability to live in imitation of Mohammed and the earliest Muslims after the *hijra* (the move from Mecca to Medina). Muslims also demonstrate their dominance by requiring non-Muslims who may be permitted access to such areas to comply with shariah while in Muslim space.<sup>141</sup>

In many cases, as these segregated areas expand, they become not only ghettos where crime flourishes among an immigrant population that refuses to assimilate, but actual sacred space where shariah is practiced in contravention and supersession of local law. All too often, as is the case in France and elsewhere, such enclaves are avoided by the security forces, which literally cede sovereignty by abrogating their duty to enforce local law in such areas.<sup>142</sup>

The concept of sacred space also explains why Muslims who conquer enemy territory traditionally erect mosques and Is-

lamic centers literally on top of the destroyed sacred places of other faiths. Examples of this practice include: the great Hagia Sophia mosque in Istanbul (formerly the Cathedral of St. Sophia in Constantinople); the al-Aqsa Mosque and Dome of the Rock Mosque, both built on Jerusalem's Temple Mount, directly above the remnants of the Jewish Second Temple; and the Cordoba mosque complex – the third largest in the world – which transformed a Christian cathedral in the capital city of the Moorish kingdom. The city was conquered in the 8th Century and was the headquarters of what came to be known as the “Cordoba Caliphate” for the next 500 years.

Most recently, plans were announced to construct a \$100 million, 13-story Islamic center and mega-mosque complex two blocks from Ground Zero in New York City, the site of the World Trade Center, which was destroyed in jihadi attacks on September 11, 2001. The name of the organization leading the Ground Zero mosque project is likewise revealing of Islamic traditions: it is called the “Cordoba Initiative.”

Sometimes, mere proximity to Muslims' sacred space, where displays of Islamic supremacy are expected, is sufficient to compel Westerners to censor their speech or alter their behavior or dress. Examples include female journalists who don a headscarf for an interview with a Muslim personage and Western political figures who do the same thing, even when they are visiting Muslim heads of state whose own wives do not wear the hijab. This sort of behavior demonstrates a kind of pre-emptive submission on the part of non-Muslim Westerners who adopt a subservient mentality of *dhimmitude*, erroneously believing their diplomacy, interview or outreach will go the better for it.

## APOSTASY

To understand what is meant by *kufr*, or unbelief, it is instructive to move on to Book O, “Justice” in the *Reliance of the Traveller*. In the chapter on “Apostasy from Islam,”<sup>143</sup> it states:

- “Leaving Islam is the ugliest form of unbelief and the worst.”
- “Whoever voluntarily leaves Islam is killed.”
- “When a person who has reached puberty and is sane voluntarily apostatizes from Islam, he deserves to be killed.”

This is an absolute rule in shariah that does not admit of an alternate interpretation. A modern case in point is Abdul Rahman, the Afghan national who, in 2006, converted to Christianity. When the Islamic authorities found out about his conversion, Rahman was sentenced to death for apostasy. The European Union determined this was a human rights violation and they reacted by threatening to withhold five hundred million euros in economic aid from Afghanistan.

This created a significant political and legal issue for Afghan President Hamid Karzai. If he failed to put Rahman to death for apostasy, he would be violating Islamic law (and the Afghan Constitution in which shariah is the law of the land) and failing in his duty as a Muslim leader. If Karzai allowed the sentence to be carried out, he would lose the European economic aid.

The solution: Rahman was declared insane.<sup>144</sup> Under Islamic law, declaring a person insane is one of the only ways a Muslim leader (who is required to follow shariah) can avoid putting the apostate to death.

In the Western world, declaring a sane man to be insane would be an abominable human rights violation, but under shariah, it can be the only thing that allows the authorities to avoid imposing the death sentence that is prescribed by Islamic law for apostasy.

The enumerated reasons in shariah for declaring a Muslim an “apostate” include: “to deny any verse of the Koran or anything which by scholarly consensus...belongs to it” and “to deny the obligatory character of something which by the consensus of Muslim...is a part of Islam.”<sup>145</sup> This means that Islamic law makes violation of scholarly consensus an unambiguous act of apostasy.

So, if one were to disagree with something where there is consensus among the scholars, one could be charged with apostasy and put to death. *This shariah concept of “scholarly consensus” effectively precludes any effort to moderate or reform any element of shariah sustained by such consensus.*

*Reliance* underscores the magnitude of the crime of apostasy in Book C, “The Nature of Legal Rulings”<sup>146</sup>: Here, the author notes, “Scholars distinguish between three levels of the unlawful: (1) minor sins...; (2) enormities...; and (3) *unbelief (kufr)*, sins which put one beyond the pale of Islam... and necessitate stating a Testification of Faith...”

The only way a Muslim who is declared a *kufr* can escape this is to recant and recite the *Shahada* (the declaration of Islamic faith in Allah and the Prophet), thus declaring a new testimony of faith. He has to re-enter the Islamic faith, as it were.

As Louay Safi, a top Muslim Brotherhood member operating in the United States who is nonetheless considered by many officials to be a respected “moderate,” wrote in his 2001 book *Peace and the Limits of War — Transcending Classical Conception of Jihad*: “The war against the apostates is carried out not to force them to accept Islam, but to enforce the Islamic law and maintain order.”<sup>147</sup>

Safi then adds:

Therefore, the individual apostasy which takes place quietly, and without causing any public disorder, should not be of concern to Islamic authority.... Only when the individual

openly renounces Islam and violates Islamic law should he be punished for breaking the law.

In other words, Safi is saying, in effect: We do not put people to death for becoming apostates. We put people to death when we find out that they have become apostates.

In the final analysis, defining elements of shariah are intolerant of any deviation. There is freedom of belief in Islam only to the extent that matters of individual conscience do not threaten the *ummah*, whose cohesion and public appearance of rigid compliance with shariah is paramount and takes precedence over any individual's personal preferences.

#### **PERMISSIBLE LYING**

It is imperative that national security professionals with responsibility for defending the U.S. Constitution from encroachment by shariah understand that, under Islamic law, lying is not only permissible, but *obligatory* for Muslims in some situations. This complicates efforts to understand the true nature of the threat – and to have confidence in those Muslims at home and abroad with whom the government hopes to make common cause in countering that threat.

What is particularly confusing is the fact that shariah has two standards of truth and falsehood: In general, the Quran disapproves of Muslims deceiving other Muslims. It declares, “Surely God guides not him who is prodigal and a liar.”<sup>148</sup> Yet, Quranic passages and statements attributed to Mohammed in reliable *hadiths* provide exceptions even to the usual prohibitions on lying to fellow Muslims.

For example, *Reliance of the Traveler* provides practical examples of where lying even to Muslims can be appropriate: “Giving directions to someone who wants to do wrong” is one such example, explaining that “It is not permissible to give directions

and the like to someone intending to perpetrate a sin, because it is helping another to commit disobedience.”<sup>149</sup> Such disobedience, as understood under Islamic law, is defined as: “Giving directions to wrongdoers includes: (1) showing the way to policemen and tyrants when they are going to commit injustice and corruption.”<sup>150</sup>

*Reliance* also shows in quotes from Mohammed that there are other grounds for lying even to Muslims: “He who settles disagreements between people to bring about good or says something commendable is not a liar.”<sup>151</sup> And “I did not hear him permit untruth in anything people say, except for three things: war, settling disagreements, and a man talking with his wife or she with him (in smoothing over differences.)”<sup>152</sup> These exceptions are sufficiently broad to cover most instances in which lying would be expedient.

Shariah demands, moreover, that its adherents lie where it will be advantageous in dealings with infidels whose submission is an obligation. Consider the legal guidance provided in the authoritative *Reliance of the Traveler*. In Book R, “Holding One’s Tongue,” one finds sections on “Lying” (r8.0) and “Permissible Lying,” (r8.2). These cite the iconic Islamic legal jurist Imam Abu Hamid Ghazali:

This is an explicit statement that lying is sometimes permissible for a given interest... When it is possible to achieve such an aim by lying but not by telling the truth, it is permissible to lie if attaining the goal is permissible (N: i.e., when the purpose of lying is to circumvent someone who is preventing one from doing something permissible) and obligatory to lie if the goal is obligatory.<sup>153</sup>

An example of the Quranic basis for the shariah standard on lying is: “Allah has already sanctioned for you the dissolution of your vows.”<sup>154</sup> Indeed, in some places, it is Allah himself who is

described approvingly as a capricious deceiver: “Say, ‘God leads whosoever He wills astray.’”<sup>155</sup>

As noted above, Sahih Bukhari writes that Mohammed, too, authorized a permissive attitude toward telling the truth: “The Prophet said, ‘If I take an oath and later find something else better than that, then I do what is better and expiate my oath.’”<sup>156</sup>

Besides lying, there is also guidance in *Reliance* about giving a misleading impression: “Scholars say that there is no harm in giving a misleading impression if required by an interest countenanced by Sacred Law.”<sup>157</sup>

### TAQIYYA

Closely associated with shariah doctrine on lying is the concept of *taqiyya*, which is generally described as lying for the sake of Islam. *Taqiyya* is a concept in Islamic law that translates as “deceit or dissimulation,” particularly towards infidels. It is based on Quran 3:28 and 16:106 as well as *hadiths*, *tafsir* literature, and judicial commentaries that permit and encourage precautionary dissimulation as a means for hiding true faith in times of persecution or deception when penetrating the enemy camp.

Take, for example, Quran 3:28: “Let not the believers take the disbelievers as friends instead of the believers, and whoever does that, will never be helped by Allah in any way, *unless you indeed fear a danger from them*. And Allah warns you against Himself, and to Allah is the final return.” (Emphasis added.)

The authoritative commentary on the Quran, *Tafsir Ibn Kathir*<sup>158</sup> notes the prohibition on “taking disbelievers as friends” then explains the Quranic phrase “unless you indeed fear a danger from them”:

The Prohibition of Supporting the Disbelievers. Allah prohibited His servants from becoming supporters of the disbelievers, or to take them as comrades with whom they develop friendships, rather than believers. Allah warned against such

behavior when He stated... “*unless you indeed fear a danger from them*” meaning, except those believers who in some areas or times fear for their safety from the disbelievers. In this case, such believers are allowed to show friendship to the disbelievers outwardly, but never inwardly.... “We smile in the face of some people although our hearts curse them.”

Another authoritative Arabic text, *Al-Taqiyya fi Al-Islam*, states definitively the standing *taqiyya* enjoys in shariah:

*Taqiyya* [deception] is of fundamental importance in Islam. Practically every Islamic sect agrees to it and practices it. We can go so far as to say that the practice of *taqiyya* is mainstream in Islam, and that those few sects not practicing it diverge from the mainstream. ... *Taqiyya* is very prevalent in Islamic politics, especially in the modern era.<sup>159</sup>

A respected modern-day authority on Islam, William Gawthrop, has observed in connection with the practice of *taqiyya*:

Concealing or disguising one's beliefs, convictions, ideas, feelings, opinions, and/or strategies at a time of eminent danger, whether now or later in time, [is permissible] to save oneself from physical and/or mental injury. *Taqiyya* has been used by Muslims since the 7th century to confuse and split ‘the enemy.’ One result is the ability to maintain two messages, one to the faithful while obfuscation and denial is sent – and accepted – to the non-Muslim audience.<sup>160</sup>

It is worth noting how closely this language from Gawthrop’s “Islam’s Tools of Penetration” maps to the language used by Omar Ahmad, an unindicted co-conspirator<sup>161</sup> in the 2008 Holy Land Foundation terrorism financing trial, when discussing separating the information role of CAIR from the operations role of the HLF. From the transcript of a secretly recorded meeting in Philadelphia which was identified as “Philly Meeting – 15,” and entered into evidence in the *U.S. v. HLF* trial,<sup>162</sup> Ahmad had this to

say regarding an dual-message information campaign against the United States:

Omar Ahmad: I believe that our problem is that we stopped working underground. We will recognize the source of any message which comes out of us. I mean, if a message is publicized, we will know ..., the media person among us will recognize that you send two messages; *one to the Americans and one to the Muslims*. If they found out who said that – even four years later – it will cause a discredit to the Foundation as far as the Muslims are concerned as they say “Look, he used to tell us about Islam and that is a cause and stuff while he, at the same time, is shooting elsewhere.”

Raymond Ibrahim, another contemporary scholar on Islam, quoted one of the principal Quranic authorities to address this circumstance:

Al-Tabari’s (d. 923) famous tafsir (exegesis of the Koran) is a standard and authoritative reference work in the entire Muslim world. Regarding [the Quranic Sura] 3:28, he writes: “If you [Muslims] are under their [infidels’] authority, fearing for yourselves, behave loyally to them, *with your tongue*, while harboring inner animosity for them....Allah has forbidden believers from being friendly or on intimate terms with the infidels in place of believers – except when infidels are above them [in authority]. In such a scenario, let them *act* friendly towards them.”<sup>163</sup>

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Regarding 3:28, Ibn Kathir (d. 1373, second in authority only to Tabari) writes, “Whoever at any time or place fears their [infidels’] evil may protect himself through outward show.” As proof of this, he quotes Mohammed’s close companion, Abu Darda, who said, “Let us smile to the face of some people [non-Muslims] while our hearts curse them”; another companion, al-Hassan, said, “Doing *taqiyya* is acceptable till the Day of Judgment [i.e., in perpetuity].”<sup>164</sup>

## TAQIYYA IN PRACTICE

A classic example of the shariah practice of *taqiyya* can be found in the dual messaging of Yousuf al-Qaradawi, best known as the spiritual leader of the Muslim Brotherhood. For an intended Muslim audience, he wrote in the *Saudi Gazette* on June 11, 2010:

... The acceptance of secularism means abandonment of shariah, a denial of the divine guidance and a rejection of Allah's injunctions... For this reason, the call for secularism among Muslims is atheism and a rejection of Islam. Its acceptance as a basis for rule in place of shariah is downright apostasy...<sup>165</sup>

At an earlier “Democracy and Political Reform” conference held in Qatar in June 2004, al-Qaradawi also declared: “There are those who maintain that democracy is the rule of the people, but we want the rule of Allah.”<sup>166</sup>

In these two instances, al-Qaradawi’s rejection of Western-style liberal democracy could not have been more clearly stated. He was making these statements in his role as an Islamic jurist, providing legal opinions specifically sourced back to the Quran and shariah. This is not the message he gives to other audiences, however.

For instance, during a January 2010 interview in the Egyptian newspaper, *Al-Shorouk*, he saw advantage for the Muslim Brotherhood and shariah in extolling the virtues of democracy – as a means of ending the rule of President Hosni Mubarak (who mostly suppresses the Muslim Brotherhood) and bringing the Ikhwan to power: “Egypt will not regain its status, its wellbeing and its role unless it opens the windows of freedom. It must open the doors completely and make way for [new] figures and competition as real democracy is the solution, not fake [democracy].”<sup>167</sup>

Similarly, in the Brotherhood’s online forum, IslamOnline.net, which is published in English and aimed at a Western audience, al-Qaradawi went so far as to suggest that shariah

actually *embraces* democracy: “Islam calls for democracy and grants people the right to choose their governor.”<sup>168</sup>

In short, what Muslim audiences are required to know about Islam is not the same thing as what non-Muslim Western audiences are allowed to know – or encouraged to think – by Islamic authorities. *Taqiyya* provides the legal basis under shariah for this sort of deceptive dual messaging.

The practice of *taqiyya* is sometimes erroneously described as one in which only Shiites engage. While it is true that the Shiites, being the minority sect in Islam, have historically had reason to engage in deception (i.e., to conceal their religious identity from the majority Sunni population who would otherwise persecute them), Sunni Muslims living in the West are themselves in the minority among societies full of non-Muslims. Shariah is permissive of their lying in such conditions.

Such examples from shariah sources should suffice to alert national security professionals to the mainstream position of Islamic doctrine on the subject of lying. In view of the Prophet Mohammed’s statement that “War is deceit,” and cognizant of the requirement under shariah for Dar al-Islam to be in a constant state of animosity, hatred, and jihad with *Dar al-Harb* until “all religion belongs to Allah,” it is imperative that those whose duty it is to protect the United States. from shariah grasp the centrality of *taqiyya* in the arsenal of its adherents. This is critical because the consequences of *taqiyya* extend to real world issues related, for example, to Muslim overtures for interfaith dialogue, peace and mutual tolerance – all of which must be viewed in the light of Islamic doctrine on lying.

This is not an argument for trusting or mistrusting someone in any particular instance. It is, though, an argument for professionals to be aware of these facts, to realize that they are dealing with an enemy whose doctrine allows – and at times even *requires*

– them not to disclose fully all that they know and deliberately to misstate that which they know to be the truth.

As is discussed at greater length below, American officials charged with national and homeland security have a duty to understand that which is within the sphere of their professional competence. For anyone with such responsibilities, knowledge of these attributes of Shariah is a requirement.

## SLANDER

Given the importance the enemy’s doctrine attaches to information dominance evident in the legitimacy shariah assigns to lying and *taqiyya*, it is hardly surprising that this threat doctrine also seeks through other means to keep the *harbi* (residents of *Dar al-Harb*) unaware of the true character and intentions of shariah’s adherents. In fact, Islamic law provides, in tandem with the right (described above) to deceive *harbi*, an enforceable requirement to make disclosure of those rules of Islam a punishable offense. This is among the purposes of the shariah concept of slander, which differs significantly from its Western counterpart.

*Reliance of the Traveler* has the following relevant passages (emphasis added throughout):

- “Slander (*ghiba*) means to mention anything concerning a person that he would dislike.”<sup>169</sup>
- “As for talebearing (*namima*), it consists of quoting someone’s words to another in a way that worsens relations between them.”<sup>170</sup>
- “The Prophet (Allah bless him and give him peace) said:
- (1) “The talebearer will not enter paradise.”
- (2) “Do you know what slander is?” They answered, “Allah and His Messenger know best.” He said, “It is to mention of your brother that which he would dislike.” Someone asked, “What if he is as I say?” And he replied,

“If he is as you say, you have slandered him, and if not, you have calumniated him.”

- (3) “The Muslim is the brother of the Muslim. He does not betray him, lie to him, or hang back from coming to his aid.”<sup>171</sup>
- “...In fact, talebearing is not limited to that, but rather consists of revealing anything whose disclosure is resented, whether presented by the person who originally said it, the person to whom it is disclosed, or by a third person. ... The reality of talebearing lies in divulging a secret, in revealing something confidential whose disclosure is resented. A person should not speak of anything he notices about people besides that which benefits a Muslim to relate or prevents disobedience.”<sup>172</sup>

From such definitions, it is easy to see how a legally sanctioned code of silence could be imposed and enforced. Taken together with the rules on lying and *taqiyya*, it is easy to understand how self-identified “moderate” Muslims can insist that acts of terrorism undertaken by “extremists” had nothing to do with Islam – even in cases where the perpetrators and their supporters explicitly claim Islam as the motivation, often on television broadcasts receiving rapturous applause from other Muslims.

These attributes of shariah have two significant implications for U.S. security policymakers. In accordance with the definition of “talebearing” in *Reliance’s* chapter r2.6, the disclosure of any sensitive information to non-Muslims is forbidden, where sensitive means any information that puts Islam or a Muslim at a disadvantage. Hence, a shariah-adherent Muslim risks eternal damnation if he discloses to a non-believer information that would cause the non-believer to question either Islam or a Muslim.

In other words, law enforcement, military and intelligence services may be relying on individuals whose behavior is governed by shariah must subordinate national security collection require-

ments and practices to potentially restrictive and manipulative disclosure rules dictated by Islamic law. This is submission. It also turns all professional notions of competent analysis and information security on their heads.<sup>173</sup>

## **BLASPHEMY**

For non-believers, the corollary to the Islamic rule against disclosing anything disadvantageous to Islam is shariah's prohibition against blasphemy. This requires that infidels refrain from engaging in discussions about Islam that extend beyond what is permitted of them or would give offense to Muslims.

Such suppression of information is invaluable to the shariah enterprise because a straightforward reading of Islamic doctrine lends credence to claims by its adherents to be in the mainstream and orthodox. The current approach enshrined in U.S. national intelligence and security policy, which conforms to shariah blasphemy dictates, has the effect of removing these facts from discovery.

This submission to shariah is evident in the failure of U.S. government agencies accurately to describe the enemy and his threat doctrine described elsewhere in this report. It also is reflected in other, less obvious but highly insidious ways. These include gaps in the professional education of senior civilian and military personnel and in possible biases based on such failures inherent in the promotion process for federal employees across the governmental bureaucracy.

Such policies are systematically corroding the U.S. government's situational awareness by effectively imposing, via explicit or implicit gag orders, a system of self-censorship. The practical effect is that the truth about shariah and its adherents is suppressed, as is informed deliberation about appropriate responses to the threats it poses. This amounts to a collective act of submis-

sion to shariah by the national leadership of the U.S. that emboldens our enemies even as it disables our defenses against them.

By contrast to current U.S. government policy about the shariah threat that avoids facts as unwanted disclosures, an effective analytic process could be tailored *specifically* to answer questions concerning the enemy's doctrine by direct reference to those same facts. There can be no successful intelligence analysis – or appropriate national security strategy – where the underlying facts are barred.

Arguably, not since the days of the first Team B report – when unwelcome information about Soviet communism's agenda, doctrine and capabilities was discounted or suppressed – has there been a greater need for unconstrained analysis using all relevant facts to contribute to the development of an awareness of the self-identified enemy's stated doctrine. The “second opinion” on shariah offered by this Team B II analysis is intended to be a catalyst for such an all-source analysis, and for a national debate about the inadequacies of the present, official (“Team A”) assessment of the threat.