

# Islamic State and the Demise of Westphalia: A new look at Sovereignty in the Middle East

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**Abstract**— *This research attempts to clarify the present situation in the Middle East, particularly in terms of the challenges to the supremacy of sovereignty. The concept of sovereignty, stemming from Western civilization following the signing of the Peace of Westphalia in 1648, has over the last several centuries faced many challenges due to various competing interests. This effect is felt in the Middle East more so than anywhere else. The ideas of earthly sovereignty and statehood are, in themselves, alien concepts in the Arab-Islamic world, where God/Allah is considered to be the embodiment of universal sovereignty. In Western thought, sovereignty is vested with a person or a group of people, for which the existence of a state is mandatory. This concept of sovereignty is not validated in an Islamic society. There is general agreement in both Western and Islamic thinking that sovereignty is universal, absolute, indivisible and inalienable; though therein lies the only similarity between the two schools of thought. With the advent of the Islamic State (ISIS) and the proclamation of a new Caliphate, the authority of sovereignty is being confronted like never before. Therefore, this paper would use primary and secondary information to argue the existence of a concept of sovereignty and consider its future implications in a region dominated by contrasting and competing philosophies..*

**Keywords**— *Westphalia, Sovereignty, Islam, ISIS*

## I. INTRODUCTION

The concept of sovereignty is still with us today. The question is whether it means anything. In particular, it is questioned whether the use of the word 'sovereignty' really contributes significantly to contemporary political debate, especially on the plane of international relations.

State-centric theories, which have dominated International Relations, are built on the assumption that states are, by definition, sovereign. The point of theorizing is to understand, explain, and predict international outcomes resulting from interactions among already existing sovereign entities.

The attacks on the state-centric paradigm implies that state sovereignty was being eroded by economic

interdependence, global-scale technologies, and democratic politics. It is argued that states can no longer control their borders. Modern technology empowers non-state or sub-state actors to evade state efforts to control the flow of goods, people, money, and information across territorial boundaries. The flow of capital, especially, to another state or another currency takes place often to escape state fiscal and monetary policies.

Sovereignty is not about state control but about state authority. The question is whether or not the state's ability to make authoritative political decisions has eroded; that is, whether ultimate political authority has shifted from the state to non-state actors or institutions.

## II. WESTPHALIAN SOVEREIGNTY

In Prague in 1618, religious tensions within the Holy Roman Empire reached a breaking point, as a group of Protestants tried three Catholics for violating Protestant rights to religious freedom, found them guilty, and threw them out of a window. This action, in an extremely simplistic sense, plunged Europe into a destructive war that lasted for thirty years. The treaties of Osnabruck and Munster ended the war in 1648, and changed the way nations interacted with each other. It is traditionally regarded that the Peace of Westphalia created a new wave of nationalism in Europe and redefining what it meant to be an independent nation.

According to Philpott (2001), Westphalian Sovereignty has "three faces". Firstly, Westphalia made the sovereign state the most powerful and legitimate form of political unity. Secondly, it found a government with control over its territory to be the criteria for statehood. And thirdly, Westphalia removed previously legitimate restrictions on a state's activities within its territory. The latter provision is especially important; to be a sovereign nation, authority cannot be enforced from outside the state. Conversely, the authority of a Westphalian state is limited to the boundaries that define the nation's territory. This concept is called territorial integrity, and is an important aspect of relations between two Westphalian states. These "faces" encapsulate the most traditional definition of sovereignty, that a sovereign, territorially defined state had supreme authority within its borders and was part of a world order in which states were the dominant actors.

As Gross(1948) puts it, one of the key aspects of the Peace of Westphalia was, *inter alia*, the concept of sovereignty. In recognizing sovereignty, each ruler agreed that while there were no equals to the ruler inside the kingdom, there were no superiors outside of the borders. Thus, the four necessary attributes that make up sovereignty for the quintessential Westphalian state are: territory, recognition, autonomy, and authority.

### III. RELATIONSHIP BETWEEN WESTPHALIAN SOVEREIGNTY AND ISLAMIC SOVEREIGNTY

The first Muslim state to be incorporated into the new international society was the Ottoman Empire in the mid-19th century owing to a central policy of the Sultan who needed to appease external interests and execute a process of modernisation. Subsequently, other nations followed, mostly through the development of decolonisation in the 20th century.

The adoption of an outlandish concept for parochial reasons by the Ottoman Sultan created a delicate situation requiring a balancing act of the autonomy of Islam and external pressure for modernism. Across a vast region, Islam was traditionally the unifying force, creating a civilization that shared common principles such as philosophy, the arts, a vision of the moral life, a sense of justice, jurisprudence and good governance.

The Islamic ideology emphasizes unity among Muslims regardless of race, ethnicity, nationality or social status. Therefore, Islam does not recognize political borders among countries as legitimate means of separating people. In a basic sense, the Islamic system divides the global population in to two sections: the Ummah (the global Muslim community) and the non-believers. As such, the political loyalty of citizens is not to a state but the Islamic community as a whole. This view finds its origin in several Quranic verses including in Surat Al-Mu'minun: "And surely this nation of yours is one nation, and I am your Lord; so have piety towards Me." Accordingly, the only path to redemption for human beings is to surrender to the will of Allah, ignoring such difference as nationality, language or race.

However, this system contradicts existing international norms, such as that which is specified in Article 2(7) of the United Nations Charter: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state..."

### IV. CALIPHATE AND UNIFICATION OF AUTHORITY

In Islam there is less emphasis on differentiation and separation and more on unity, i.e., the unity of God, the

unity of the community of the faithful which is the Ummah, the unity of life as a totality, the unity of the temporal and the spiritual. Islam does not divide corporate functions between Caesar and God, nor does it divide the community between priesthood and laity.

In the same way, in Islam, there has never been a distinct separation between the civil and military authorities since Islam does not divide the Ummah into civil and military entities; on the contrary, it obliges Muslims to stand as one in defence of the community of believers. Consequently, Muslims consider the separation of the military from the civil component of the polity as a Western concept and practice.

This belief is supported by the evidence of the past, for historically great Muslim leaders have been military conquerors, combining both civil and military authority in their person. The Prophet Mohammed himself and his first four successors, the Righteous Caliphs, bore the responsibility of being Amir al-Momineen, Commander of the Faithful, a title which asserted the unity in the ruler of the office of the supreme warlord as well as head of the civil administration.

The same people comprised the administration and the army, collected taxes from the conquered in peacetime, and fought the enemy and collected the booty in war times. Under the early Caliphs, the most important position was that of the General of the Army, who also acted as provincial governor in conquered territories, since the only full citizens of the Islamic state were its soldiers. Primacy of the military role thus came into being very early in Islam, practically from the time of the Prophet himself, and has generally been accepted by Muslims as natural and logical. This development had a decisive influence on the combination of civil and military functions in the ruler. Due to its prophetic beginnings, the unity of the civil and military functions has almost never been questioned, nor even been considered worthy of concern by the theoreticians or theologians; on the contrary, it has been accepted as not only natural but highly desirable.

### V. ISLAMIC CONCEPT OF THE STATE

The main elements in the Islamic political organization are three-fold: the Shariah, the right code of conduct as derived from the Quran and the Sunnah (the tradition of the Prophet); the Caliph as the deputy of the Prophet, the upholder and the executor of the Shariah and therefore the chief source of legitimacy; and the Ummah, the community of the faithful, the object of the Shariah enforcement which must be kept united so that the enforcement of the Shariah be made meaningful.

In Islamic political theory, the Shariah is central and the organization of the state exists to enforce it. Muslims believe that the Shariah deals with all aspects of life – individual as well as collective and corporate – of the Ummah.

The political tradition relating to the concept of Caliphate which developed as a result of this organizational set up, and the Quranic requirement of Jihad as a collective duty of the Ummah from the very beginning, emphasized the ruler's authority. Absolutism and unquestioning submission to whoever was in power, irrespective of how he came to acquire it and how he exercised it, came to be supported not only on grounds of the doctrine of necessity, but with reference to the injunctions of the Quran and the Hadith of the Prophet.

#### VI. ISLAM'S WESTPHALIAN MOMENT

According to El Fadl, the Islamic point of view dictates three types of political systems. The first could be described as a natural system—like a primitive state of nature, an uncivilized, anarchic world where the most powerful tyrannize the rest. Instead of law there would be custom; instead of government there would be tribal elders who would be obeyed only as long as they remained the strongest. The second system could be described as the rule by a prince or king whose word is the law. Because the law is fixed by the arbitrary will of the ruler and the people obey out of necessity or compulsion, this system, too, is tyrannical and illegitimate. The third would be the Caliphate, based on Shariah law. According to Muslim jurists Shariah law fulfils the criteria of justice and legitimacy and binds governed and governor alike. Because it is based on the rule of law and thus deprives human beings of arbitrary authority over other human beings, the Caliphate system was considered superior to any other.

Islam's impressive early rise and expansion ushered in an era of scientific, cultural, artistic, and medical advancements. Islamic scholars preserved much of the knowledge of the ancient Greco-Roman world while Europe descended into the "Dark Ages" where the majority of academic literacy was reserved for the clergy. The Islamic world fostered an early age of globalization by serving as the global trading middleman between Europe and the silk/spice trade from China and India. As the book "Mullahs, Merchants, and Militants" by Stephen Glain states, "a thousand years ago, the Arab Empire pioneered new technologies, sciences, art, and culture. Arab traders and Arab currencies dominated the global economy in ways Western multinationals and the dollar do today. A thousand years later, Arab states are in decay."

The 2003 invasion of Iraq served as an upheaval to the region as the centuries old Sunni rule was upended and replaced by a Shiite dominated government. Additionally, it gave rise to calls of self-determination as groups like the Kurds demanded greater autonomy and recognition. Within the Sunni world, a civil war has emerged by what Fouad Ajami describes as 'the fault line...between secularist, who want to keep faith at bay, and Islamist, who have stepped forth in recent decades to assert the hegemony of the sacred over the political'. Mixed with the millenarian conflict between the Shiites and Sunnis, the Islamic world is now experiencing its "Thirty Years' War" as waged between Protestants and Catholics for mastery of Europe which led to the Westphalian system.

Unfortunately for the people of the region, the Islamic World needs to undergo this violent transformation. This fire needs to burn itself out until a single victor emerges or a recognition that an Islamic Westphalian peace needs to be attained. The rise of the Islamic State (ISIS) is a fly in the face of common wisdom in International Relations theory – the notion that after the Peace of Westphalia, religion lost political salience in the international system.

#### VII. THE ISLAMIC STATE AND SOVEREIGNTY

The profound influence of religion upon international affairs is very vivid these days on every platform of information media: from the Israeli/Palestinian conflict, to Al-Qaeda cells in Afghanistan and globally, to the influence of Evangelic Christianity upon US politics. Currently, the Islamic State (ISIS) is dominating the political landscape in the Middle East and the future stability of the region through their use of a radical interpretation of Islam to justify methods of violence considered extreme even by the likes Al Qaeda. They have released high quality videos of beheadings of American journalists, international aid workers, and even the burning to death of a captured Jordanian pilot inside a cage. This group acts upon transnational religious ideals, recruits cadre from across state borders, and claims sovereignty over territory whose boundaries are defined by religion.

ISIS has claimed that the border between Iraq and Syria is now dissolved, they have declared the establishment of a Caliphate in the territories it controls in Iraq and Syria nearly a year ago. This Caliphate, impedes upon the customary world order and the system of states as it exists today. In mid-2014, ISIS leader Abu Bakr al-Baghdadi said: 'Rush O Muslims to your state. It is your state. Syria is not for Syrians and Iraq is not for Iraqis. The land is for the Muslims, all Muslims'.

The Islamic State has many of the attributes of a conventional state. It is effectively governing eight million Syrians and Iraqis, with several hundred thousand of those governed being in support of the Islamic State. It is headed by al-Baghdadi, who has assumed the title of Caliph. Beneath him, al-Baghdadi has a chief advisor on Syria and a chief advisor on Iraq, each of whom leads 5-7 governors. There are nine councils, comprising the Leadership Council, the Shore Council, the Military Council, the Legal Council, the Fighters' Assistance Council, the Financial Council, the Intelligence Council, the Security Council, and the Media Council.

To call ISIS an insurgency gives too little attention to its ambitions for territorial control, and to call it a state gives it a false air of legitimacy, but it falls somewhere between the two. ISIS is an unusual state because it does not believe in state sovereignty. Its ideology puts it fundamentally at odds with the norms of Westphalian sovereignty that have developed in the international system over the past three centuries.

The Islamic State poses an interesting vision of the sovereign state that is both Westphalian and pre-Westphalian in nature. It demands recognition as a sovereign state while it seeks to create a new world order in which territorial lines are based on religious identity. Its goal of erasing political borders, starting with bulldozing barricades separating Syria and Iraq, is particularly interesting as it considers the border 'offensive' owing to the fact that it was created as part of the Sykes-Picot Agreement between Britain and France that carved up the Ottoman Empire in the waning days of World War I.

ISIS is able to mobilize a community of people bound by religious values that exists beyond the territorial boundaries of states, and in doing so, presents as a substantive, non-traditional actor in a world dominated by nation states as the primary actors. By mobilizing an international community based on religious principles to challenge the domestic politics of states, transnational religious movements challenge traditional conceptions of state sovereignty.



ISIS' border-free ambitions do not stop there. A map circulating on the Internet (source: <http://www.momkn.net/?p=25672>), purports to depict its vision of its Islamic Caliphate. While the provenance of this map is in doubt, it is consistent with statements by the leadership of ISIS about what they see as the legitimate territory that ISIS should hold. Perhaps beyond the borders depicted in the map, there might be some notion that other states have some form of sovereignty, but any sovereignty that infringes on lands perceived to be historically Muslim, would be illegitimate. ISIS might recognize sovereignty outside of these boundaries for precisely the reasons that it does not recognize sovereignty within them.

ISIS rejects sovereignty primarily because of religious reasons. It is not merely a matter of political or military strategy, although ISIS's willingness to flaunt international norms has brought it some temporary advantages. There are multiple religious justifications for ISIS' position, but a common line of argument is that firstly, God alone is worthy of worship and worship of anything else constitutes idolization; secondly, God has given humankind rules governing all aspects of life for individuals and societies; thirdly, following rules not established by God constitutes worship of those rules; fourthly, state sovereignty is a man-made rule that separates Muslims from each other by man-made borders, therefore recognizing state sovereignty is a form of veneration. Although ISIS rejects sovereignty on the basis of its religious ideas, this does not imply that Islam is incompatible with sovereignty. A closer look at ISIS' interpretation would indicate that ISIS' explanation of Islam rejects sovereignty, while other interpretations may or may not.

The rejection of sovereignty goes back at least to the ideology professed by 20th century Islamist intellectual Sayyid Qutb. In his 1964 book "Milestones", Qutb justifies Jihad precisely because humans have embraced earthly, rather than heavenly, sovereignty: 'The whole world is steeped in jahiliyya [ignorance]...based on rebellion against the sovereignty of Allah on earth. It attempts to transfer to man one of the greatest attributes of Allah, namely sovereignty, by making some men lords over others.' This idea is Qutb's central argument in the main chapter on Jihad, and Qutb explicitly states that the sovereignty of God requires eliminating sovereignty by humans:

'Any system in which the final decisions are referred to human beings, and in which the source of all authority are men, deifies human beings by designating others than Allah as lords over men. This declaration means the

usurped authority of Allah be returned to Him and the usurpers thrown out – those who by themselves devise laws for others, elevating themselves to the status of lords and reducing others to the status of slaves. In short, to proclaim the authority and sovereignty of Allah means to eliminate all human kingships and to announce the rule of the ‘Sustainer of the Universe’ over the entire earth’

The sentiments expressed by groups such as ISIS also hold sway with elements not espousing fundamentalist ideologies. Case in point would be the comments expressed by Hakim al-Muteiri, an assistant professor at Kuwait University’s College of Sharia and Islamic Studies, during an interview on Al Jazeera’s show “Sharia and Life” in 2012: ‘The house of Islam is one, and the legal rulings are one. This map that was imposed by Sykes-Picot and imposed by the Western occupation is of no consideration legally’.

There are many groups around the globe that are unhappy with state borders as they currently exist, and it is tempting to view ISIS as another of these groups. However, there is a fundamental difference. Many groups make their territorial claims on the basis of existing norms of sovereignty, asserting that current borders are illegitimate because they violate the right of a people to collective self-determination. Such groups are challenging existing borders, but not underlying norms of sovereignty. In contrast, ISIS is not just dissatisfied with the current borders, but rejects the possibility of borders altogether.

Some scholars have argued that ISIS will start to ‘believe in sovereignty’ once the group consolidates territory and starts governing. The argument posits that pragmatic governance issues could lead ISIS to moderate its radical rejection of the legitimacy of international borders and the international system. However, it is not axiomatic that ISIS will adopt more traditional norms of sovereignty as it becomes self-serving and it is unlikely that ISIS will begin respecting norms of sovereignty as it begins to govern.

ISIS’ rejection of sovereignty is more than strategic. ISIS’ disbelief in norms of international sovereignty means that it is likely to be exceedingly expansionist for some time to come. This makes it difficult, or probably impossible, for other states to bargain with them, because maximally expansionist goals effectively eliminate the range of possible bargains. Add to this the idea that ISIS is doctrinally committed to the illegitimacy of all such agreements and it becomes unlikely that normal international relations could ever occur, even if ISIS

carves out a state in northern Syria and Iraq. ISIS’ existence poses a fundamental challenge to international order, not only to the people under its rule.

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