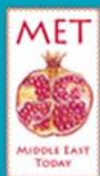




HEZBOLLAH, ISLAMIST POLITICS, AND INTERNATIONAL SOCIETY



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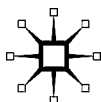
Hezbollah, Islamist Politics, and International Society

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HEZBOLLAH, ISLAMIST POLITICS, AND INTERNATIONAL SOCIETY
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Softcover reprint of the hardcover 1st edition 2014 978-1-137-40301-8

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First published in 2014 by
PALGRAVE MACMILLAN®
in the United States—a division of St. Martin's Press LLC,
175 Fifth Avenue, New York, NY 10010.

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ISBN 978-1-349-48688-5 ISBN 978-1-137-40302-5 (eBook)

DOI 10.1057/9781137403025

Library of Congress Cataloging-in-Publication Data

Dionigi, Filippo.

Hezbollah, Islamist politics, and international society / by Filippo

Dionigi.

pages cm.—(Middle East today)

1. Hizballah (Lebanon) 2. Islamic fundamentalism—
Lebanon. 3. Islam and politics—Lebanon. 4. Lebanon—Politics
and government—1975–1990. 5. Lebanon—Politics and
government—1990– I. Title.

JQ1828.A98H6238 2014

324.5692'082—dc23

2014026492

A catalogue record of the book is available from the British Library.

Design by Newgen Knowledge Works (P) Ltd., Chennai, India.

First edition: December 2014

10 9 8 7 6 5 4 3 2 1

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Acknowledgments and Dedication

This book is the result of a research for which I have received help, support, and very useful criticism from many. I, first and foremost, have to thank Katerina Dalacoura, who has been of great help since the beginning of the project and has instilled in me curiosity, stimulated criticism, and the will to research. I owe a special thanks to Fawaz Gerges, who has been always willing to listen and discuss and has not spared criticism as well as encouragement. I also have to thank Mervyn Frost for his helpful comments on a previous draft of the book and for his kind support. I would also like to thank all the students, journalists, researchers, human rights activists, military officers, UN personnel, diplomats, members of parliament, political activists, and all the others I met during this research. The LSE Middle East Centre, and its wonderful staff, have also been a fundamental resource of help and support. I also want to thank my colleagues and friends at the LSE, especially Adel Altorai, Gregorio Bettiza, Annie Bird, Alex J. Edwards, Rebekka Friedman, Andrew Jillions, Yaniv Voller, and the many others who have participated in extremely useful discussions leading to this publication.

I want to make clear, nevertheless, that the views expressed in this book are solely and exclusively my own.

The book would not have been possible without the help of my family, especially my father, Roberto, and mother, Annalinda, to whom I am particularly indebted. Furthermore, my brother, Elisabetta, my sisters, Stefano, and my nephews have all been always close to me and interested in hearing about my research. The support and encouragement that I have received from Maja was also very special.

My friends have been a source of great motivation and support, especially Stefano, Bobby, Maria, Anna, Flavia, Roberto, and Guido. I owe a great deal to their company and joy.

I became interested in social sciences because I think its study can make our lives and our societies better. What primarily motivates my

research is the will to produce knowledge that is conducive to peace and justice.

Therefore, I dedicate this book to my uncle Paolo, whom I consider my teacher of peace, and to my friend Andy Rocchelli, whose life has been taken because he was reporting on the horrors of war.

Introduction: Studying the Impact of International Norms on Islamist Politics

International Norms and Islamist Politics

This is a study in International Relations primarily concerned with the influence of international norms in global politics. It proposes an analysis and assessment of how these norms influence Islamist politics and what effects they have on Islamism.

International norms—herein understood primarily as the norms of the “liberal international project”¹—have long been disputed. Alternative political ideals that put emphasis on communal affiliation, tradition, and particular ethical conceptions have constantly challenged the legitimacy of norms and institutions which, however, claim universal validity and rely on a conception of the individual human being as the fundamental unit of moral concern.

This study focuses primarily on this tension. It frames the relationship between the political activity of Islamist movements and international norms in the wider international political theory debate—in particular, the liberal-communitarian debate—and shows that the Islamist objections to liberalism and international norms originate from the same assumptions as those that form the basis of the communitarian critique of liberalism. It then proposes an empirical analysis of how an Islamist movement interacts with international norms and shows that, notwithstanding its self-referential political identity and its communitarian assumptions, Islamism becomes subject to the influence of international norms via a process of international socialization.

The study combines political theory with historical and sociological analyses. One of the key methodological principles that inspired

this inquiry and reflecting the multidisciplinary of this project can be summed up with Fred Halliday's words, when he wrote that

matching an analytical universalism with a historical particularism, can provide a means of avoiding both the rampant relativism that has dominated discussion of the Middle East in recent years, and that bland universalism that applies to the Middle East general schemata for the Third World, without taking its special character into account.²

The objective, then, is to reflect upon the relevance of international norms for Islamist politics, taking into account particular historical and social phenomena but also leaning on a broader theoretical interpretative framework that shows commonalities between Western and Islamist critiques of international liberal norms.

By providing an analysis that takes into account aspects of political theory and historical and social processes, this book intends to contribute to a better understanding³ of the importance of international norms, their dynamics of diffusion and implementation, their influence in international politics, and their potential in advancing a more just and peaceful international society.

Introducing the Argument

The book begins by showing, with reference to communitarian political theory, that international norms and liberalism have been constantly subject to criticism within the Western political theory debate. It then discusses Islamist political theory, especially with regard to its critique of liberal institutions, international norms, and, in general, modern secular societies. Subsequently, on the basis of a comparative analysis, it claims that communitarian and Islamist critiques of liberalism rely on specific assumptions about the kind of persons we are and the way we live together, whether in communities or societies. Both communitarianism and Islamism share particular conceptions of personhood and community on which they build their critical arguments against international norms and liberal society in general. Nonetheless, the empirical analysis that follows this theoretical discussion will show how, in practice, Islamism assimilates certain international norms. Occasionally, Islamism even uses these norms to legitimate its actions or remains indifferent toward their implementation. Fundamentally, the conclusion of this inquiry is that, notwithstanding the hostile stance of Islamism to international norms and liberal ethics in general, international norms do have an impact on Islamism, although it is limited and often instrumental to political interests.

Three concluding observations are proposed as resulting from this analysis. The first is that Islamist politics cannot rely simply on the idea of an isolated and self-referential Islamic community. Islamist movements, and the societies in which they operate, have increasingly become part of a broader political and social context in which interactions among persons, states, and societies are regulated by norms and institutions which do not base their legitimacy on Islamic ethics (although they can still be fully consistent with it). International norms play a significant role in regulating these relations.

Following on this first point, therefore, Islamism cannot count on a conception of person whose identity and moral value are solely derived from his or her communal Islamic membership. The Muslim community is not a barrier to broader social and political arrangements, and persons not only become “constituted” by their affiliation to their respective religious community but also take part in broader social environments as national groups, global civil society, or, even more importantly, in a shared sense of universal humanity.

The third observation of this study is related to the definition of this process of transition of Islamism within the debate in International Relations and claims that it can be understood as a form of international socialization. Islamist movements, by interacting with international norms, are being progressively socialized within international society, rather than remain isolated or even alienated from it. Islamists’ interaction with international actors produces a progressive assimilation within their political identity of international norms and the liberal assumptions underlying these norms, although this process is still at an early stage. This process is far from being complete; it is characterized by violence and is constantly undermined by a regional and global environment in which advancements toward the integration of Islamist movements in international society suffer from constant setbacks. Therefore, no simple deterministic conclusion shall be elicited by the fact that international norms have an impact on the practices of Islamist politics.

Methodology: Comparative Theory and Least Likely Single Case Study

In order to justify the argument of this research, a theoretical comparative discussion of Islamism and communitarianism is herein combined with a least likely single case study.⁴ As said above, the theoretical analysis will argue that Islamism can be considered as a form of communitarianism, and based on this theoretical consideration the book then proceeds with the case study. The case under analysis is the Islamist movement Hezbollah, and the choice of this case is due to a “least-likely”

methodological criterion.⁵ The strength of a “least-likely” case is that it allows for reasonable generalizations. The idea is that, if this inquiry succeeds in substantiating the claim that international norms influence the Islamist politics of Hezbollah, then the same can be reasonably expected for “less tough” cases such as Islamist movements adopting less radical stances and embedded in a regional context that is more conducive to international integration instead of polarization.

Hezbollah is a least-likely case because, being an Islamist movement, by definition its political identity refers exclusively to Islamic principles and not to other ethical paradigms such as international ethics.⁶ In addition to this, its political identity, originally, has been defined in sharp antagonism with external interferences of any sort. Its military and political action has been justified exclusively along traditional Islamist lines, also resorting to political violence. Its intransigent political profile (even more intransigent of other movements such as the Muslim Brotherhood, Hamas, the Islamic Action Front, etc.) makes it a least-likely case to assess the capacity of international norms to influence the behavior of an Islamist political actor. Furthermore, a great asset to Hezbollah is the fact that, differently from other Islamist groups, it enjoys strong and direct support from an influential state—Iran—which further shields it from the need to adapt to international normative structures.

The analysis of the case study is arranged in four instances representative of the interaction between international norms and Hezbollah. All these examples correspond to “before–after” comparative analyses. This means that each of these instances provides an assessment of Hezbollah’s political identity before and after a process in which international norms intervened over its activity. The only exception is Chapter 9, where the methodology is not process tracing or historical analysis, but a comparative analysis of two key programmatic texts released by Hezbollah at the stage of its foundation and at a later stage in 2009. Contrary to what may be expected from an Islamist movement, which relies on communitarian assumptions, these examples will show how international norms are becoming progressively constitutive of Hezbollah’s political action and ultimately challenge its conceptions of community and person.

The choice of these examples of interaction has been deliberately selective toward instances that serve the purpose of this research. The selection of these cases has been made among historical events in which international actors, such as diplomacy by foreign states and multilateral organizations like the United Nations, interacted directly or throughout third-party mediation, with Hezbollah. This happened in various circumstances in which international norms, such as the regulation and ending of inter-state conflicts (Chapters 6 and 8) and the implementation

of legislation and policies consistent with human rights principles or democracy or state sovereignty (Chapters 7 and 9), became relevant.

It might be helpful to briefly consider why other relevant examples of interaction between international norms and Hezbollah are not considered in this inquiry. Hezbollah's stance toward Palestinian refugees in Lebanon could have been another instance linking international norms and Hezbollah. Nonetheless, this issue has broader implications more closely related to Lebanese domestic politics and the number of factors involved in this issue would have made the case difficult to handle. Another interesting case is the occasional swapping of prisoners between Hezbollah and Israel, which is usually mediated and regulated by international humanitarian law. This phenomenon is, nonetheless, difficult to investigate because of its secrecy.

One particularly prominent case could have been the analysis of the Special Tribunal for Lebanon (STL) in relation to Hezbollah. Nonetheless, this case would deserve an entirely separate analysis, and, at the time this research was being carried out, it was too early to have a sufficiently clear idea about how Hezbollah would relate to the STL. Furthermore, the innovative character of this international tribunal—based on a combination of domestic and international legislation—renders this case not optimal for generalizations over international norms.

There is, then, another important methodological choice to be justified. At least since 1992, Hezbollah has increasingly normalized its relationship with the Lebanese state and society. The phenomenon has been defined by several Hezbollah's experts as the "Lebanonisation of Hezbollah"⁷ and is rightly considered one of the main trajectories (if not the main trajectory) of Hezbollah's political identity transition. Nonetheless, the study will reflect on this phenomenon only as far as it is relevant for the scope of the analysis. As this is a study in International Relations, I have privileged the analysis of international factors over national dynamics, although, the two dimensions often overlap especially in a state like Lebanon where international powers interfere with domestic politics more than elsewhere. Whenever Hezbollah's Lebanonization becomes relevant as correlated to its "internationalization," this will be highlighted, but no separate discussion of this process is offered herein.

Finally, the contextual changes in the strategic and social environment in which Hezbollah operates, such as the withdrawals of Israel and Syria from Lebanese territory or changes in leadership in Iran, are influential factors in Hezbollah's political and military activity. The discussion of these factors will be nonetheless limited and instrumental to the overall scope of the argument. For example, Hezbollah's relations with Iran will be discussed with reference to the ideological influence of Khomeinism,

whereas Hezbollah-Syria relations will be mentioned with regard to Syria's role as international mediator in Lebanese and regional affairs, especially in the 1990s.

The last methodological point regards the gathering of relevant information and data for this research. This study relies primarily on bibliographical research, especially as regards its more theoretical considerations. In the study of Islamist political theory, the author has made an effort to refer as much as possible to original texts, rather than secondary literature in the attempt of offering a fresher interpretation of this literature.

The empirical part of the research is based on scholarly publications on historical, sociological, and International Relations, as well as on interviews and collections of documents from sources such as the Lebanese Parliament, the leaked US cables collected in *WikiLeaks*, UN reports, reports from specialized nongovernmental organizations, and occasional consultation with the *Consultative Center for Study and Documentation*. To access archives and carry out interviews, the author undertook fieldwork research in Lebanon in 2009 and 2011. Interviews were particularly useful in forming ideas and perceptions of the reality on the ground, as well as in filling some documental gaps. Whenever appropriate, they have been quoted directly in the text or referred to in the endnotes. Occasionally, documents and sources needed to be translated from the original Arabic. In some cases, I have provided my own translation, and in other cases I consulted translations available in other publications.

A Note on Causation, Constitution, and International Socialization

In presenting the argument and the methodology of this study, it may be helpful to clarify some conceptual distinctions. This also helps to locate the book in the wider International Relations theory debate. The argument of this study does not intend to infer a relation of causation between international norms and Islamist politics. This is to say, with reference to the case study of this book, that Hezbollah's changes in its policies and its military activity are not necessarily "triggered" by a United Nations Security Council resolution or by the normative cogency of human rights norms—to mention two examples that will be discussed in the study. Inferring causality between Hezbollah's political activity and international norms would stretch the argument of this study beyond its scope.

A better perspective to locate the present analysis in the International Relations literature is constitutive theory. According to Mervyn Frost, constitutive theory

focuses attention on how the key actors in International Relations are constituted as such through the mutual recognition they give one another in terms of a standard set of “rules of the international game.” More specifically it focuses on the ethical background theory which justifies the whole set of rules which constitute the practice. [...] Constitutive theory is a particularly important mode of analysis because it brings to light that actors within a given social practice (or set of social practices) are constituted not just as actors but as ethical actors subject to ethical conditionalities.⁸

In the case of this study, then, the actor in question is Hezbollah, the actions of which are increasingly “conditioned” by international norms. In this sense, international norms do not have a causal function but acquire a *constitutive* value, which shapes Hezbollah’s political identity transition. More generally, constitutive theory dismisses the validity of causal thinking—as understood by positivist science—in social sciences. Alexander Wendt claims that in constitutive theory the “‘Independent variable/dependent variable’ language that characterises causal enquiries makes no sense, or at least must be interpreted very differently, in constitutive inquiries.”⁹ Consistent with this theoretical approach, this study does not account for a causal process as understood by a scientific Humean perspective¹⁰ but rather shows how international norms have become progressively constitutive of Hezbollah’s political and military activity.

In accounting for this process of integration of international norms in Hezbollah’s political identity, a useful concept, which captures this phenomenon, is that of socialization. There are several definitions of this concept in International Relations theory, and in the conclusions of the book I will further expand on how this concept applies to our case herein. Kenneth Waltz’s neorealist theory refers to the idea of socialization and argues that a way “structures work their effects is through a process socialization that limits and molds behavior”¹¹ of political actors. This nonetheless is a different way of using socialization as an analytical tool, since it relies a great deal on the distinction between system and structure which is not used in this study.

John Ikenberry and Charles Kupchan offer an analysis of socialization with reference to the Gramscian idea of hegemony. They claim that hegemonic actors in the “international system” not only cast their influence by means of material power but

[there] is also a more subtle component of hegemonic power, one that works at the level of substantive beliefs rather than material payoffs. Acquiescence is the result of the socialization of leaders in secondary nations. Elites in secondary states buy into and internalize norms that are articulated by the hegemon and therefore pursue policies consistent with

the hegemon's notion of international order. The exercise of power-and hence the mechanism through which compliance is achieved-involves the projection by the hegemon of a set of norms and their embrace by leaders in other nations.¹²

In this sense, socialization occurs as an exercise of hegemonic power over secondary actors inculcating beliefs and norms in other political actors and obtaining their acquiescence toward these norms. Ikenberry and Kupchan advance three hypotheses on how socialization occurs. The first is that socialization results from circumstances of war and crisis (external inducement), the second holds that socialization is successful when norms and beliefs are embraced by elites (normative persuasion), and the third hypothesis is that socialization occurs as a result of intervention within domestic state affairs (internal reconstruction).¹³

A different view on socialization is given by scholars of the constructivist school. Their conception is less concerned with power than Ikenberry's and Kupchan's and attributes importance to the role of (international) civil society, nongovernmental organizations (NGOs), and multilateral organizations, which they refer to as "norms entrepreneurs."¹⁴ Constructivists understand socialization as the progressive internalization of norms (e.g., human rights), resulting from interaction with international institutions, as well as from internal oppositions and pressures from civil society organizations.¹⁵ Socialization amounts to a process that initially begins with "instrumental adaptation"¹⁶ to norms and then turns into a deeper progression where norms begin to define political action from within, rather than being mere external constraints. Thomas Risse and Kathryn Sikkink describe socialization as a dialogical process as follows:

The more they [political actors] "talk the talk," however, the more they entangle themselves in a moral discourse which they cannot escape in the long run. In the beginning they might use arguments in order to further their instrumentally defined interests, that is they engage in rhetoric [...]. The more they justify their interests, however, the more others will start challenging their arguments and the validity claims inherent to them. At this point, governments need to respond providing further arguments. They become entangled in arguments and the logic of argumentative rationality slowly but surely takes over. It follows that we expect argumentative rationality, dialogue, and processes of persuasion to prevail in later stages of the socialisation.¹⁷

At the final stage, norms become fully internalized within the political identity of actors so that they become constitutive of their identity and institutionalized. The empirical analysis proposed in Chapters 6–9 will

highlight the occasions in which the interaction between international norms and Hezbollah can be understood as form of socialization with reference to the definitions provided above.¹⁸

The concept of socialization, as well as the constitutive and constructivist perspective in general, helps also to address one main criticism of the argument of this study, which is worth addressing also at this stage. Realist and rationalist theories of International Relations typically assume that political actors act on the basis of a logic of a maximization of their power to achieve their interests. This may seem to justify the claim that international norms' influence on a movement such as Hezbollah does not reflect a shift in its political identity, but is instrumental to the maximization of its power. Nonetheless, this is only a partly convincing explanation from a constructivist perspective according to which interests and norms are not separate components of a political actor, but rather constitute each other. As Wendt says, "power and interest have the effect they do in virtue of the ideas that make them up."¹⁹ Thus, the fact that an Islamist movement, to a degree, abides by international norms (although these norms are extraneous to its ethical foundations) is indicative of the fact that what its interests of political actor are about (and then how it exercises its power) is partly informed by international norms. As Jeffrey Checkel observes in constructivist theory norms "constitute states/agents, providing them with understanding of their interests."²⁰

The fact that Hezbollah does not object to human rights legislation (apart in some cases, as we will see), accepts a distinction between combatants and noncombatants, or commits to a UNSC resolution is indicative of the fact that its interests are progressively being determined not only by Islamist principles but also through international norms. Whether the "cause" of this phenomenon is determined by a power-maximizing logic is not of concern from a constructivist perspective. As noted above, constructivism and constitutive theories focus instead on how the interests and the identity of an actor come about.

Working Definitions and Key Concepts

The reader will have noticed how certain concepts are of central importance in this study. For this reason, it would be useful to clarify a few key concepts that will become more precisely defined when used in analysis.

The concept of international norms has been preferred to international law because the object in question, in fact, is not law in a strict sense. Law is characterized by a clear legal wording, by being codified in texts usually of a rather precise nature, although in the international realm hybrid categories such as "soft law" or Customary International Law challenge

this aspect and blur the distinction between norms and law. Nonetheless, what is at stake in this study is not the international legal order, but rather the ethical assumptions regulating relations among international actors. The focus of the study is on ethics rather than on legal orders. This does not preclude the possibility of referring to principles of international law as indeed is the case in various chapters of this study. The idea, nonetheless, is that law remains the surface of a deeper ethical framework with which this study is concerned.

There are several definitions of norms in International Relations theory and international political theory. Frost's conceptualization of international norms as "settled norms" is particularly helpful. He "regard[s] a norm as settled where it is generally recognized that any argument denying the norms (or which it appears to override the norm) requires special justification." According to the same account, the fact that a norm is violated does not diminish its status as a settled norm.²¹ The concept of settled norms is fully inclusive of several principles regulating International Relations and, more importantly, includes the norms that are considered in this study. The norms in question are the principles established by *ius in bello* (the Laws of War) and in particular noncombatant immunity in conflict,²² human rights,²³ state sovereignty, and international peace²⁴. Chapter 9 refers to international norms more broadly and, among others, also to the norms that Frost defines as "Modernization Norms" such as development and cooperation.²⁵

The main phrase used to refer to the context in which interaction between international actors takes place is "international society." There are several, and variously defined, alternative locutions such as the "international system" or "structure" preferred by neorealist, or the "international regime" of regime theorists as well as "empire" often used by Marxists or the "international community" usually attributed to cosmopolitans. International society is used herein not only as intended by English School theorists but also by constructivists. These theories use the term "society" as a way of describing relations among states as based on shared rules and institutions,²⁶ and this is indeed the kind of definition that best serves the purposes of this study to refer to the context of international politics. One important difference, nonetheless, is that whereas English School theorists see the socialization of international actors as a process of "expansion" of Western values and principles to the rest of the world, constructivism—at least in theory—has a less ethnocentric view and interprets socialization as a more complex process of multidirectional interaction instead of an expansion from a liberal "center" to a nonliberal "periphery." The author subscribes to the latter constructivist interpretation of the concept.²⁷

There is, furthermore, one important caveat; the study presented herein is mainly concerned with non-state actors, such as Hezbollah, and not with states and this may seem innovative when referring to the concept of international society, which, however, conceptualizes society as a society of states. This aspect does not seem to raise problems of a theoretical or practical kind, as the definition of international society does not clash necessarily with the consideration of non-state actors. Quite to the contrary, when adopted by constructivists, this concept is widely inclusive of actors such as NGOs and international NGOs. Another important aspect is that the locution "international community" has been avoided because the study puts emphasis on the difference between the concepts of community and society, a point that will be further clarified in the following chapters.

As regards the term Islamism, this embraces the political theories and the practices (including paramilitary operations), which find their alleged foundations and legitimation in a certain interpretation of the Islamic tradition. In general, Islamism tends to promote an Islamic polity, but what this is about exactly is often left open to interpretation. There have been various discussions of which term best captures what is herein called Islamism. "Fundamentalism" has been avoided because objections have been raised with regard to the fact that this term originally identified Christian traditionalist movements.²⁸ "Political Islam" is not particularly problematic and, although very generic, is occasionally used. The discussion of Chapter 3 will provide the reader with a clearer idea of how Islamism is understood herein.

The term "community" will be defined in more detail in Chapter 4 with reference to communitarianism and Islamism, but it is important to notice that is not interchangeable with "society." There is a long tradition of theoretical distinctions between the concepts of community and society (which cannot be fully addressed herein); this refers, for example, to German philosophy and social theory as in the case of Ferdinand Tönnies²⁹ who proposed the distinction between communities as defined by shared culture, history, and values in contrast with society understood as a voluntary association among persons regulated by rules.

As it will be further made clear, communitarians and Islamists envision a political realm in which the ethical community plays a central role in various respects, whereas liberals associate their political project to the idea of society as a "cooperative venture for mutual advantage."³⁰ Closely related to this distinction is the way the concept of person is delineated in this inquiry. Two main paradigms are at stake. The Islamist and communitarian paradigm will be described in more detail in Chapter 4 and refers to the idea of person primarily identified as the member of an ethical community. This conception is in sharp contrast with the second

paradigm, that is, the idea of the Kantian moral agent characterized by individual moral autonomy and constituting the central assumption of liberal theory as well as international norms.

Finally, an important consideration regards the definition of Hezbollah as a “terrorist organization,” whether amateurishly, by the press, or within legal contexts by governments and international organizations. This study will avoid this term, not because I am certain that Hezbollah’s activities cannot be considered terrorism (whatever the definition adopted for this concept), but because the term has acquired a strongly politicized connotation.³¹ An unqualified use of the term “terrorism,” considering its semantic uncertainty and its defamatory political use, would inevitably mean taking sides in the debate over the morality of political violence in the context in which Hezbollah operates. This would exceed the scope of this study, which neither aims to propose a discussion of the ethical justifications of political violence nor intends to endorse or criticize the decisions that Hezbollah has taken in the course of its history. Furthermore, the use of this term, terrorism, charged with political meaning and for which no universally accepted definition exists, does not provide additional explanatory value to the analysis of the events and theories discussed below; quite to the contrary, it seems to produce more confusion. As much as I refrain from entering the discussion of whether Hezbollah should or should not be considered a terrorist organization, I also do not have strong views on its status of “resistance movement.”³² The identification of Hezbollah as a “resistance movement” simply refers to its military activity in generic terms. By this I do not mean to endorse or refuse the definition of Hezbollah as a resistance movement or a liberation movement as this would deserve a separate discussion of the various historical phases of Hezbollah’s activity. Hezbollah’s intervention in Syria after 2011, furthermore, has enormously complicated the situation in this respect and further challenges the usefulness of these categories—terrorist and resistance movement—for the study of these phenomena in social sciences.

Notwithstanding this attempt to provide some working definitions, there are plenty of examples, which often blur distinctions and differentiations. There are Islamists and communitarians, which endorse some aspects of liberalism, persons who see themselves as both Kantian moral agents but also members of ethical communities, and phenomena that are better explained through the lenses of a realist international structure rather than constructivists or English School conceptions of international society.³³ Therefore, these working definitions should be seen more as Weberian “ideal types”³⁴ rather than firm ontological categories, in the sense that they are analytical instruments, which cover only part of a more complex reality.

Structure of the Book

This book is divided into ten chapters. Chapter 2 proposes a discussion of the critiques of liberal norms and institutions, including international norms with reference to communitarian political theory. It considers the early stages of this critique, the debate on domestic political theory (especially with reference to John Rawls's theory of justice), and then moves to the international political theory debate. The point of this chapter is to prepare the ground for the comparative analysis proposed in Chapter 4.

Chapter 3 presents the theories of four key Islamist thinkers: Muḥammad 'Abduh, Sayid Quṭb, Muḥammad Bāqir al-Ṣadr, and Ruhollah Musavi Khomeini. The four of them are very different in time, space, and also in their respective theories but they all share a critical attitude toward the liberal political project and the application of liberal norms and institutions within the context of the Islamic community. The choice of different thinkers provides an account of Islamism representative of its internal variations, but also shows the underlying common assumptions of Islamism, which cut across the whole spectrum of Islamist political theory. Reference to Quṭb, al-Ṣadr, and Khomeini is particularly relevant also because these thinkers constitute the theoretical and ideological backbone of Hezbollah's political identity.

Chapter 4 proposes a comparative analysis of the conceptions of person and community in Islamist and communitarian political theory and claims that Islamism can be understood as a form of communitarianism. It will show that at the roots of the communitarian and Islamist critique of liberalism and international norms, there are common assumptions on the ideas of person and community. The study, then, will highlight the core characteristics of person and community in these theories to which it will refer to again in the conclusions and throughout the rest of the text.

The focus then shifts from a theoretical discussion to a more historical and empirical approach. Chapter 5 introduces the rise of Shi'i Islamism in Lebanon and then presents the specific case of Hezbollah on which the rest of the book will focus. Chapter 6 introduces the first instance in which the approach of Hezbollah to international norms is discussed. It refers to the events of the 1996 war and discusses the process that led to the adoption of a regime of restraint on warfare on the basis of the non-combatant immunity norm.

Chapter 7 looks at Hezbollah's involvement in parliamentary politics in Lebanon and examines the activity of Hezbollah's delegation in the parliament with regard to the implementation of human rights legislation. This occasion shows how Hezbollah modified its political profile to adapt to the secular (although confessionalized) and quasi-liberal

institutions of the Lebanese state and analyzes Hezbollah's approach to human rights legislation.

Chapter 8 considers again a context of war. This time the focus is on the events of 2005 and the 2006 conflict in Lebanon. The analysis looks at how UN Security Council resolutions impact on Hezbollah's political identity and its political and military actions at a time in which Hezbollah escalated its participation in politics by becoming part of the government. This chapter highlights how international norms such as state sovereignty and international peace do not leave Hezbollah unchanged. However, the Islamist movement becomes entangled in a process of negotiation and implementation of norms that are entirely derived from the international normative system.

Chapter 9 is somewhat different in its methodology but is an opportunity to take a more general and conclusive overview of the process presented in the previous chapters. It proposes a comparative analysis of the two most important texts published by the movement: the 1985 *Open Letter* and the 2009 *Political Document*. Through a comparison of these texts' contents and vocabulary,³⁵ the chapter highlights the sharp increase in references to terms and norms that overlap with liberal and international norms and the decrease in Islamic and particular references. The chapter will particularly focus on person and community as units of analysis in order to link back to concepts discussed in Chapter 4 and then lead to the conclusions presented in Chapter 10.³⁶

A Caveat

This research was carried out between 2008 and 2012, at a time in which the Arab uprisings of 2011 and 2012 were either unforeseen or still at an early stage. Between 2011 and 2012, Hezbollah began to intervene in Syria within the context of the uprisings and then the subsequent civil war. This has represented yet another mutation in the history of the movement that has surprised many and raises new, urgent questions with regard to the role of the movement domestically and regionally.

The time limits of this research nevertheless did not allow delving into this subject in any detail and, even now at the time of writing, it is still too early to engage in an analysis and assessment of how international norms may or may not have influenced Hezbollah's activity in Syria. My hope, nonetheless, is that this research may still constitute a useful source to better understand Hezbollah and Islamist politics in this new context when the time to do so has come.

The Western Critique of Liberalism: Communitarianism

Introduction

Since the age of the Enlightenment, domestic and international politics have been increasingly influenced by the rise of liberalism. The legitimacy of liberal norms and institutions, nonetheless, has been constantly disputed, and in this chapter I propose a selective discussion of the criticism that has targeted liberal norms in Western political theory tradition. The discussion that will be presented refers primarily to the distinction between communitarian and liberal theories.¹ Although this dichotomy has obvious limitations and is unforgivably reductive, its analytical value will become evident in a comparative analysis undertaken in the following chapters which shows how Islamism shares theoretical assumptions analogous to communitarianism.

By surveying a few crucial instances of the theoretical dispute between liberals and communitarians, I point out that one fundamental aspect marking the distinction between their political theories is the way they conceptualize personhood, community, and society.

If we had to sum up the liberal-communitarian debate in extremely succinct terms, it would look as follows. Liberals have elaborated their political theories such as cosmopolitanism and justice as fairness, with an idea of the person in mind influenced by the concept of the “Kantian moral agent.” A direct implication of this conception of person is that “no constitutive attachment, either to state, nation, family or cultural group, must trump the claims of individuals and their basic rights and status.”² Therefore, a person is an autonomous individual entitled to choose among alternative ways of life through the use of her autonomous reason. From a liberal perspective it follows, then, that a just political order, both domestically and internationally, should allow persons living together in societies to maximize their autonomy and capacity to realize their personal

interests. Liberal institutions as individual rights draw on this conception of person and serve the purpose of protecting its moral agency.

Critics of liberalism, however, see this conception of the person as an autonomous moral individual with skepticism. Communitarians rely on a conception closer to the Hegelian philosophical tradition according to which the person acquires identity and ethical principles as part of a group of people sharing a tradition and a common history.³ This group of people is identified as a *community* in contrast with the liberal notion of society. A community is not exclusively defined by rules for mutual advantage and individual well-being but shares, among its members, ethical principles constitutive of the person's ethics. As Chris Brown observes, "The root notion of communitarian thought is that value stems from the community, that the individual finds meaning in life by virtue of his or her membership of a political community."⁴

This differentiates the idea of community from the liberal conception of society whereby various ethical conceptions coexist in mutual tolerance and are all equally valued. A community, according to the critics of liberalism, is more assertive toward its members on how they should live and which ethical principles should be valued. Although individual moral autonomy is important also for communitarians, the person is nonetheless dependent on the community which she belongs to. The person for communitarians is not an isolated "atom"⁵ but is "embedded"⁶ in a constitutive network of communitarian relations that informs his/her moral self.

This divergence between liberals and communitarians regarding the concept of the person and how persons live together (whether in communities or societies) has important consequences on how they theorize both domestic and international politics. Whereas liberals believe just political institutions maximizing individual freedoms, communitarians claim that a just political protects and fosters the values of the moral community.

The following pages present examples highlighting how communitarianism has been critical of liberal norms and principles to then move on with the analysis of Islamist critiques of liberal norms in Chapter 3 and therefore highlight how Islamist share the same assumptions that inform the Western criticism of liberal ethics (Chapter 4).

Antecedents of Communitarianism: Burke, Marx, and Universal Rights

As a first instance highlighting the divergence between communitarian and liberal views *ante litteram*, let us consider two cases that have provoked criticism of liberal theory still influential in the contemporary

debate. The American Declaration of Independence (1776) and the Declaration of the Rights of the Man and the Citizen by the French National Assembly (1789) are generally considered historical milestones of the rising importance of the idea of universal rights and, more broadly, of liberal norms. These declarations were the outcome of a long intellectual history that peaked with the diffusion in Europe and North America of the Enlightenment's political culture.⁷ Their implications sparked criticism from very diverse perspectives such as the aristocratic conservative views of Edmund Burke and the revolutionary thought of Karl Marx. Their criticism anticipated more recent critiques of liberalism. Jeremy Waldron, who adds Jeremy Bentham to the list of early critics of liberal conceptions of rights, observes that

Bentham, Burke and Marx all attack human rights for what they call their "abstraction"; they all focus on the theme of individualism versus community, though their respective conceptions of community are of course very different; and they all claim that rights of man involve a radically impoverished view of the constitution of human society.⁸

The French Revolution was perceived by Burke as a threat to the status quo of the European community and therefore had to be opposed to preserve the integrity of traditional moral values. Most of his intellectual work is in defense of the status quo against the revolutionary movement initiated by the French Revolution which he criticized in *Reflections on the Revolution in France* (1790). His polemic against the revolution and the institutionalization of a liberal order was particularly directed by the idea of the rights of man.

Despite the fact that he was a universal moralist, generally committed to a religious understanding of natural law, according to Burke the moral legitimacy of norms and political orders resulted from a shared communal tradition and history embodied in the national and European ethical context.⁹ Moral righteousness and rights correspond to the ethical principles constitutive of the community and these shall not be subverted by isolated individuals. In his own words: "The body of the community, whenever it can come to act, can meet with no effectual resistance; but till power and right are the same, the whole body of them has no right inconsistent with virtue."¹⁰

Brown observes, "In opposition to the universal claims of the Revolution, Burke posed a different notion of the organic community to that of Rousseau or the republicans."¹¹ In Burke's view the community is the element underpinning the legitimacy of a political order. Consequently, he does not oppose indiscriminately the idea of rights

(which he recognizes within certain limits) but criticizes their extension beyond the borders of the community on the basis of which rights are stipulated.¹² In opposition to the idea of “man” as depicted in the rights declaration of 1789, Burke proposes a conception of the person as a “civil social man”¹³ understood as part of a social group whose moral understanding overlaps with the principles of the “civil community.” As John Vincent observes, “The correct way to think about rights, according to Burke, was in terms of the ancient and indisputable laws and liberties inherited from our forefathers, and this meant particular rights, the rights of Englishmen, not the rights of man.”¹⁴ It is for this reason that Burke has been interpreted as an anticipator of the modern debate between liberal and communitarian; as observed by David Fidler and Jennifer Welsh:

Burke’s perspective on international society relates to a prominent debate in normative theory between cosmopolitanism and communitarianism. Although Burke appealed to a universal natural law applicable to humanity, his emphasis on cultural similitude as an underpinning for international society (particularly in Europe) parallels communitarianism as a normative approach to International Relations.¹⁵

Fifty years after Burke’s reflections on the French Revolution, the debate on liberal conceptions of right was still in vogue. In *On the Jewish Question* (1843), Marx provides another example of criticism relevant for our discussion. As Michael Walzer points out, “The writing of the young Marx represents one of the early appearances of communitarian criticism, and his argument, first made in 1840s, is powerfully present today.”¹⁶ Waldron has proposed two interpretations of the Marxian critique of rights. First, the rights of man of the French declarations were for Marx an invention of the bourgeoisie to hold on to its privileges. However, in the second interpretation, the rights of citizens (as opposed to the rights of man) can be a means for the constitution of a political community rather than its fragmentation.¹⁷ In this second interpretation the rights of man serve the interests of the bourgeoisie perpetuating the injustice of the capitalist society and relying on a conception of person in contrast with Marx’s idea of the human as a “species-being.”¹⁸ This criticism becomes manifest when Marx criticizes the principle of equality as conceived in the French declaration.

Equality in this declaration corresponds to the idea that “each man shall without discrimination be treated as a self-sufficient monad” according to Marx. His criticism is likewise severe with the right to property that he dubs as the “right of selfishness.”¹⁹ More generally, he argues that “none of the so-called rights of man goes beyond egoistic man, man as he is in civil society, namely an individual withdrawn behind his private

interests and whims and separated from the community.”²⁰ As Martti Koskeniemi observes, in the separation between private and public a particular anthropology is injected whereby: “it is not man as citizen but man as bourgeois who is taken to be the real and true human being.”²¹ John Charvet and Elisa Kaczynska-Nay observe that in Marx’s critique:

Political community on this liberal view of man is in effect only an abstract ideal framework external to individuals and the only real bond holding them together is need and private interest. The political community, while purporting to realize the common good, is in actuality degraded into serving the interests of egoistic man.²²

As an alternative to this individualist liberal conception, he proposes the idea of a person characterized by a communal nature, according to which the person develops his/her life in the political community and is valued as a communal being.²³ Waldron argues that political rights are consistent with Marx’s “species-being” conception of the person, whereas those rights that exclusively safeguard individual freedom are not. According to Marx, political rights “are only exercised in community with other men. Their content is formed by participation in the common essence, the political essence, the essence of the state.”²⁴ Differently, for example, the right to property is only the result of an individualist conception of the person.

As in the case of Burke, the rise of a liberal ideal of universal rights (epitomized by the rights declarations of the French Revolution and US independence) prompted a critical reaction by theorists endorsing a conception of community and person analogous to that of contemporary communitarianism. Marx and Burke, even though from opposing perspectives, founded their views on the idea of community as the fundamental source of legitimacy for a political order. This conception proposed an idea of person as connected with communal membership epitomized by Marx’s “species-being” and Burke’s “civil social man.”

In sharp contrast with the Kantian idea of the individual as moral agent, Marx’s and Burke’s conception produced the basis of an enduring theoretical tension between liberals and communitarians that has influenced the political theory debate until the present time.

The Rise of the Nation-State and International Organizations

As we shall see below, the debate on universal rights will gain new momentum in the second half of the twentieth century when human rights were enshrined in the 1948 UN Universal Declaration of Human Rights. Before

then, other norms acquired importance at the domestic and international levels. The debate that these norms generated can also be read through the liberal-communitarian lenses. The nineteenth century is the age of nationalism and the nation-state in the Western world. Thinkers such as Gottfried Herder (1744–1803), Giuseppe Mazzini (1805–1872), and John Stuart Mill (1806–1873), to mention a few examples, developed theories conceptualizing the national community as a core component of the political life of a person.

A direct consequence of the theories of the nation is the assertion of a right to the self-determination of peoples which is theorized as fundamental, because a nation and its members cannot be free if they are ruled by a foreign power and if the people cannot decide over its own institutions autonomously. The rights of individuals are conceived as tightly knit with the national community according to this view, which is greatly indebted to Friederich Hegel's *Philosophy of Right* and its constitutive theory of the state.²⁵

The same conception also brings about another important implication that is the idea that the legitimacy of a state and its sovereignty are dependent upon its borders being coterminous with those of the national community.²⁶ As a consequence, the international norm of sovereignty, originating in the Westphalian system, became increasingly pegged to the principle of national self-determination.

The liberal cosmopolitan view whereby the individual is primarily entitled to rights has a unifying character that tends to stress an ethical universal bond among human beings, whereas nationalism has demonstrated of being a powerful idea breaking down humanity in “imagined communities”²⁷ sometimes with dramatic consequences. Although the nation-state and cosmopolitanism are not necessarily incompatible,²⁸ the two perspectives are problematic to reconcile for the different conceptions of person and community that they develop. As David Miller observes, universalist and particularist views differ on how they value individual autonomy and social relations, including relations among fellow nationals. In his own words:

Ethical universalism gives us a certain picture of what ethics is about, the elements of which are individuals with their generic human capacities, considered for these purposes as standing apart from and prior to their relationships to other individuals. [...] Ethical particularism is simply the opposite of this. It holds that relations between persons are part of the basic subject matter of ethics, so that fundamental principles may be attached directly to these relations. It invokes a different picture of the ethical universe, in which agents are already encumbered with a variety of ties and commitments to particular other agents, or to groups or collectivities, and they begin their ethical reasoning from those commitments.²⁹

Liberal cosmopolitans and communitarian thinkers found a fertile ground for discussion in the aftermath of World War I, when the liberal project achieved one of its first and most tangible achievements, the establishment of the League of Nations. The League of Nations was the closest embodiment of one of the foundational ideals of international liberalism, that is, Kant's treaty for perpetual peace.³⁰ It emerged as a result of the devastating failure of maintaining peace via power balancing which resulted into World War I, a conflict that was also due to rampant nationalisms.³¹ Not by a coincidence, it is in the years following World War I that International Relations as a discipline was born under the auspices of producing knowledge that would have facilitated international peace.³²

But the newly established discipline prompted the criticism of classical realist theorists which echoes some of the central tenets of communitarianism. E. H. Carr criticized the idea that a liberal global peace would have been possible at the international level on the basis of a presumed "harmony of interests" among nations. One core point of Carr's criticism is that, whereas a moral convergence on shared principles at the level of a national community is a reasonable expectation, the same cannot be said of the international level because "it presents infinite complications when applied to sixty known states differing widely in size, in power, and in political, economic and cultural development."³³ His criticism of liberal utopianism is based on the idea that no such thing as a "world community" exists (if not in a loose sense) which would allow a global morality to emerge; rather, the communities that share moral values are those limited to smaller groups, and in particular to states.³⁴ For this reason, the liberal international project is considered "utopian" and misplacing morality from the legitimate realm of domestic politics to its unlikely application to International Relations.

Realism became the mainstream International Relations theory in the aftermath of World War II, a tragic historical event that seemed to confirm the utopianism of the liberal project. The establishment of the United Nations and the very text of its Charter were somehow affected by the apparently unsolvable tension between liberal and communitarian views. On the one hand, the founding documents of the United Nations called for international cooperation, peace, justice, and universal human rights on a universal scale; on the other hand, these principles were moderated by the inclusion of state sovereignty and nonintervention as cardinal elements of the same institution, thus shielding nation-state communities from the influence of liberal internationalist principles.

The liberal global project of international peace remained paralyzed for the entire length of the Cold War, which hindered the capacity to act of the United Nations (even though human rights norms began to diffuse with the growing adhesion of states to the human rights treaty system).

Moral thinking in International Relations was also neglected and the discipline was dominated by rationalist approaches whereby interests and calculations of primarily material power were understood as the sole drivers of global dynamics to the detriment of normative thinking.³⁵

All in all the liberal international project of cosmopolitanism made some significant progress in the 150 years since its inception, and the foundation of global governance institutions steeped into liberal cosmopolitan principles as the League of Nations and then the United Nations marked an important turn. Nonetheless, the above has shown that the liberal project was far from being immune from criticism. The rise of theories of the nation and the national state represented an obstacle (though not necessarily an impossible one) for cosmopolitan views. Furthermore, realism objected to the very possibility of a universal moral community and therefore constituted a powerful source of criticism directing the International Relations debate to the realm of raw power calculation and de facto exiling moral thinking from the International Relations debate.

These critiques brought to the fore of the debate on international politics the question of how we conceive the person and what role the concept of community plays into this process. The contemporary debate between liberals and communitarians will further highlight this aspect.

Contemporary Communitarian Critique of Liberalism

The unsolved tension between liberal principles and communitarianism returned prominent in the late 1970s. The debate developed in the domestic context and only subsequently emerged at the international level. In the second half of the twentieth century, liberalism reacquired centrality due to the contribution of scholars who proposed a renewed version of the Kantian tradition. *A Theory of Justice* (1971) by John Rawls³⁶ is the main work that reframed the debate on justice and rights in political theory³⁷ revitalizing the liberal tradition in normative public thinking. The liberal-communitarian dispute initiated by Rawls's theory lasted for more than two decades and is worth a detailed examination.

Sandel's Critique of Rawls's Theory of Justice: The Unencumbered Self

The main aim of Rawls's *Theory of Justice* is reformulating social contract theory, without resorting to metaphysical or natural law principles, but rather relying on public reasoning and following procedures eventually leading to the achievement of fair principles of justice. According to the

Rawlsian conception, justice is the primary virtue of social institutions and, when applied to public life of society, it shall be based on a principle of fairness.³⁸ In order to come to a definition of which principles should underpin a just society, Rawls imagines an ideal condition in which the persons involved agree on a set of principles to assess whether the basic institutions of a society are just or not.

This ideal condition is the “original position” in which rational agents agree on two main principles. Certain procedural restrictions guarantee the fairness of the result of this process. Rawls imagines that the actors involved in the “original position” are behind a “veil of ignorance” that does not allow them to know their social position, wealth, or conception of the good life.³⁹ On the basis of this “mental experiment,” according to Rawls it will be possible to establish the principles to evaluate whether a society is just or not. There are certain circumstances on which the “original position” is based, which render social cooperation both possible and necessary.⁴⁰ One main condition is that different persons, in general, have different conceptions of the good life. Another condition is that the world is characterized by a scarcity of goods. These two provisions are the circumstances justifying the idea of justice (as conceived in liberal theory) as prior to alternative ethical conceptions.

On the basis of these conditions, the rational actors in the “original position” will eventually agree on two principles of justice. The first requires the equal right of a person to enjoy as much freedom as possible without limiting the freedom of others, whereas the second principle (the “difference principle”) establishes that social and economic inequalities are justified only if they maximize the expected benefit of the worst-off person and when free and equal access is guaranteed to anyone for any social position.⁴¹

Michael Sandel presents one of the most influential critiques of Rawls’s liberal theory in *Liberalism and the Limits of Justice*.⁴² His main argument is that the priority of justice over the other virtues of a social order is based on implausible assumptions. The first assumption to be criticized is the priority of the right over the good.⁴³ The second assumption is the conception of the self as prior and detached from its ends.⁴⁴

Sandel articulates his criticism mostly with reference to these two elements and concludes that the conception of person on which Rawls’s “original position” is based is implausible and cannot support the conclusions that Rawls justifies by means of the “original position.” The liberal conception of justice is based on a misrepresentation of the self and an instrumental conception of society that undermines its validity.⁴⁵ Sandel disagrees with the idea of justice taking precedence over other virtues since this conception is based on unrealistic presuppositions. Rawls’s objective

and subjective circumstances of justice do not apply in a number of relevant contexts, according to Sandel. For example, the priority of the right would not apply to a family, a tribe but also an established nationalism with a shared identity and common purpose. In these contexts, individuals share common ends on the basis of a common ethical understanding rather than being divided along different ethical conceptions. This is in contrast with the Rawlsian view whereby individuals in societies are motivated on the sole basis of self-interest and mutual cooperation, and then undermines the validity of the conditions under which justice (as it is conceived from his liberal perspective) enjoys precedence over other virtues.⁴⁶

Whereas social aggregation for Rawls is merely instrumental, Sandel claims that communities have a *constitutive* function and determine what justice for the members of the community entails. It is as members of a community constitutive of our moral identity that we agree on what justice is about, and not as individual moral agents in an abstract ideal situation. Justice, then, is the substantiation of a particular moral belief and does not rise above different ethical beliefs. Liberals reply to this criticism by saying that the circumstances of justice do not intend to give an account of reality but rather to reproduce an ideal condition that is reasonable in gaining consensus on justice as fairness.

Nevertheless, this counter-argument is not entirely convincing for Sandel who focuses his criticism on the conception of the person (the “moral subject”) underlying the Rawlsian “original position.” According to Sandel, even in the ideal conditions of Rawls’s “original position,” if the person was a rational, self-interested individual deprived of ethical identity through a “veil of ignorance,” he/she would not agree on the two principles of justice.

Sandel points out that for the person, as conceived in the Rawlsian “original position” (i.e., as a moral agent capable of choosing between alternative ends and moral conceptions), the actual process of choosing and reasoning cannot take place. Since the person is deprived of ethical communal reference throughout the expedient of the “veil of ignorance,” this prevents the subject adopting a substantial ethical perspective which in turn renders an inability to operate actual choices.⁴⁷

This conception of person, which Sandel calls “unencumbered self,”⁴⁸ is implausible. He argues that a person cannot establish the principles of justice of a political order if not on the basis of the moral conception developed as member of an ethical community. According to Sandel, “the assumptions of the ‘original position’ thus stand opposed in advance to any conception of the good requiring a more or less expansive self-understanding, and in particular to the possibility of community in the constitutive sense.”⁴⁹ He concludes that

Rawls' conception of the person can neither support his theory of justice nor plausibly account for our capacity for agency and self-reflection; justice cannot be primary in the way deontology requires, for we cannot coherently regard ourselves as the sort of beings the deontological ethic requires to be.⁵⁰

The point then is that the Rawlsian conception of liberal justice as fairness does not acknowledge sufficiently the role of the community as the definitional factor of the ethical principles of the person. Rawls's theory is inconsistent; because a person in the "original position" would not choose the principle of justice, since the "veil of ignorance" renders them incapable of the act of choosing. What really happens behind the "veil of ignorance" is the discovery of principles shared by other parties of the agreement situated in an identical condition through a process of self-understanding.⁵¹ He considers the "original position" a plausible idea only understood as the "coming to self-awareness of an inter-subjective being."⁵² The inter-subjective being in question is the community from which we acquire our identity. It follows that justice is not prior to the idea of good, but is a conception of what good is, shared by the members of the community as the constitutive element of their identity.

Just like Burke and Marx were critical of how the person and community were conceived in early declarations of rights for being individualist and disruptive of communal values, Sandel is critical of how the person is conceived in Rawls's liberal theory in a similar way. The same criticism was raised by other influential scholars such as Charles Taylor and Alastair MacIntyre.

Taylor's Atomism and MacIntyre's Virtue Ethics

According to Taylor, any social contract theory is atomist (i.e., individualist) and relies on the primacy of individual rights over communitarian obligations and principles of belonging. This is true, especially with regard to the theory of Robert Nozick⁵³ on which Taylor focuses his *Atomism*.⁵⁴ The primacy of rights claimed by liberals and libertarians relies on a misconception of the person as a self-sufficient being isolated from the social dimensions of life. From the atomist perspective, the person is an individual capable of choosing in autonomy as a self-conscious agent among different life plans. It is through the exercise of this capacity that the person realizes his/her freedom. Thus, the recognition of rights comes as a result of the atomistic conception of the person in order to safeguard his/her nature of free individual capable of autonomous choice.

However, Taylor criticizes this view and argues that the capacities of a person and the possibility to develop their potential are dependent on the social components of their life. It is as members of a community that persons acquire the capacities on which the alleged primacy of rights is based. According to Taylor:

The identity of the autonomous, self-determining individual requires a social matrix, one for instance which through a series of practices recognizes the right to autonomous decision and which calls for the individual having a voice in deliberation about public action.⁵⁵

Thus, it is not *qua* individual persons that we are entitled to rights but as members of a liberal community in which rights are valued legitimate norms that we are entitled to as a recognition of rights. Taylor points out that a person develops capacity as social being through processes of mutual recognition and socialization, contrarily to the atomistic conception of the person according to which the individual is located above his or her social context.⁵⁶

MacIntyre's criticism of liberal theories of rights is delineated in *After Virtue* (1981),⁵⁷ the main argument of which is that moral philosophy is in an age of decline and cannot cope with the actual needs of contemporary society. MacIntyre develops a critique of Rawls's and Nozick's theories arguing that both do not adopt any principle of desert in the recognition of rights to persons.⁵⁸ In these liberal conceptions there is no shared ethical understanding establishing a common set of virtues on the basis of which it is possible to assess what a person deserves from the point of view of justice. This reveals that both Rawls's and Nozick's theories are based on an individualist conception by which persons have different ethical views. He claims that this is the result of an age of moral decay in which modern society has become a "collection of strangers."⁵⁹ The main consequence of the permanent disagreement on different ethical conceptions is the erosion of the ethical community and the reinforcement of a conception of the individual, prior to and independent from a sense of communal affiliation.⁶⁰ As a result, what we are witnessing in the modern age is the detachment of government and politics from the ethical principles of community.

For this reason, MacIntyre argues that modern society needs to revive the idea of justice as the embodiment of the virtues of an ethical community. On the contrary, the liberal conception of justice and rights as prior to concurrent ethical conceptions⁶¹ is the result of individualist assumptions relegating the role of the community to a secondary level.

In *Whose Justice? Which Rationality?* (1988) MacIntyre's criticism refers to how liberal ethics relies on assumptions of individualist "impersonality" which cannot constitute the foundation of a just society. According to him:

Those conceptions of universality and impersonality which survive this kind of abstraction from the concreteness of traditional or even nontraditional conventional modes of moral thought and action are far too thin and meagre to supply what is needed.⁶²

MacIntyre argues that liberalism is an ethical conception that cannot justifiably claim priority over other ethical conceptions, but should be understood rather as a conventional ethical tradition, among many others, in which persons are "educated" to be "liberal." In his own words:

To be educated into the culture of a liberal social order is, therefore, characteristically to become the kind of person to whom it appears normal that a variety of goods should be pursued, each appropriate to its own sphere, with no overall good supplying any overall unity to life.⁶³

As in the previous cases, the communitarian critics of liberal political theory criticize the idea of the person as detached from moral traditions and then the community. According to them, becoming a liberal person is not the result of abstract reasoning but rather the outcome of a process of socialization within a liberal tradition.

Sandel, Taylor, and MacIntyre have developed an influential and at times convincing critique of liberalism. This critique unfolds primarily at a meta-theoretical level, in which the object of their criticism are the assumptions about person and community that underlie liberal theory. Notwithstanding the different cultural and historical circumstances, the contemporary critique of liberalism is similar to the criticism raised by other critics of liberalism as those seen above. This kind of disagreement gained momentum when liberal theory gained new momentum in the International Relations debate.

Implications of Communitarianism in International Political Theory

There are two main areas, according to Brown, in which the liberal-communitarian divide became obvious in the International Relations debate: the legitimacy of the international use of force and issues of global justice, especially human rights and the idea of global distributive justice.⁶⁴

An overview of the debate on human rights and the question of international intervention is illustrative of how the contemporary liberal-communitarian debate is still very much present today as it was at times of the French Declaration of the Rights of the Man and the Citizen and the American Declaration of Independence. The main friction between liberal-cosmopolitan theories and communitarianism is obvious in the three main areas of the contemporary human rights debate: their foundations, the relationship of human rights with state sovereignty, and the divergence between minimalist and extended conceptions of human rights.

Communitarian Critique of Human Rights Foundationalism

Considering that communitarians were critical of liberal theories of rights within the institutional framework of the state, it is not surprising that the cosmopolitan claims about the universal recognition of rights provoked even more radical criticism. MacIntyre argued that "it would be of course a little odd that there should be such rights attaching to human beings simply *qua* human beings" and concludes that "there are no such rights, and belief in them is one with the belief in witches and unicorns."⁶⁵ Taylor argued that an unconditional recognition of rights to human beings based on "the self-sufficiency of man alone"⁶⁶ cannot be plausible since the person exercises capacities (that are the basis for the recognition of rights) within a social communitarian environment. Brown has captured the communitarian criticism of universalist human rights conceptions as follows:

Liberal societies of the last 150 to 200 years have indeed been the freest and most generally congenial societies known to history, but not because they have been constructed on the basis of rights; their success has been based on features within them that pointed towards a different, more community and less individualist, context for political action. It was because of the existence of this context, because these societies were, in certain respects, *ethical communities*, that rights were widely honoured and respected.⁶⁷

The communitarian concern about the legitimacy of norms, which do not rely on an ethical community, applies to universal human rights which are subject to criticism either for their reliance on a faulty conception of person or for the implausible idea of a universal liberal community.

According to communitarians, the foundation of human rights as universal norms is problematic because a person can neither be an abstract individual independent from local communal allegiances, nor does the

international context correspond to a universal liberal community. Since these conditions are not met, the universal recognition of rights to human beings leans on faulty assumptions.

Communitarian–Cosmopolitan Syntheses

Notwithstanding these divergences, as Emanuel Adler observes: “In light of the problematic dichotomy established by the debate between liberal cosmopolitans and communitarians, some scholars have sought a synthesis between the two approaches.”⁶⁸ Indeed, as it was mentioned also before with regard to the rise of nationalism, communitarian political stances may be difficult to reconcile with international liberalism but not necessarily they are a priori incompatible.

The case of Andrew Linklater is an example of liberal-communitarian mediation. Linklater reconsiders the concept of political community, claiming that under the influence of globalizing factors this cannot be considered anymore as necessarily coextensive with the borders of the Westphalian state. Accepting part of the communitarian claims over the importance of community, but also emphasizing the importance of universalist cosmopolitan stances, he claims that

far from being antithetical, communitarianism and cosmopolitanism provide complementary insights into the possibility of new forms of community and citizenship in the post-Westphalian era. They reveal that more complex associations of universality and difference can be developed by breaking the nexus between sovereignty, territoriality, nationality and citizenship and by promoting wider communities of discourse.⁶⁹

On this basis he proposes a theory critical to realist and neorealist conceptions of International Relations as occurring in amoral and anarchical systems, and claims that international political theory should be able to capture the dynamic evolution of the international political community in a “post-Westphalian era.”⁷⁰ Although such a short account does not do justice to a more sophisticated theory, Linklater basically refers to the concept of “dialogic community,”⁷¹ closely related to the Habermasian ethics discourse. He reflects on the possibility of a universal ethical discourse which may strike “appropriate balances between universality and difference,”⁷² thus solving the tension between communitarian particularistic claims and cosmopolitan universalist stances.

Mervyn Frost’s “constitutive theory” of international ethics is another prominent case of liberal-communitarian mediation in international

political theory. His theory revives the Hegelian idea of balance between the state, community, and the individual as mutually constitutive. It relies on a conception of the person characterized by distinctive communitarian features. For example, he says that “constitutive theory starts by asserting that a person only has value *qua* individual in a relationship of mutual valuation with another person or other people, i.e. within a community.”⁷³ He argues that individuality is achieved through a dialectical process divided into three stages: the person as member of the family, their emancipation as an individual in civil society,⁷⁴ and reciprocal recognition of individuals as rights holders—members of the same sovereign state.⁷⁵ A fourth stage regards the recognition of the state as a *sovereign* state in the international context; if a state is not recognized as such, its citizens cannot be recognized as rights holders.⁷⁶

According to this approach, then, sovereignty and rights are not antagonistic but mutually reinforcing norms. However, this attempt to harmonize the relationship between the norm of sovereignty and human rights provokes some perplexities. According to Frost’s critics, his notion of human rights is altered by the embedment of the individual in the political community. As Peter Sutch points out:

For Frost our sense of what is to be a free individual is tied up with our sense of what is to be a free citizen. Our everyday claims concerning human rights or self-determination only make sense in relation to these specific modes of existence.⁷⁷

This reconnects to Marx’s critique of the rights of man as opposed to the rights of citizens, but the problem is that in Frost’s constitutive theory, individuals have rights only as members of the sovereign state.⁷⁸ This seems to alter the cosmopolitan idea of human rights, the meaning of which does not entirely overlap with citizens’ rights, but has been specifically developed to detach the idea of rights from affiliation to a specific social group. Thus, even though Frost may have found a possible equilibrium between rights and sovereignty, his critics point out that this comes at a high cost for the concept of human rights.

Frost replies to his critics by clarifying that different to the traditional Hegelian conception, civil society is not limited by state boundaries but extends well beyond these: “Civil society must be understood as a social form, a form of human associational life, which can be understood independently of sovereign democratic state, or states.”⁷⁹ In this way the problems raised by the co-extensive character of right holders and citizens are at least in part solved, becoming related to a wider social body that is the global civil society.

Communitarian Pragmatism: Anti-Foundationalism

Other ideas have been proposed in an attempt to solve the theoretical gap between communitarians and cosmopolitans. The problem of human rights' moral foundations has been addressed with what has been defined "communitarian pragmatism."⁸⁰ Communitarian pragmatism, different to Frost's constitutive theory and Linklater's Dialogic Community, aims at a reconciliation of the particular-universal duality decoupling human rights from the idea of a universal foundation. Taylor, for example, argues that, as a condition for an "unforced consensus" on human rights, "we would agree on the norms while disagreeing on why they are the right norms."⁸¹ Leaving aside the moral reasons underpinning human rights, communitarian pragmatism claims that we can still find a shared set of norms, notwithstanding the different ethical backgrounds which persons may have as members of diverse communities.

A further example of communitarian pragmatism is anti-foundationalism of Richard Rorty who, claiming that there is no such thing as a universal "human nature,"⁸² concludes that no morality can guarantee the universal recognition of human rights. He argues that by means of a "sentimental education," we can enable persons to recognize other persons as human beings; throughout this "education," the human rights culture will achieve wider recognition.⁸³ In addition to communitarian pragmatism and Frost's and Linklater's mediation attempts, the influence of communitarian theory on human rights can also be highlighted with reference to the later works of Rawls and certain aspects of Miller's theory of nationality. In this case, the debate focused not so much on the moral foundations of rights, but concentrated on which rights can be recognized universally and which are however limited by the boundaries of ethical communities like nations or ethnical identities.⁸⁴

"Thin and Thick": Minimalist Human Rights Conceptions

The liberal-communitarian debate then shifted from an initial stage on whether there are such rights as human rights, to various forms of synthesis between particularist communitarian claims and universalist cosmopolitan claims to then arrive at a discussion of which rights should be considered universal and therefore developing "thinner" or "thicker" normative views of international public ethics.

Notwithstanding the fact that Rawls is among the main representatives of the liberal tradition in domestic political theory, in his study dedicated to the problem of international justice he outlines a theory that is inclusive

of certain communitarian aspects. In the *Law of Peoples* he delineates the idea of a "well-ordered hierarchical people," that is, a group of persons characterized by a comprehensive ethical conception, but still meeting minimal requirements of moral "decency."⁸⁵ According to Rawls, despite the sophisticated procedural devices of the "original position," liberals should not expect these peoples to abandon their comprehensive conception of the good and embrace international liberal principles of justice. The "original position" does not apply in this context, since "an original position argument for domestic justice *is a liberal idea*, and it does not apply to the domestic justice of decent hierarchical regime."⁸⁶

Rawls's *Law of Peoples* acknowledges that different and nonliberal ethical communities constitute an irreducible limit to the universal acceptance of liberal values. This view resembles the communitarian conception according to which liberal principles cannot be extended beyond the borders of the liberal community⁸⁷ since it is the liberal community itself that provides the basis for the legitimacy of its norms. Whereas the "veil of ignorance" and the priority of the right over the good were the bases of domestic liberal justice (inclusive of the redistributive component justified by the "difference principle"), according to Rawls, these procedures do not apply to the international political context, because it lacks an overall liberal foundation. Ethical pluralism, in the international context, imposes more severe limitations to the effective application of the principles of justice that Rawls develops with reference to domestic political orders. His law of peoples, for this reason, reduces human rights to a minimal list of fundamental rights⁸⁸ and considers distributive justice in global terms inevitably arbitrary.

Miller's theory proposes similar considerations but links the ethical community (on which the recognition of rights is based) to the idea of the nation. In this case, the nation constitutes a community informing the ethical principles of the person. The responsibilities of a person are primarily connected to his/her affiliation to a national community and do not extend beyond its borders except for the most serious violations. The "ethical significance of nationality" is the basis on which Miller argues that "the duties that we owe to our compatriots might be more extensive than the duties we owe to strangers, simply because they are compatriots."⁸⁹ According to this view, our affiliation to a national community entails a minimalist recognition of human rights and limits the recognition of a complete set of rights (inclusive of those rights related to social and distributive justice) to the members of the same ethical community.

In conclusion, communitarian theorists have shown the limits of universalist conceptions of rights either by criticizing its foundations, or

proposing a synthesis between communitarian views and cosmopolitan claims or by adopting a selective perspective on which rights should be universal and to whom we owe moral obligations related to questions of justice. According to the communitarian view, the unqualified extension of liberal norms beyond the borders of liberal communities is morally arbitrary, because the international political context does not provide the same conditions that can be found in domestic politics. However, in domestic politics norms and institutions as rights can lean on the existence of an ethical community which constitutes the foundation of their legitimacy; this does not apply to the international context because no such community exists. If it exists, its moral substance, according to theorists such as Rawls, Miller, and Walzer,⁹⁰ is so morally "thin" that it can only legitimate minimalist conceptions of human rights and global justice.

The Question of International Intervention

Strictly related to the question of human rights universality is the issue of the conventions that regulate *ius ad bellum* and *ius in bello*. Although the foundations of international humanitarian law predate the rise of liberalism, the liberal-communitarian divide became apparent also in this context. Walzer's *Just and Unjust Wars*⁹¹ is a classic reference on the subject. One of the main points of contention between Walzer's theory and cosmopolitan accounts is that according to Walzer, echoing the thoughts of thinkers such as Mill and Mazzini aforementioned, political communities are entitled to a right to autonomy which consists of territorial integrity and political sovereignty.⁹² The violation of these principles amounts to illegal aggression in breach of principles of *ius ad bellum*, although Walzer also claims that a sufficiently credible threat to national security allows for pre-emptive attacks in self-defense.⁹³ This does not mean that cosmopolitan theorists embrace an unqualified notion of international intervention but more specifically that the reasons and circumstances that justify it are very different for communitarians and cosmopolitans.

Walzer's argument is based on the "domestic analogy," according to which states are entitled to their self-determination for the same reasons individuals are entitled to their autonomy. With lengthy reference to Mill's study of self-determination, he concludes that "as with individuals, so with sovereign states: there are things that we cannot do to them, even for their own ostensible good."⁹⁴ Yet, the prescription of respecting state sovereignty is not as absolute as it used to be traditionally. Walzer claims that there are legitimate conditions for intervention in domestic

state affairs even though the classic war conventions do not acknowledge this. First, Walzer observes that in cases in which a state contains two distinct political communities and one of these is fighting a national liberation war against the oppressor state, then intervention on the side of the oppressed is justified. The second case is that of counterintervention, whereby intervention within the boundaries of a sovereign state is legitimate if these boundaries have already been crossed by another state. Third, and perhaps most importantly, intervention is legitimate when the violation of human rights within a state is so abysmal to override the validity of concurrent objections of state autonomy. This in particular applies to cases as enslavement and massacre.⁹⁵

Cosmopolitan theory differs from Walzer's view in at least two respects. First, it does not acknowledge the fact that political communities are entitled to rights that trump the moral value of the individual. Cosmopolitans criticize the "domestic analogy" which underpins the communitarian claims of self-determination. As Charles Beitz has written, state autonomy "is neither fundamental, nor adequate as a justification of either the supposedly derivative principles of non-intervention and self-determination or the moral objection to imperialism and economic dependence."⁹⁶ According to Beitz, and consistently with the liberal tradition, the actual moral yardstick for ethical judgment on international intervention is justice. A right to state autonomy is based on whether the state is a just state; if that is not the case according to Beitz, then there is a legitimate basis to override state autonomy and intervene in its domestic affairs, assuming that such intervention can be reasonably expected to produce a condition of justice that is better than the one offered by the regime subject to intervention.

Second, and consequently to this and the previous observations, cosmopolitanism is more permissive in terms of legitimate intervention because its conception of international justice would justify intervention also with regard to violations of social justice⁹⁷ and not only for grave human rights violations. As we have seen above, cosmopolitans endorse a more complete conception of global justice that goes beyond the minimalist interpretations of Rawls⁹⁸ and Walzer.⁹⁹

Rawls has also developed a reflection on the legitimacy of international intervention in the *Law of Peoples*, which is relatively restrictive if compared to the more interventionist views of cosmopolitans. The key criterion in this case is that of abidance to a decent standard of human rights. If a society is relatively well organized and respects sufficiently a "thin" conception of human rights (see above), then intervention within its affairs can hardly be justified. Furthermore, according to Rawls, states that have a negative record in terms of human rights and, more generally,

decency on how they relate to their citizens are keener to be “aggressive and dangerous”¹⁰⁰ in their international relations and therefore they will have destabilizing effects on what Rawls calls “the society of peoples.” Beitz observes that this explanation does not take into account the moral value of human rights obligations *per se* and rather legitimizes intervention only on the basis of the consequences that the presence of “outlaw states” may have within international society.

Thus, also the debate on intervention exemplifies how liberal cosmopolitanism differs in its interpretation of international norms from communitarianism on the basis of a diverse interpretation of the role of community and its normative implications with regard to the principles of nonintervention and the self-determination of peoples.¹⁰¹ Also in this case the conception of community as an intrinsically morally valuable entity plays a fundamental role in justifying the more restrictive views on international intervention of communitarian thinkers, whereas the liberal conception of autonomous moral agent represents alternative informing more permissive conceptions of legitimate international intervention.

Conclusions

Walzer has observed that “communitarianism is doomed—it probably is not a terrible fate—to eternal recurrence.”¹⁰² Indeed, notwithstanding the common perception of an increasingly liberal global order, the previous pages have shown how the tradition of liberalism has been criticized in its philosophical and normative foundations since its inception, and much of this criticism remains very much alive at the time of writing. The examples overviewed in this chapter show how these critiques are symptomatic of a particular conception of the person and community antithetic to the liberal individualist view that can broadly be grouped under the label of communitarianism.¹⁰³

Underlying the “eternal recurrence” of the communitarian critiques of liberalism, there is a common conception of the person. According to this conception, a person’s ethical principles are derived from membership to a community that constitutes the source of identity—contrarily to the liberal conception where the individual, as an autonomous moral agent, is fully in charge of his or her life choices. These divergences over conceptions of person and community produce different political views. Marx and Burke are critical of the emergence of political norms and institutions as universal rights. Theorists of nationalism have emphasized the importance of national self-determination over the claims of individualist cosmopolitanism, whereas realist thinkers in International

Relations have raised doubts over the possibility of a universalist morality embodied in multilateral international institutions. In the contemporary political theory debate, communitarians have highlighted how the liberal theory of Rawls is unconvincing in its assumptions and fails to account for the importance of communal human relations in establishing what a just society entails.

A similar criticism has emerged at the level of international political theory, where the lack of a shared communal affiliation undermines the legitimacy of cosmopolitan claims about human rights. At this stage of the debate, communitarians and liberals have tried to reconcile their views seeking a common ground as in the case of Frost or pragmatists such as Rorty. Similarly, the justification and the conditions which make international intervention legitimate differ between the communitarian and liberal perspectives.

The next chapter will show how these communitarian arguments are not the exclusive prerogative of Western critics of liberal norms, but the contextualization of the person within history and tradition and the consequent moral value attributed to the community are central tenets also in the Islamist critique of liberalism.

Islamist Critiques of Liberalism: ‘Abduh, Qutb, al-Šadr, and Khomeini

Introduction

Liberalism has been subject to much criticism also in political theory debates outside the Western political context. Among the various instances of non-Western criticism, there is the case of Islamist political theory on which this study focuses. This is unsurprising; the processes of colonization, Westernization, and modernization to which Muslim majority societies in the Middle East have been subjected have facilitated the diffusion or imposition of liberal norms and institutions within this context. If liberalism has provoked critical reactions in the Western socio-political context (as seen in the previous chapter), it is then understandable that similar and even harsher reactions emerged in the intellectual field of Islamic thinking in the Middle East.

This chapter overviews how four key Islamist thinkers have articulated their critiques of norms and principles of liberal ethics when applied in the context of their respective Muslim majority societies. The following discussion, first, provides more trivially an introduction to Islamism (with no ambitions of completeness) which will turn out to be useful as background knowledge for the empirical analysis provided in the rest of the book. Second, and more importantly for the overall economy of this book’s argument, the following discussion of Islamism will highlight how the critique of Western influence in the Middle East, which emerged in the Islamist political theory debate, share some of the assumptions about person and community that underlie the Western criticism of Liberalism overviewed in the previous chapter. This latter aspect will be teased out in greater depth and from a comparative perspective in the following chapter.

It may seem unusual to bring to the same fore Western and Islamic traditions of political theory that, on the surface, are diverse and characterized by historical patterns that hardly met and more frequently clashed with each other. Nonetheless, consistently with some of the literature on Islamism that has shown the value of a more direct engagement with Islamist political theory in a comparative perspective,¹ I share the view that there is a heuristic value in using political theory (and in particular communitarianism) as an interpretative framework in studying Islamism to assess the impact of international norms on Islamist politics.

This approach allows us to show how, notwithstanding the historical particularity in which Islamism has emerged, the questions and criticism that it has produced with regard to the diffusion of Liberalism are based on assumptions and concerns that are analogous to those that motivate the Western criticism of Liberalism. As Fred Halliday has observed:

Matching an analytical universalism with a historical particularism, can provide means of avoiding both the rampant relativism that has dominated discussion of the Middle East in recent years, and that bland universalism that applies to the Middle East general schemata for the Third World, without taking into account its special character.²

In the following analysis, I refer to the work of Muḥammad ‘Abduh (1849–1905), Sayid Quṭb (1906–1966), Muḥammad Bāqir al-Ṣadr (1935–1980),³ and Ruhollah Musavi Khomeini (1902–1989). These thinkers have been chosen for their influential role in contemporary Islamist politics; for example, al-Ṣadr, Quṭb, and Khomeini are all mentioned in the 1985 Hezbollah’s manifesto that will be considered in detail in the following chapters.⁴ They are also representative of different traditions, including both Shi’ism and Sunnism, and thus provide a wide sample representative of diverse views.

Notwithstanding the differences among them and the diverse political and social contexts in which they operated, all of them share the idea of Islam as the exclusive source of a just and fair community. Whereas ‘Abduh was active in a context in which political engagement aimed at self-determination from colonial rule, Quṭb, al-Ṣadr, and Khomeini were committed to recovering the Islamic community from the rule of domestic autocratic regimes sponsored by foreign powers. All of them were convinced that the Muslim community has become morally and materially corrupt due to the imposition of norms and institutions originating from Western liberal culture and propagated by the advent of Western powers in the region, their control over local regimes, and the diffusion of neoliberal capitalist economy. According to all of them, Islam is the *only* source that can recover the community from its moral and material decay and

then provide both spiritual and material well-being for the person. They envision (in different ways) the establishment of an “Islamic system” (*al-niẓām al-Islāmī*)—a vaguely defined social and political architecture that aims at guaranteeing justice and well-being for the Muslims and (with some important limitations) non-Muslims, on the basis of the application of Islamic moral principles. In most of the cases, they consider the *shari‘a*, however interpreted, as the source for an Islamic order of politics and society.

Reason and Tradition: Muḥammad ‘Abduh’s Reformism

One of the consequences of colonial domination in the Middle East is the diffusion of liberal social, political, and economic norms within a context that had remained substantially isolated from their rise in Europe and the United States. This inevitably affected the social reality of states like Egypt which passed from the rule of the Ottoman Empire⁵ to the control of a colonizing state and eventually achieved independence (1922). The new situation posed questions about how the tradition of Islam could cope with the expansion of modern principles of government such as public administration, the establishment of new penal codes, judicial systems, liberal education, and capitalist modes of production and exploitation, all diverse from the various traditional norms and institutions present in the region.⁶

One of the prominent examples of scholars investigating the tension between modernity and Islam is Muḥammad ‘Abduh, who studied under the guidance of the pioneer of modern Islamism Jamāl al-Dīn al-Afghānī (1838–1897). During his life, he held public offices as head of a reform commission for education in the al-Azhar University (the oldest Islamic center of knowledge) and Grand-Mufti of Egypt (the highest legal and religious authority in the country). He was exposed to Western culture in a number of circumstances⁷ and acknowledged the progress of the European society compared to the backwardness of the Egyptian context. This experience stimulated interest in investigating the decay and resurgence of civilizations. Most of his work is dedicated to theological issues but with implications relevant from political, legal, and social perspectives. Nevertheless, he never produced a systematic political theory.⁸

Most notably, he published a *Commentary to the Qur’an* (*Tafsīr al-Qur’an*) and the theological treatise *The Message of Unity* (*Risālat al-Tawḥīd*) but also took part in public life of the Arab world with articles in magazines such as *al-Manār*, the leading publication of the Arabic *al-Nahḍa* (resurgence) movement. He was involved in the Egyptian nationalist movement; he endorsed the ‘Urābi revolt in 1882

against British rule in Egypt and was exiled for this reason to Lebanon for three years.

Modernity and Tradition in a Divided Community

According to 'Abduh's view, the Muslim community was living in an age of decay due to the domination of the Ottoman Empire, followed by the imposition of the foreign colonial rule. 'Abduh was also concerned with the uncritical application of Islamic principles ignoring the mutated historical circumstances that were surrounding his community. For this reason, he not only expressed criticism toward Westernization (*taghrib*) but criticized the lack of responsiveness of the religious and cultural establishment of Egypt as well. Egyptian society and its political system needed to be reformed to be brought back to their original splendor.⁹ He advocated and partly implemented reform projects focusing on education and justice. The guidelines of his reformist project were drawn from Islamic principles such as the Islamic juridical tradition and references to the acts and sayings of the Prophet of Islam.¹⁰ Innovatively, his approach relied on the use of reason as opposed to the uncritical imitation of tradition (*al-taqlid*). His intellectual aim was to develop a theory that could be receptive of modern and liberal values, while remaining committed to the essence of Islamic principles (the *shari'a*), and more in general the Qur'anic tradition. According to his view, Egyptian society was deeply divided between those who uncritically embraced modernization neglecting Islam and those who interpreted Islam without considering the progresses of modern liberal societies. He observed:

I found myself in opposition to the views of the two great groups of which the Community is composed: the devotees of the religious sciences and the others of their type, and the devotees of modern techniques and their partisans.¹¹

His political project was dedicated to address this social divide to "bridge the gulf within Islamic society, and, in so doing, to strengthen its moral roots."¹² Notwithstanding his reformist views and the importance of the concept of reason, 'Abduh was not an uncritical admirer of liberal institutions. He opposed the idea of a secularized Egyptian society and claimed that achievements similar to those of European societies can be attained in Egypt only by relying on a unified Islamic moral community.¹³ In an article advocating the reform of the education system in al-Azhar, 'Abduh claimed that

like all other Eastern nations, Egypt constituted a religious community bounded together by the *Shari'a*. It had built its ethics and its civilizations on religion. Religion is the organizing principle of all its affairs [...] Moral conduct will disappear when religion collapses. The same thing will happen if religion is deformed by introducing into its core any innovations or superstitions. The nation will be weakened.¹⁴

The main point of 'Abduh's criticism against the modernizing project of Egypt was that liberal institutions cannot be simply transposed into the Egyptian social context, since these would have endangered its foundations.¹⁵ He proposed to reform the Islamic moral community maintaining the commitment to fundamental principles but interpreting these through a prism of reason. The modernization of Egyptian society and the application of liberal principles needed to be harmonized with the foundational norms of the Islamic community. He argued that Islam is a religion concerned with the welfare of its community especially with reference to the principle of *maslaḥa*.¹⁶ Considering the moral and material decay of the Islamic community in his time, he concluded that the mere perpetuation of tradition did not do justice of the promises of Islam and thus must be wrong. It is the application of Islamic ethics combined with the use of reason that eventually brings about the renewal of the Islamic moral community, and it is only on this basis that the Egyptian society can achieve progress and well-being.¹⁷ But to what extent reason can actually reshape the application of Islamic principles in a more modern and liberal fashion, it is not clear in 'Abduh's theory. Although it is true that 'Abduh expanded the freedom of the individual to reinterpret its ethical principles through reason, he was an assertor of the sovereignty of God (*ḥākimiyyat Allah*), a fundamental principle of Islamist theory which will be adopted also by other thinkers as we shall see. 'Abduh was convinced that a sensible use of reason and an enlightened application of Islamic ethics would converge on progress and well-being harmoniously. Individual reason, public interest, and the role of the rulers would be guided by a unifying common ethical sense that he defines as *al-ra'y al-'amm* the "public opinion."¹⁸

Notwithstanding this, in cases of conflict between Islamic principles and reason, the priority has to be given to Islam. Thus, although he seems to support a liberal idea of individual autonomy in interpreting Islam, this is curbed by the limits imposed by his membership to the Islamic community. Conflicts between reason and Islam are, according to 'Abduh, due to the incapacity of individual or collective reason to appreciate aspects of the prophetic revelation. As Malcolm Kerr points out, in 'Abduh's theory "the Divine Law makes up for the deficiencies in human

nature. It confirms reason and lends certainty to its conclusions when reason is right, and corrects and supplements it where it has been misguided.”¹⁹ Even though reason has an important role in ‘Abduh’s theory, its use is still embedded within Islamic ethics which establishes its moral orientation.²⁰

Limits to Individual Reason: al-shūrā and al-ijmā‘

‘Abduh qualified the concept of reason arguing not only that the collective interests of the community represent a limitation to individual will, but also that the community is the ultimate source of Islamic ethical principles. Following Kerr’s analysis²¹ of ‘Abduh’s theory, let us consider the examples of *al-shūrā* (consultation) and *al-ijmā‘* (consensus) showing how the Islamic moral community represents the ultimate reference for a just political order in ‘Abduh’s thought.

The concept of *ijmā‘* was interpreted by ‘Abduh in a modernist way. Traditionally, the concept is based on the *ḥadīth*:²² “My community will never agree upon an error”²³ and, accordingly, ‘Abduh claims that what is agreed among the members of the Muslim community is always ethically right. It is on this basis that Sunni Islamism²⁴ claims that the moral righteousness of the community entails its well-being and progress.²⁵ However, ‘Abduh was puzzled by the fact that the Muslim community was in fact in a condition of moral and material decay; hence, something must have been wrong in its collective consensual deliberations. For this reason, he criticizes the traditional interpretation of *ijmā‘*. He claimed that the concept is not a dogmatic and ahistorical notion to be derived exclusively from the imitation of the life of the Prophet of Islam, but corresponds to the idea that the collective consensus of knowledgeable persons on an uncertain issue brings about legal decisions consistent with the Islamic revelation facilitating the progress of society.²⁶ The uncritical and literal application of the prophetic tradition was as problematic as an indiscriminate use of reason that did not take into account the Islamic revelation. The fact that this traditionalist interpretation of *ijmā‘* was misleading was shown by the fact that it did not support a community’s welfare (*maslaḥa*) but perpetuated its backwardness. ‘Abduh therefore proposed an interpretation whereby collective consensus would have been achieved within a group of religious scholars trained in religious exegesis (*ijtihād*).²⁷ This for ‘Abduh was the correct interpretation of *ijmā‘* and should have prevailed over literal traditionalism and a use of reason which did not take into account the principles of Islam.

The second limitation to individual reason and consequently to moral agency is the principle of consultation: *al-shūrā*. According to this Islamic principle, the individual cannot “rise above the desires, ambitions, and personal inclinations with which he is surrounded, even should he have the will to do so except through the cooperation with others.”²⁸ The person shall not only take into account individual will and reason, but also consult and cooperate with the general interest of the community. This principle and its importance in the thought of ‘Abduh can also explain why he was critical of the imposition of the Ottoman *Tanzimat* and European liberal institutions onto the Egyptian society without cooperating with the local society. Indeed, ‘Abduh argued that the Islamic community can be reformed successfully only from within, consulting with its members and in particular its scholars trained in the Islamic disciplines.²⁹ The *shūrā* principle also led to the consideration of the idea of a just political order since it applies not only to individuals but also to the ruler, who should consult with his community when making decisions. It then represented a limitation of his power.³⁰ ‘Abduh argued that, even though the head of the executive power must be a Muslim and legislation shall be based on the respect of the *shari’a*, the ruler does not enjoy a privileged relationship with God nor has he a preeminent position in the community of the believers in religious terms.³¹ If the head of the government implements policies at odds with Islamic principles, he must consult with the Islamic community and rectify these decisions. In this regard, Kerr points out that ‘Abduh’s conception of the Islamic political order is closer to a “divine-law nomocracy” rather than a theocracy.³²

‘Abduh’s theory relied widely on the idea of the Islamic community and its importance as the necessary element underpinning a thriving reformist project. The person, an individual capable of autonomous thinking, shall take into consideration the interests and the teaching of the Islamic ethical community no matter whether he is the ruler of the community or simply a member. ‘Abduh’s interpretations of *ijmā’* and *shūrā* exemplify the idea of combining reason with traditional Islamic principles and confirm the Islamist character of his political and social theory. Leonard Binder notes, with reference to ‘Abduh’s conceptions of *ijmā’* and *ijtihad*, that “according to the Sunni view, the Islamic community remained divinely guided, not by caliphs so much as through the immanence of divine will in that community itself.”³³ Thus, not only Islamic principles have the last word on issues that cannot be determined forthrightly, but ‘Abduh also resorts to the Islamic vocabulary when theorizing the ideal moral order of the community and substantially revisits its traditional meaning.

The role of the community as guaranteeing the moral righteousness of its members and its political structure is also noted by Charles Adams. Referring to 'Abduh's commentary to a *sūra*³⁴ of the Qur'an, Adams observes that according to 'Abduh "no people can exist as an independent entity unless there be some bond that binds them together and gives them unity, so that they become a living community, as though they were a single body."³⁵

'Abduh's contribution to Islamist political theory, then, can be described as that of a modernizer concerned with the reunification of the Islamic community under its traditional unity throughout the incorporation of a modern and, to a limited extent, liberal conception of reason. He proposed the revision of traditional norms and institutions of Islam in light of new social political conditions which were emerging in Egypt as a reaction to the impact of Western rule. His theory will be greatly influential and will produce a number of followers trying to harmonize the relationship between modernity, its liberal foundations, and Islam.³⁶

The Radicalization of Islamist Theory: Sayid Quṭb

Two main ideological trends gained central importance as a reaction to Western domination in the Middle East in the early twentieth century. The first is nationalism, epitomized in Egypt by the establishment of the *al-Wafd* (the Delegation) party inspired by liberal principles and above all by the principle of self-determination of the national community.³⁷ The second is Islamism, which became a politically and socially organized reality with the foundation of the Society of the Muslim Brothers (*Jām'a al-Ikhwan al-Muslimīn*) in 1928 in Egypt and then diffusing in the entire region.

In the nationalist struggle, freedom, political legitimacy, and self-determination were primarily identified with the independence of the nation, whereas the Islamic component seemed to only have secondary importance.³⁸ Egyptian nationalism leaned nominally toward liberal ideals, which it failed to deliver.³⁹ Islamism, however, critical toward the influence of Western liberalism and concerned with the reestablishment of an Islamic community, developed an increasingly self-referential character. The main thinker and political activist in this field was one of 'Abduh's students Rashīd Riḍa (1865–1935) whose intellectual circle was frequented by Ḥasan al-Bannā (1906–1949), the founder of the Muslim Brotherhood.⁴⁰ In the subsequent decades, the Brotherhood was subject to a pattern of radicalization which culminated in the 1960s with the figure of Sayid Quṭb whose thought and execution by the Nasserite regime will be the seed for the rise of Islamist factions such as Islamic Jihad,

al-Takfir wa al-Hijra, and eventually *al-Qā'ida*⁴¹ among others, but the figure of Quṭb inspired also many other movements.

Part of this process was in connection with the emergence of similar transnational patterns of radicalization taking place in other Muslim societies. A particularly relevant figure, who influenced the Islamist political debate in the Arab Middle East and whose intellectual contribution cannot be addressed herein, was Abu 'Ala al-Mawdudi (1903–1979) in Pakistan, who had contacts especially through his students also with Quṭb and was the founder of the Jamat-e-Islami, the main Islamist political movement in Pakistan.⁴²

Quṭb's Early Intellectual Stage

Quṭb's theory is neither linear nor systematic but unfolds in a pattern of progressive radicalization culminating during his detention period in the Egyptian gaols (1954–1964).⁴³ His earlier intellectual production is eclectic and includes literary critique, the study of aesthetics and an autobiographical story *Child from the Village* (1946) reporting his modest origins from the Egyptian rural region.⁴⁴ Ibrahim Abu-Rabi' notices that this formative period is an integral part of Quṭb's intellectual formation.⁴⁵ In 1948 he undertook a two-year visit to the United States where he attended courses in education and English.⁴⁶ This experience deepened his already-present criticism of Western society on the basis of his observations of US lifestyle and culture. During or soon after this time abroad, Quṭb began to focus on social and political topics along with the study of the Qur'an. A few months after his return to Egypt, he developed closer ties with the Muslim Brotherhood, with which he became associated in the 1950s.⁴⁷ *Social Justice in Islam* (1949) is his first publication dedicated to political and social questions.⁴⁸ Quṭb published several revised versions of this book and, as William Shepard notes, each of these is indicative of the progressive radicalization of his views from a reformist social egalitarian conception to a revolutionary approach for social change.⁴⁹

Social Justice in Islam

In this publication Quṭb argued that justice, and in particular *social* justice, can only be achieved by establishing an Islamic moral community. His theory relies on the principle that a just political order can only be founded on the precepts of Islam which is conceived as a complete and self-sufficient ethical system. As he says: "Islam has one universal theory which covers the universe and life and humanity, a theory in which are

integrated all different questions; in this Islam sums up all its beliefs, its laws and statutes, and its modes of worship and work.⁵⁰ Thus, Islamic justice means justice in a material as well as spiritual sense and recognizes what is owed to the person as well as what is owed to God.

Differently from the more receptive attitude of 'Abduh (who was sympathetic toward certain liberal aspects), influences that are not authentically Islamic are criticized by Quṭb, thus highlighting the self-referential stance of his political conception.⁵¹ Most of his discussion of Islamic social justice relies on a comparison with European society and the communist conception of justice. Western liberalism and communism are seen as morally flawed from an Islamic point of view because they provide for the need of the person exclusively in material terms.⁵²

The principles of social justice, according to Quṭb, are freedom of conscience (limited by the exclusive and incontestable sovereignty of God), human equality (including a certain understanding of gender equality),⁵³ and mutual responsibility in society. This last principle entails a limitation of individual freedom, especially when conflicting with the interest of the community toward which the individual is responsible for its welfare.⁵⁴ The concept of social responsibility (*al-takāful al-ijtm'āī*) in Islam, according to Quṭb, establishes the priority of the community over the freedom of the individual. As he says:

There can be no decent life if every individual seeks to enjoy his absolute freedom without limit, nourished by his awareness of the absolute liberation of his inward soul from all pressure and absolute equality unlimited by any ties or conditions, for such an awareness is guaranteed to destroy both society and the very individual. Society has higher interest which must limit the freedom of the individual, and it is in the individual's own interest to have definite limits to his enjoyment of freedom.⁵⁵

In his theory then, social justice is the result of a harmonious cooperation among the members of the Islamic community based on the implementation of Islamic principles that, although acknowledging a degree of individual freedom, privilege the general well-being of the community. Quṭb's analysis then proposes a review of the Qur'anic principles that regulate justice in Islam especially with reference to the practice of almsgiving to which Quṭb refers to as source for social redistribution.⁵⁶

Social Justice in Islam is also the first publications in which he outlines his conception of an Islamic political system (*al-niẓām al-Islāmī*). According to this account, Islam represents a political system that, although resembling certain Western institutions, is self-sufficient in its political structure and does not rely on external sources.⁵⁷ He does not mention the Caliphate and

points out that the Prophet did not nominate anybody as a descendant.⁵⁸ The main role of a ruler in Quṭb's theory is guaranteeing the justice of the community considering the opinion of its members via the *shūrā* principle. He also declares that the relationship of the ruler with God is equal to that of other Muslims. All Muslims (including the *ahl al-dhimma* that are the non-muslim groups that live within the Muslim community) are entitled to the same rights. Quṭb stresses the egalitarianism of Islamic political theory along with its foundation on a common moral conscience, and its universal applicability. Furthermore, whenever the ruler does not guarantee the respect of Islamic justice or is not guided by the principles of Islam, his subjects have the right not to recognize his authority. His theory fundamentally relies on the concept of "sovereignty of God" (*ḥākymiyat Allah*) which he develops further in his later works and to which he opposes the blasphemous idea of the sovereignty of man. As he says:

The theory of government in Islam is based on the testimony (*shahādah*) that there is no god but God, and when one confesses that divinity belongs to God alone he hereby confesses that sovereignty (*ḥākymīyyah*) in human life belongs to God alone; and God (S) exercises sovereignty in human life on one hand by directly controlling human affairs by His will and determination (*qadar*) and on the other hand by establishing the basic order of human life and human rights and duties and relationships and mutual obligations by His Shari'ah and program (*manhaj*). Any other theory would be idolatry (*shirk*) and unbelief (*kufr*).⁵⁹

At this stage, he also characterizes *jihād* primarily as a defensive activity.⁶⁰ Quṭb's discussion proceeds with the analysis of more technical economic aspects and, having outlined a brief history of Islamic political systems, concludes with a reflection over its contemporary condition. He observes:

Islamic society today is not Islamic in any true sense. [...] In our modern society we do not judge by what Allah has revealed; the basis of our economic life is usury;⁶¹ our laws permit rather than punish oppression; the poor tax is not obligatory, and is not spent in the requisite ways. We permit the extravagance and the destitution of which the Messenger once said: whatever people anywhere allow a man to go hungry, they are outside the protection of Allah, the blessed and exalted.⁶²

This criticism widely echoes 'Abduh's concern of a divided and morally declining Muslim community also to be found in the rest of Islamist theory. The sense of a lost Islamic morality in the Egyptian society will subsequently become one of the fundamental grievances of Qutbist thought.

Quṭb considers the influence of Western culture as the main cause for the decay of the Islamic community and criticizes the Arab “liberal thinkers and accurate scholars”⁶³ who have been responsible for the moral corruption of the Muslim community.

Critique of Modernity in “the West” and in the Muslim Society

Quṭb generally criticized liberal capitalism and Marxism because they can provide only part of the well-being of the person. As Abu-Rabi' points out, Quṭb has criticized capitalism because of its individualism and the attribution of an absolute freedom to the person. According to Quṭb: “The capitalist system emerged on the basis of emancipating the individual, making of individual freedom an ideal, and giving the upper hand to individual interests.”⁶⁴ He explains that the emergence of individualism and capitalism was as a result of the withdrawal of the Christian church from public life due to the affirmation of secularism in the Western society. On this basis, he has directed his criticism also toward the Kemalist revolution in Turkey, which he considered the sign of how modern liberal principles have penetrated the Islamic community, undermining its moral foundations.⁶⁵ Quṭb's concern is that this process will eventually lead to the same decadence witnessed in the West.

As regards Marxism, Quṭb's criticism was related to its materialism and the conception of man as exclusively entangled in relations of an economic nature, thus neglecting spiritual life. Materialist ideologies, in his view, have reduced human well-being to a material dimension, whereas Islam guarantees spiritual well-being mediating a relationship with God which is absent in liberal and communist societies.⁶⁶

Another aspect of his criticism is directed toward the Islamic clergy in Egypt. His idea is that “the way to establish the rule of Allah on earth is not to give some consecrated people—the priests—the authority to rule, as was the case with the rule of the Church, nor to appoint some spokesmen of Allah as rulers, as is the case in a ‘theocracy.’”⁶⁷ Along with the rise of liberalism and socialism, Quṭb considered the subservience of the Islamic religious establishment as another factor bringing about the moral decay of the Islamic community.

Quṭb's Radicalization: Jāhiliyya

In one of his most influential publications, Quṭb begins by claiming that

humanity today is standing on the brink of an abyss, not because of the threat of annihilation hanging over his head—for this is just a symptom of the disease and not the disease itself—but because humanity is bankrupt in the realm of “values,” those values which foster true human progress and development.⁶⁸

Milestones (1964) is the publication in which he presented his most radical views.⁶⁹ The book is in three parts;⁷⁰ the first is captured by the quotation above and criticizes contemporary society as affected by moral decay resorting to Islamic traditional terminology. The key term is *jāhiliyya* which literally means “ignorance.” In Islamic scholarship this term identifies the historic period preceding the revelation of the Qur’an and refers to a lack of knowledge of the message of Islam as revealed to the Prophet Mohammad.⁷¹ Quṭb projects the meaning of this term onto contemporary circumstances of modern Egyptian society. The main manifestation of this condition is that human beings are subject to the sovereignty of other human beings, whereas the fundamental predicament of an Islamic system (*al-niẓām al-islāmī*) is *ḥākimiyyat Allāh* that is the “sovereignty of God.” Having replaced the sovereignty of God with the sovereignty of man, the community fell in moral decay and, notwithstanding the material progress of Western societies, its moral status is that of ignorance.

A fundamental distinction emerges between the believer and the apostate (*kāfir*) who has abandoned or betrayed the faith in Islam to embrace the false gods of modernity. In this respect, Quṭb sees a relevant portion of the Muslim community falling into apostasy (*kufṛ*).

The second part of *Milestones* is dedicated to the methodology (*manhaj*) throughout which the society of *jāhiliyya* can be reconverted into the authentic Islamic moral community. An Islamic community is the only basis that can guarantee the justice and welfare of the person by establishing an Islamic order (*al-niẓām al-islāmī*). Two key concepts are at the core of this methodology: *hijra* and *jihād*. The first refers to the idea that the most pious members of the Muslim community within the modern society need to isolate and migrate (*hijra*)⁷² to rebuild a “vanguard community” based on the leadership of God and the teachings of the Prophet as they were understood when he was alive.⁷³ This experience of isolation from the society of *jāhiliyya* allows the vanguard to acquire its moral Islamic status and then, in a gradual manner, returns to the society to promote the establishment of the *al-niẓām al-islāmī* (Islamic order).⁷⁴

Two procedures can be legitimately implemented to establish *al-niẓām al-islāmī*: *jihād bil-saif* (struggle through the sword) and *jihād bil-ḥujja wal-lisān* (struggle through argumentation and language). Quṭb explains,

not without contradictions, that *jihād* is of a defensive nature but this does not mean passive acceptance of the status quo. Whenever social and political circumstances hamper the possibility of the person to embrace and practice Islam, this legitimizes *jihād* in its more radical meaning. *Jāhiliyya*, in which the sovereignty of man over other men replaces the sovereignty of God, corresponds to this kind of circumstances, thus justifying *jihād*. According to Quṭb:

When they have no such freedom, then it becomes incumbent upon Muslims to launch a struggle through individual preaching as well as by initiating an activity movement to restore their freedom, and to strike hard at all those political powers that force people to bow to their will and authority, defying the commandments of Allah, and denying people the freedom to listen to the message of Islam, and to accept it even when they wish to do so. After annihilating the tyrannical force, whether political or racial tyranny, or domination of one class over the other within the same race, Islam establishes a new social, economic and political system in which all men and women enjoy real freedom.⁷⁵

The practice of *jihād* is, thus, legitimate not only in the form of predication but also through social activism. The aim of *jihād*, nonetheless, is not the forceful imposition of religious belief over other persons since the Qur'an clearly states that there is no compulsion in religion. *Jihād bil-saif* might be applied against the apostates (*kuffar*) according to Quṭb, but its main task is creating the conditions by which Islam can be freely announced and practiced as the human being is only free in these circumstances. The first stage for the vanguard community, before resorting to any other means, is predicating Islam and its values within the society, and not to undertake premature actions. This aspect remains ambiguous. Quṭb will eventually become the mind of a secret organization allegedly related to the Brotherhood and found in possession of weapons (although the purpose of the arms remains obscure) and his involvement in this activity will eventually lead to his second arrest and subsequent execution.⁷⁶

The third part of *Milestones* is related to the final aim of the process of reconversion from *jāhiliyya* to Islam that is the establishment of *al-niẓām al-islāmī*. Quṭb eventually called for the establishment of an Islamic political order (*al-niẓām al-islāmī*) on the basis of what he already theorized in *Social Justice in Islam*. The structure of this system is outlined only vaguely, also because Quṭb did not think that its realization would have taken place in the near future. The fundamental principle on which it relies is the "sovereignty of God" (*ḥākimiyyat Allāh*) to which everyone is subject including the ruler.⁷⁷ This concept is rather obscure in its actual meaning and provoked

several discussions about its interpretation.⁷⁸ Quṭb considered *ḥākymiya* as the “exclusive prerogative of God who alone is qualified to fashion principles appropriate to the proper functioning of a social, political and economic order.”⁷⁹ On the basis of this principle, the ruler of an Islamic political system derives the legitimacy of his rule from applying the principles of Islam given by God (primarily the *shari‘a*). If this condition is missing, no obedience is due to the ruler because he is not acknowledging the sovereignty of God. An Islamic political system can take any form or institutional arrangement so long as it acknowledges the priority of God’s law over any alternative principle. According to Quṭb, the election of the ruler is acceptable but it is not this that confers legitimacy to him, but the fact that he abides by the principles of *shari‘a* when exercising his authority.⁸⁰

This conceptualization of an Islamic political system, although vague, constitutes a basis for opposition to the Nasserite regime which was harshly repressive toward Islamists. The radicalization of Quṭb’s theory (especially of *jihād*) and its advocacy for the foundation of an Islamic political system deteriorated the relationship with the government who arrested and executed him with the charge of being involved in armed activity against the regime and for being part of a secret organization linked with the then outlawed Muslim Brotherhood.⁸¹

Quṭb’s ideas of Islamic social justice, his criticism of contemporary society as *jāhiliyya*, his *manhaj* (method) including *hijra*, *jihād*, and the aim of establishing an Islamic system (*al-niẓām al-islāmī*) became the central tenets of Islamist thought in the entire region after his death. His execution rendered his message even more powerful elevating him to the status of martyr (*shahīd*) becoming an example for many to follow.⁸²

The Case of Shi‘i Islamism: Muḥammad Bāqir al-Ṣadr

Quṭb was executed in 1966; in 1967 Arab nationalist would have suffered what is usually referred to as the *naksa*, the setback, corresponding with the defeat in the 6 Day War against Israel and marking the end of Nasser regional leadership. In those years, Islamism began to diffuse and gain traction in the region filling the vacuum left by declining ideal of Panarabism. Quṭb’s critique of contemporary society spread widely in the region including in Iraq which, similar to Egypt, was under an authoritarian regime and, under Saddam Hussein, witnessed the rise and repression of Sunni as well as Shi‘a Islamist groups.

A branch of the Muslim Brotherhood was active in the country gathering consensus mainly among Sunnis, but the experience of the Brotherhood and the teachings of Quṭb were influential also in the mobilization of the

Shi'i community in the southern region. Interestingly, it was 'Abd al-Salām 'Arif, a post-monarchy Iraqi ruler, who asked Nasser to pardon Quṭb on occasion of his first arrest in 1964, thus confirming how Quṭb's influence was far reaching.⁸³ The most prominent Islamist organization which emerged out of the Shi'i political mobilization in Iraq was *Ḥizb al-D'awa* (the Party of the Call),⁸⁴ founded in Najaf in 1958 following the fall of the monarchy. As Faleh Abdul-Jabar claims: "The first sources of indoctrination for the D'awa's activists were drawn from the works of Egyptian thinkers like Hassan El-Banna, Sayid Qutb, Muhammad al-Ghazali and others."⁸⁵ As we will see in Chapter 5, some of the members of D'awa migrated to Lebanon under duress of Saddam Hussein's repression and became part of the first nucleus of Hezbollah with the support of Iran.

The key intellectual figure of the D'awa was Muḥammad Bāqir al-Ṣadr (1935–1980) whose thought had major influence also in the theorization of the *Wilāyat al-Fāqih* (the Governance of the Jurisprudent) which later emerged in Iran.⁸⁶ al-Ṣadr received a classical religious education provided in the *ḥawza* system of Najaf,⁸⁷ the renowned Shi'i cultural center of Iraq and, eventually, his intellectual and religious leadership brought him to the highest rank in the Shi'i clerical hierarchy, that is, Ayatollah.⁸⁸ Different from the traditional religious establishment of Najaf, which was prevalently quietist, Al-Ṣadr was a keen political activist.

He took part in the foundation of the D'awa, the primary concern of which was the promotion of Islamic values within the Shi'i community of Iraq and beyond. al-Ṣadr published extensively in cultural magazines of the Society of the 'Ulamā' (*Jāma'at al-'Ulamā'*) often in collaboration with another notable Shi'i intellectual, Muḥammad Ḥusayn Faḍlallah,⁸⁹ who will later have a central role in Lebanon and nearby region.⁹⁰ His relationship with the religious establishment of the *ḥawza* in Najaf was nonetheless problematic. After an internal dissent with the leadership of the Society of the 'Ulamā' he took distance from it, and while ascending the religious hierarchy of *marj'aiyya* he isolated himself from political activism since a direct political role was considered incompatible with religious leadership.⁹¹ Notwithstanding this, most of the D'awa sympathizers kept looking at him as a guide and, contextually with the Iranian revolution, his opposition to Saddam Hussein's regime became manifest along with his support for regime change in Iran.⁹²

al-Ṣadr's Islamist Critique of Capitalism and Socialism

al-Ṣadr published three main works: *Our Philosophy* (1959), *Our Economics* (1961), and *Islam Leads Life* (1979).⁹³ *Our Economics* is one of

the most popular works and is an extensive inquiry in which he criticizes both capitalist and socialist models and theorizes an Islamic economic system. The work shares the same topics and approach discussed by Quṭb in *Social Justice in Islam*.⁹⁴ Nonetheless, as Chibli Mallat claims, al-Ṣadr's work enjoys a higher qualitative standard compared to that of Quṭb.⁹⁵ In *Our Philosophy*, the substance of the argument is analogous to Quṭb's, but al-Ṣadr's criticism toward capitalism and communism unfolds philosophically with reference to authors such as Marx, Kant, and Locke.

The prologue of *Our Philosophy* echoes the words of Quṭb on the concept of *jāhiliyya* and, more generally, the Islamist concern on the integrity of the Muslim community:

After the Muslim world fell into the hands of colonialists, a stream of Western thought based on these colonialists' cultural principles and notions concerning the universe, life and society swept through it. This helped colonialism gain continuous ideological expansion in the battle it launched to abolish the existence of the Muslim nation [*Umma*] and the secret of its nobility of descent represented in Islam.⁹⁶

al-Ṣadr shares the sense of decay of the Islamic community which already was denounced by other Islamists, and in *Our Philosophy* the aim is to restore the primacy of Islamic thought over the influence of Western capitalist and communist theories. This is also the principle motivating his activism in the D'awa, the ultimate aim of which was to establish an Islamic polity over the Islamic community and rule according to the religious revelation of Islam. As he says:

The Islamic state has two functions. The first is to educate mankind in accordance with [its] ideological principle, and to impress its own character on their tendencies and feelings. The second is to observe them externally, and to bring them back to the principle if they deviate from it in practice.⁹⁷

al-Ṣadr's argument, then, follows the Islamist canon outlined with reference to 'Abduh and Quṭb. He argues that capitalist democratic systems and communist ideology are based on a materialist conception of the person to which he directs his criticism. Starting from premises widely resembling the Hobbesian state of nature, he claims that human coexistence requires "guidance and organization."⁹⁸ According to al-Ṣadr, social theories share a common quest about: "which system is good for human beings and provides them with a happy social life?"⁹⁹ He reviews four possible answers to this question which he classifies as democratic capitalism, socialism, communism, and the Islamic system. Only the latter can

be successful in guaranteeing guidance and happiness for human beings. According to al-Ṣadr: "Capitalistic democracy is based on unlimited confidence in the individual, and in the fact that the individual's personal interests naturally ensure the interests of the society in various areas."¹⁰⁰ However, this assumption is not realistic; capitalist democracy fails to deliver promises of well-being, according to al-Ṣadr, because materialism does not promote any particular ethical or metaphysical view but focuses on the material well-being of the person:

Because the capitalistic system was filled with the spirit of materialism, morality was removed from the picture. It was nowhere to be found in the system. Put more correctly, its notions and criteria underwent a change. The individual interest was declared as the highest objective, and all kinds of freedom as means for fulfilling that kind of interest. This resulted in most of the severe trials, catastrophes, tragedies and misfortunes that the modern world has experienced.¹⁰¹

al-Ṣadr's criticism of capitalist democracy incorporates aspects echoing the Marxian critique of capitalism, pointing out how the system facilitated the polarization between rich and poor throughout an unlimited recognition of the right to property. Rather than being genuinely democratic, al-Ṣadr argues, the capitalist system represents a rule of the elite and not of the people. If the problem with capitalist democracy is materialist individualism, materialism in the case of communism has the opposite effect. The person abandons its self-interest, and is assimilated within an undistinguished social aggregate. Although the same criticism could be directed toward his own theory, al-Ṣadr argues that individual freedom would be completely denied in socialism. In his own words:

Even if the individual acquires full insurance and social security for his life and needs because the social wealth supplies him with all of this at the time of need, nevertheless, it would be better for him to obtain this insurance without losing the breath of righteous freedom, without melting away in fire as person, and without drowning in a stormy social sea.¹⁰²

This is why Jabar considers al-Ṣadr a "liberal Islamist," especially if compared to other Islamist thinkers.¹⁰³ Nonetheless, this assessment is only partially convincing. Also in the case of 'Abduh, the person was recognized a degree of individual freedom but the limitations related to Islamic ethics seriously compromise the possibility of looking at Islamism as a form of liberalism. Islamism is characterized by a substantial ethical conception, whereas liberalism aims to be neutral toward all the conceptions of the good, rendering the idea of Islamist liberalism contradictory.

In addition to this, al-Ṣadr observes that the overlapping of collective and individual interests, which he understands as the core of communist theory, is a utopian view that cannot be possible without religious guidance. He believes that both the democratic-capitalist and communist systems are utopic and do not reach their actual ends. Contrary to this, the Islamic system (*al-niẓām al-Islāmī*) historically existed during the life of the Prophet Muḥammad, thus being realistically achievable. For its achievement, it is necessary for a modification of the conception of human life:

Islam established a system in which the individual is not considered as a mechanical tool in the social system, nor society as an organization established for the sake of the individual. Rather, it gave to each—the individual and society—their rights and insured the individual both his spiritual and material dignity.¹⁰⁴

According to this view, the Islamic system would promote a form of public morality on the basis that “human beings begin to appreciate moral values and the ideals that religion teaches them to respect,”¹⁰⁵ thus harmonizing the interests of the individual with the collective interests of the Islamic community. His conception of the person as an individual socially bound to the Islamic community sharing its ethical principles reproduces the conception according to which the person develops his/her ethical understanding, not as an isolated individual, but as part of the Islamic community. As in communitarian theory, it is the constitutive value of the community that informs the ethical identity of the person and harmonizes the conflict between personal and communal interests.

al-Ṣadr's Ideal of an Islamic System: The Wilāyat al-Faqīh

Different from the case of Sunni Islamism, Shi'i Islamism developed a more defined conception of Islamic polity not only reflecting the theory outlined above, but also institutionalizing certain aspects of traditional clerical hierarchy typical of Shi'ism. al-Ṣadr presents the institutional architecture of an Islamic state in the same months in which the Iranian Islamic revolution was unfolding.¹⁰⁶ He provides an exegesis of a verse of the Qur'an (5. 44), which refers to a story of Jewish people asking for judgment over a contentious issue. The Prophet replies that the Jews should apply their own law as God dictated in the Torah and then indicates judicial-religious hierarchy to which al-Ṣadr refers to as a source in theorizing a political order. According to al-Ṣadr's interpretation, however, at the top of the hierarchy is the judgment of the prophets, second

there is that of the Imams¹⁰⁷ and, at the third level, there are the religious jurists. al-Ṣadr interprets this hierarchy as the source of a constitutional hierarchical system. The Prophet of Islam is not there anymore and, after the disappearance of the twelfth Imam, the Islamic community has been deprived of the guidance of the rightly guided Imams until the Imām al-Mahdī will reappear. Responsibility in administering justice, then, falls onto the third category, the *mujtahid*,¹⁰⁸ who achieved his title in Islamic Shi'ia schools (*hawza*) such as those of Qum (Iran) and Najaf (Iraq).¹⁰⁹

Those *mujtahidūn* achieving higher prominence through a large following in Shi'ism attained the qualification of *marj'a*¹¹⁰ or grand-ayatollah (*ayatu-Allāh al-'uzmā*). The institution of *marj'aiyya* (that is the religious leadership of the *marj'a*) assumes in Shi'i Islamism a political connotation. According to this view, the *marj'a*, from being the head of a juridical-religious hierarchy, becomes "the objective criterion to the community from the point of view of Islam...not only as to the fixed elements of legislation in the Islamic society, but also to the changing temporal elements. [The *marj'a*] is the supreme representative of the Islamic ideology."¹¹¹

Jabar claims that al-Ṣadr's political system establishes a separation between the role of the *marj'a* and the executive and legislative branches of the Islamic state, but this does not always seem convincing. The *marj'a*, in al-Ṣadr's political theory, is in charge of rectifying incorrect rulings and providing guidance to the community from an Islamic point of view, thus overruling the role of executive and legislative powers. It is under the leadership of the *marj'a*, whose knowledge guarantees infallibility in its juridical-religious judgments, that the "vice regency of mankind" (*khilāfat al-insān*) can become the surrogate of the prophetic testimony (*shahāda al-'anbiyya*) which was only possible when the Prophet or one of the twelve Imams revered by Twelver Shi'ism was alive.¹¹² On the basis of these premises, al-Ṣadr prefigures the constitutional architecture of the Islamic state in the third part of his *Islam Leads Life* (1979). Mallat argues that his draft of the Islamic constitution is one of the most influential documents in the drafting of the constitution of revolutionary Iran a few months after the publication of *Islam Leads Life*.¹¹³ al-Ṣadr attributes to the *marj'a* supreme authority in the state hierarchy. Among his main responsibilities, the *marj'a* declares war and peace, approves the candidates for president, and appoints the highest members of the judiciary and the jurists who sit in the *Council of the Guardians*, that is, a qualified assembly whose members are distinguished scholars. Another important function of the *marj'a* is deciding on the (Islamic) constitutionality of laws approved by parliament. As we shall see, the constitutional arrangement

that al-Ṣadr theorizes will be incorporated into the post-revolutionary Iranian institutional framework with few modifications.

al-Ṣadr, nonetheless, will not witness the realisation of this project in Iran. His political activism; the relationship with the Iranian revolutionary leadership; and the long-lasting opposition to Hussein's regime eventually led him to imprisonment and execution in 1980. His political theory remains, nonetheless, influential and was powerfully amplified by the success of his colleague, as well as competitor in religious leadership, Khomeini, with whom he had a difficult relationship. Even Hezbollah in Lebanon in its *Open Letter* of 1985 condemns Hussein's repression against the rise of political Shi'ism in Iraq and acknowledges al-Ṣadr's contribution referring to him as a *mujāhid 'ālim*: a "militant 'ālim."¹¹⁴

Political Shi'ism in Practice: Khomeini's Iran

Up until this stage, the experience of Islamism has been characterized by constant frustration. None of its reformist or revolutionary attempts were successful. Repression, combined with the influence of foreign powers, was too strong in all the countries of the Middle East to allow the realization of Islamist aspirations. Popular support, also, was generally lacking for the Islamist political project. The Iranian Revolution (1979) was a surprising phenomenon that shook the region and upset the entire regional political balance and established the first regime inspired by Islamist principles. Its theoretical foundations were primarily theorized by Ruhollah Musavi Khomeini (1902–1989), an Iranian-born cleric highly trained in Islamic jurisprudential doctrine and with a powerful charisma.

The Iranian revolution (and Khomeini) intertwines with the Najaf networks described in the previous section. Khomeini lived in exile in Najaf from 1965 to 1978 and during this period elaborated most of his political theory.¹¹⁵ The degree of influence of Iraqi scholars over his work remains disputed, since his figure was rather isolated from the scene and in competition with other religious leaders including al-Ṣadr. His lectures in Najaf, nonetheless, are of central importance among its political publications.¹¹⁶

Khomeini's Islamist Critique of Modern Society

Khomeini's critique of the West and its liberal institutions is not particularly original and fully overlaps with the previous cases. As 'Abduh, Quṭb, and al-Ṣadr, Khomeini claims that constitutional arrangements based on principles extraneous to the Islamic tradition are lacking in moral

legitimacy. He is harshly critical of the imposition of liberal and Western norms on the Islamic community, the decline of which was determined by its indiscriminate Westernization imposed by colonial powers and their local allies.

He accused the West for its attempts to deprive the Iranian people not only of their material goods but also of their ethical foundations. His criticism was directed against the constitutionalism¹¹⁷ imposed in Iran by local supporters of modernization and their foreign patrons.¹¹⁸ In his own words:

They have removed from operation all the judicial processes and political laws of Islam and replaced them with European importations, thus diminishing the scope of Islam and ousting it from society. For the sake of exploitation they have installed their agents in power.¹¹⁹

According to Khomeini, the implementation of non-Islamic policies to rule over the Islamic community altered the moral integrity of its individuals. In his view “a believing, pious, just individual cannot possibly exist in a socio-political environment of this [non-Islamic] nature and still maintain his faith and righteous conduct.”¹²⁰ A person’s morality is fully constituted by the social environment in which it is embedded. Khomeini proposed a reassessment of the Islamic concept of *al-insān al-kāmil* (the perfect/complete human) and proclaimed the need for an Islamic social and political system as a condition for the person to achieve moral perfection. As Hamid Dabashi observes:

When translated into political terms, the idea of “the perfect man,” perfectly harmless in its mystical context, necessitates a total, final, and absolutely unconditional program of moral and ideological righteousness upon which Islam, as a social and metaphysical order, teaches, regulates, guides, and controls every conceivable move and manner of a Muslim individual.¹²¹

The need for an Islamic revolution and the establishment of an Islamic government are dictated by the necessity to recover the moral community and the person from the decay determined by the spreading of Western moral values under the rule of Pahlavi’s monarchy, which forcefully implemented highly modernist and secularized reforms. According to Khomeini:

All non-Islamic systems of government are the systems of *kufur* [apostasy], since the rules in each case is an instance of *taghut* [tyranny], and it is our duty to remove from the life of Muslim society all traces of *kufur* and

destroy them. It is also our duty to create a favourable social environment for the education of believing and virtuous individuals, an environment that is in total contradiction with that produced by the rule of the *taghut* and illegitimate power.¹²²

Non-Islamic regimes inspired by the liberal principles of Western constitutional arrangements correspond to *kufur* (apostasy), one of the gravest sins of Islam which corresponds to the denial of the truth of Islam. The abolition of these oppressive regimes and the foundation of an Islamic state are necessary to redeem the Islamic community from its moral corruption. In one of his lectures, Khomeini observes:

In the past we did not act in concert and unanimity in order to establish proper government and overthrow treacherous and corrupt rulers. Some people were apathetic and reluctant even to discuss the theory of Islamic government, and some went so far as to praise oppressive rulers. It is for this reason that we find ourselves in the present state. The influence and sovereignty of Islam in society have declined; the nation of Islam has fallen victim to division and weakness; the laws of Islam have remained in abeyance and been subjected to change and modification; and the imperialists have propagated foreign laws and alien culture among the Muslims through their agents for the sake of their evil purposes, causing people to be infatuated with the West.¹²³

The quotation shows Khomeini's concern for the decline of the moral community of Islam because of the interference of Western norms and institutions in its organization. Similarly to Quṭb and al-Ṣadr, Khomeini's Islamist project relies on a critique of the Western liberal model and he refuses to compromise with norms and institutions not fully derived from the tradition of Islam. Although Western societies have developed material conditions of welfare and produced scientific progress to the point of landing on the Moon, Khomeini claims that this is not true progress. He says:

Let them go all the way to Mars or beyond the Milky Way; they will still be deprived of true happiness, moral virtue, and spiritual advancement and be unable to solve their own social problems. For the solution of social problems and the relief of human misery requires foundations in faith and morals; merely acquiring material power and wealth, conquering nature and space, have no effect in this regard. They must be supplemented by, and balanced with, the faith, the conviction, and the morality of Islam in order truly to serve humanity instead of endangering it.¹²⁴

It is exclusively with reference to Islamic norms that a just political system can be realized. Western values and institutions cannot enjoy legitimacy

in the regulation of the affairs of the Islamic community since they are in contradiction with its founding precepts. In his view:

At the beginning of the constitutional movement, when people wanted to write laws and draw up a constitution, a copy of the Belgian legal code was borrowed from the Belgian embassy and a handful of individuals [...] used it as the basis for the constitution they then wrote, supplementing its deficiencies with borrowings from the French and British legal codes. True, they added some of the ordinances of Islam in order to deceive the people, but the basis of the laws that were now thrust upon people was alien and borrowed. [...] They are all opposed to Islam; they violate the system of government and the laws of Islam.¹²⁵

These considerations then justify the need to eliminate external Westernizing influences on the Islamic community to establish an Islamic government providing for the well-being of the person in a comprehensive manner.

Khomeini's Islamic Government

Khomeini vaguely sketched his political theory in *The Revealing of Secrets* (1943–4)¹²⁶ and then developed it further in *Islamic Government* (1971).¹²⁷ According to him, the Islamic government is constitutional in a different way from other forms of government:

It is constitutional in the sense that the rulers are subject to a certain set of conditions in governing and administering the country, conditions that are set forth in the Noble Qur'an and the Sunna of the Most Noble Messenger. It is the laws and ordinances of this of Islam comprising this set of conditions that must be observed and practiced. Islamic government may be defined as the rule of divine law over men.¹²⁸

The *shari'a* only, nonetheless, is not enough to guarantee the just order of the Islamic community and has to be complemented by an Islamic authority since it is only under the guidance of Islamic scholars that the Islamic community can guarantee the actual well-being of the person. This aspect introduces the concept of the *Wilāyat al-Faqīh* (the governance of the religious jurisprudent) according to which the *faqīh* (a legal-religious expert of the rank of a *marj'a* characterized by moral integrity and excellence in theological, ethical, and juridical disciplines) is at the top of the state hierarchy. The *faqīh* is the repository of supreme ethical and legal knowledge and decides over the rightful application of the *shari'a* in the public and private lives of Muslims. This is an important

difference between Islamist Shi'i theory and its Sunni counterparts in which the clergy were not given any particular leading role.

Most of *Islamic Government* is dedicated to the explanation and interpretation of Qur'anic verses and *ḥadīth* justifying the attribution of political responsibilities to the '*ulamā*'.¹²⁹ Also in Khomeini, as in al-Ṣadr, the fact that no religious authority of the status of the Prophet or one of the 12 Imams is present on earth confers political and legal authority to the Islamic jurist (the *faqīh*) as the highest-ranking religious figure.¹³⁰

The *Wilāyat al-Faqīh* in Khomeini's theory remains, nonetheless, a vague concept in terms of institutional structure, which he will amend in various respects in the course of his intellectual and political career.¹³¹ It is also for this reason that al-Ṣadr's constitutional proposal (see above) is considered particularly innovative compared to Khomeini's vague conceptualization. The "righteous and proper organs of government,"¹³² which Khomeini advocated, became in part a reality in the form of the Iranian constitution in December 1979 which incorporates the idea of a religious leadership overseeing the work of the legislative, executive, and judiciary branches, with the capacity of vetoing decisions that are deemed in breach of Islamic ethics.¹³³ With the establishment of the Islamic Republic in Iran, these institutions began to be shaped throughout a troubled constitutional process in which several elements of Khomeini's theory were eventually integrated.¹³⁴

The office of the *Walī al-Faqīh* was established at the highest hierarchical level of the state, a position that was filled by Khomeini himself. The second most important institution was the Council of the Guardian, an assembly of knowledgeable scholars with the function of licensing major legislative decisions from an Islamic point of view. A Council of Experts elected by the people was also established with the main role of appointing the *Walī al-Faqīh*. These religious institutions were complemented by a presidential-like apparatus,¹³⁵ which established a President of the Republic elected directly by the people along with the Parliament. All these institutions were nonetheless under the watchful control of the *Walī al-Faqīh* and the Council of the Guardian.¹³⁶

In its original conception, the *Wilāyat* was not limited to rule over the Iranian people only, but aimed to be influential over the entire Islamic community regardless of national borders. As it will be seen, this was also the case for Hezbollah, which was a fundamental pawn in the process of "exporting the revolution"¹³⁷ and which will declare submission to the authority of the Iranian *Faqīh* in its declarations.¹³⁸

Despite its appeal for tradition and authenticity, Khomeini's theory and consequently the Iranian institutional system was widely innovative

from the point of view of religious orthodoxy. Said Saffari observes that in the Shi'i tradition the believer has always been free to choose his *marj'a al-taqlid*. Nonetheless, the institutionalization of the *faqih* as a unique authority eliminates this possibility and forces the recognition of one *marj'a* that corresponds to the *faqih*.¹³⁹ Halliday observes that

Khomeini's ideas were fundamentalist in their claim to derive everything from sacred texts, but they were not fundamentalist or traditional if these terms are meant to imply that Khomeini's views are inherited from the past. Both the ideas themselves, and even more so, the political and social effect they had, were novel ones, dependent upon modern social conditions and modern political debates upon which they drew quite freely without attribution.¹⁴⁰

The ideal institutions theorized by Islamism had to be "bent" or reinterpreted to fit a reality different to the Islamic ideal and inevitably introduced innovations.¹⁴¹ In addition, the fact that the clergy would have become politically active and considered (at least de facto) infallible¹⁴² was discontinuous with the tradition of Shi'ism which has been characterized by quietism and generally recognized infallibility only to the Prophet and the 12 Imams. This shows a fundamental limit of the Islamist project. Notwithstanding its claims of completeness and moral superiority, the implementation of Islamic political institutions in Iran shows the limits of the Islamic traditions as a source for political institutions and the need to innovate and integrate Islamic principles with other non-Islamic norms to fill the numerous gaps not covered by Islamic orthodoxy.

Conclusions

As Fawaz Gerges points out, the relationship between Islam and the Western political and cultural sphere has been historically conflicting well before the rise of Western powers in the Middle East in modern times.¹⁴³ The social transformation experienced in this region, resulting from the impact of Western political models, has facilitated the rise of Islamism although it is not the only cause.

Islamists theorize a political project advocating for the resurgence of an Islamic moral community in alternative to the diffusion of liberal and secularist norms. The previous pages have outlined the core tenets of four key Islamist thinkers, showing how they are all concerned with the moral decay of the Islamic community as a result, in their opinions, of the impact of Western liberal doctrines. They see as the roots of the problem of the Islamic community the impact of liberal norms such as secularism,

reforms of the juridical system, education, and, more generally, the rise of individualism. They claim that this situation is due to the imposition of norms and institutions that are avulse from the Islamic tradition, thus illegitimate. Therefore, they argue for the establishment of political institutions based on Islamic norms as a panacea.

Their interpretation of Islam is the only legitimate source throughout which this situation can be addressed to restore the moral integrity of the community and its well-being. They call for the restoration of virtues predicated by Islam within the Muslim community through reform or revolution, as a necessary condition for a return to spiritual as well as material well-being.

Based on this discussion it is possible to proceed with a comparison between the Islamist critique of modern liberal principles and the communitarian critique of liberalism discussed in Chapter 2. Notwithstanding the different cultural and historical contexts in which Western and Islamist critiques of liberalism have developed, a common argumentative basis cuts across these two stances. If we leave aside the historical particularity and cultural specificity of Islamism, the Islamists' claims epitomized by the thinkers above can be interpreted as a component of the broader communitarian tradition, which has always been critical of liberal ethics. The Islamist emphasis on community, tradition, and moral virtues as opposed to individualism, autonomous moral reasoning, and the idea of a society based on overlapping interests is suggestive of the possibility that common assumptions underlie the reasoning of both communitarians and Islamists.

The following chapter will propose a comparative study of these common assumptions. It will claim that communitarianism and Islamism do not share the sole fact of being critical of liberal norms and institutions as endangering the moral integrity of the community, but their criticism is based on shared assumptions about the concepts of person and community.

Islamism as Communitarianism: A Comparative Analysis

Introduction

This chapter claims that underlying the communitarian and Islamist critiques of liberal norms and institutions presented in Chapters 2 and 3, there is a shared way of thinking about the community and the person.

To recapitulate, liberalism, and the international norms derived from it, originates from the Kantian individualist tradition according to which a person is a moral agent capable of autonomously choosing a life path independently from its relations with others.¹ However, communitarianism and Islamism rely on a conception of the person whereby his/her ethical principles are defined in relationship with the community of which the person is part of. Whereas liberalism understands persons as autonomous moral agents (and on this basis postulates norms and institutions as rights, democracy, and liberal statehood which are concerned with the protection of the status of moral agent), communitarians and Islamists rely on the idea of community as constitutive of the person's ethical principles. As Charvet and Kaczynska-Nay argue, communitarians think that "an individual self is not an inherently separate and independent rational entity but a being embedded in the thick fabric of a particular communal life."²

The differences in these assumptions have an important explanatory value in understanding how domestic and international normative questions are addressed by Islamists and communitarians. The following pages isolate a few key aspects that Islamist and communitarian conceptions of community share. These are as follows:

- The community is constitutive of the ethical principles of the person and has an intrinsic value.

- The community is conceived as a self-referential entity characterized by autonomy in defining its constitutive principles.
- The community is the exclusive source of legitimacy for a political order.

In addition to this, the chapter identifies three elements that Islamist and communitarian political theories have in common with regard to their conception of the person:

- The person acquires his/her identity and ethical principles through a process of identification within the community.
- The achievement of freedom and the complete realization of human potential are determined by the identification of the person with the principles of the ethical community.
- The person is bound by loyalty and responsibility toward the ethical community.

In the following pages, each of these aspects will be explained and justified by a comparative analysis of the texts and debates presented in the previous chapters. This will form the basis upon which the rest of this study will assess the impact of international norms on Islamist politics by considering Islamism as a form of communitarianism.³

Community as Constitutive of the Person's Identity

According to the conception of community as constitutive, the community is the source of the ethical understanding of its members. Sandel says that

community describes not just what they [persons] have as fellow citizens but also what they are, not a relationship they choose (as a voluntary association) but an attachment they discover, not merely an attribute but a constituent of their identity. In contrast to the instrumental and sentimental conceptions of community, we might describe this strong view as the constitutive conception.⁴

The constitutive nature of community becomes evident if contrasted with the instrumental conception of society which we find in liberalism. An example in this regard is Rawls's theory in which the society is conceived as "a cooperative venture for mutual advantage" and its members decide to cooperate because this "makes possible a better life for all."⁵ Communitarians however argue that becoming part of a society is a more

complex process in which “our identity is always partly defined in conversation with others through the common understanding which underlies the practice of our society.”⁶ It is as part of a community that the person defines his/her ethical principles and thus recognizes the legitimacy of institutions such as rights or state sovereignty. The idea that this process can take place in abstraction from social relations is disputed by communitarians.

A similar conception can be found in Islamism. In the cases of Quṭb, ‘Abduh, al-Ṣadr, and Khomeini, the community (that in this case corresponds to the Islamic community) is the main target of their reformist or revolutionary projects. Islamism attempts to reestablish the unity and morality of the Islamic community which is seen to have been corrupted by the influence of Western modernity and liberal values, but also by the incapacity of the traditional religious establishment to tackle its challenges. Ira Lapidus claims that Islamists “oppose consumer and individualistic gratification as social values in favour of moral commitment and community loyalty [...] Islamist movements are an important force for creating a viable community life.”⁷ Talal Asad captures convincingly the difference between ‘Abduh’s idea of community and the liberal model of society when he says that

the theological concept of *Umma* that Abduh employs, has the sense of a collective body of Muslims bound together by their faith in God and the Prophet—a faith that is embodied in prescribed forms of behavior. It is therefore quite different from the idea of a society made up of equal citizen governing themselves individually (through conscience) and collectively (through the electorate).⁸

As seen in the previous chapter, ‘Abduh, Quṭb, al-Ṣadr, and Khomeini were all aware of the moral decay of their society. ‘Abduh observed the fracture between an uncritical endorsement of modernity and a blind application of tradition, and Quṭb referred to the concept of *jāhiliyya* to describe the moral decay of the contemporary society. In this respect, Roxanne Euben claims that there is similarity between Quṭb’s critique of his society and Macintyre’s description of contemporary ethics as emerging from the ruins of a “moral catastrophe.”⁹ al-Ṣadr similarly observed how Iraqi society needed to be recovered from the influence of liberal secularist views and communist ideology. Khomeini claimed that “a favourable social environment for the education of virtuous individuals”¹⁰ is necessary for Muslims not to fall into the domain of unislamic modes of life.

The Islamist call for the restoration of an Islamic moral community comes from the assumption that the community has a constitutive value

for the moral status of the person and is the foundational basis to achieve personal well-being. Islamist and communitarian stances against the liberal individualist political ideal share the theoretical premise according to which the community constitutes the source of morality for its members. The community is the source of “a good life” for persons who otherwise would be perceived as morally unsubstantiated. As a consequence, it is by means of community membership that a person acquires morality. It is not a coincidence that the reformist attempts of ‘Abduh were mostly focused on public education. He considered this the most effective instrument to reconstruct the moral “texture” of the community and to establish a shared ethical understanding among its members. Indeed, according to ‘Abduh:

the form of civil order in a society is only the image of the substance of the characteristics its members have acquired through the habits and customs that have grown in them whether praiseworthy or reprehensible. The different laws they have had in their period of rise and decline cannot be detached from these characteristics, no matter how much those laws have changed in form or subject matter. This has been recognized by those wise persons who have striven first of all to change people’s characteristics and manners, whenever they wanted to establish a well-defined order in the society.¹¹

Similarly Quṭb claims that

our method realizes the establishment of well-integrated educational, ethical, economic, social and political systems which in turn, help in creating man with a complete personality- a man who has been weakened by contemporary life and its followed criteria.¹²

Also according to al-Ṣadr’s view, it is Islam that has the role of redeeming the person from moral corruption throughout the recreation of the Islamic moral community. As he observes:

[Islam] assaulted the materialistic notion of life and posited, instead, a new notion of life. On the basis of this new notion, Islam established a system in which the individual is not considered a mechanical tool in the social system, nor society as an organization for the sake of the individual. Rather, it gave to each –the individual and society- their rights and insured for both his spiritual and material dignity.¹³

It is the relation that the person establishes with the community that constitutes his/her moral identity; and when this relation is regulated by the

principles of Islam, then, al-Šadr argues, the person realizes his/her full spiritual and material well-being. The constitutive value of the Islamic community appears also in the thoughts of the eminent Shi'ī scholar Muḥammad Ḥusayn Faḍlallah¹⁴ who claimed that "Islam, by virtue of its divine and comprehensive legal system, embodied an unsurpassed normative code and practical set of values, which together provided the basis for refining individual behaviour and reforming social relations."¹⁵

Community as Self-Referential

By self-referentiality is intended the idea that only the principles and norms which traditionally and historically identify the ethical community are considered legitimate by its members. Unless there is overlapping, heteronomous ethical conceptions clashing with traditional communal norms cannot be recognized as legitimate.

As seen, communitarians do not see the plausibility of the idea of "stepping out" from the particular situations and communities in which the person develops his/her moral reasoning. There is neither such a thing as an "original position" nor an ideal speech situation (as Rawls and Habermas respectively suppose) which justify abandoning the communal ethical views of a person in favor of abstract reasoning. As Charvet and Kaczynska-Nay observe, communitarians argue that the "general standpoint from which apparently objective claims are made by liberal theorists are themselves aspects of a community's system of beliefs and anyone making such claims will not be distancing himself from his community but will remain embedded in it."¹⁶

Islamists have equally argued that Muslims shall not give up their identities of religious persons submitted to Islam to accept liberal norms and institutions, because this endangers their identity as Muslims, corrupts the integrity of their community, and, ultimately, compromises their relationship with God. It is not difficult to observe in what sense the community is self-referential in communitarian theory, for example, if we consider the significance of sovereignty emphasized as an international norm protecting the self-determination of communities. This was strongly asserted in the debate about human rights universality where state sovereignty was conflated with the protection of the ethical community of the state. Equally, the relevance attributed by communitarians to the borders of communities as a limitation to our ethical obligations is another sign of the self-referential nature of community.¹⁷ We have seen in this respect how theorists of the nation such as Mazzini or Mill emphasized this very community as the source of legitimacy for claims

to self-determination. More importantly, the idea of the community as the exclusive legitimate foundation of norms, such as rights, testifies that external sources would not be recognized as legitimate, from the communitarian point of view, because their origins are extraneous to the community itself.

Self-referentiality is evident also within Islamist thought. Quṭb considers the Islamic community a morally superior entity compared to European and US societies as well as the communist modern society. As Paul Berman observes, Quṭb “wanted to show that Islam was self-sufficient—that Islam did not need the thinkers of the West, could rely on its own spectacular resources of the past, was all-inclusive, independent, and fully adequate.”¹⁸ It is a consequence, then, that the Islamic moral community represents not *a* source for the legitimacy of a political order and its institutions, but the *only* source valid to play this foundational role.

The idea of a community as self-referential does not mean that the Islamic community shall not be permeable to innovations. Indeed, Quṭb repeatedly pointed out that natural sciences and technology can be studied and developed within the Islamic community, as these can ameliorate the welfare of the society as in the societies of *jāhiliyya*. Nonetheless, external influence cannot be accepted on the moral grounds of the community. Quṭb has claimed in several occasions that only the Islamic moral community can guarantee well-being to the person; alternative moral conceptions are flawed either because of their individualism and their idolatry of the human (capitalist society) or because of their materialism (communist society and atheism). For example, he states that

only Islamic values and morals, and Islamic teachings and safeguards, are worthy of mankind. These provide a permanent and true measure of human progress. Islam is the real civilization and Islamic society a truly civilized community.¹⁹

Community self-referentiality is also to be found in ‘Abduh. Even though ‘Abduh’s Islamism, and in general modernist Islamism, is receptive of the external influences, and despite the fact that ‘Abduh is deeply conscious of the mutual influences among different ethical communities, his theory is that only with reference to the Islamic ethical tradition, a political order can be legitimized. Indeed, it is this assumption that justifies his reformist intents toward the Islamic community rather than an uncritical endorsement of modern, Western values and institutions. He criticizes the sectors of Egyptian society that abandoned Islamic traditions to embrace external moral conceptions uncritically based on this self-referential conception of community. As Samira Haj observes:

Locating the disease of backwardness in the moral degeneracy of the Muslim community, 'Abduh deemed a revived Islam (rather than its demise or confinement) a constitutive feature to Muslim advancement. As against the Europeans and the Europeanized Arab intellectuals who were adamant that breaking away from Islam, in particular, was necessary to become modern and find equal footing with Europe, 'Abduh maintained that a reconfigured Islam in light of the confusion produced by colonial modernity was the only solution for faithful Muslims seeking advancement.²⁰

Both 'Abduh and Quṭb believed in the renewal of the moral Islamic community from within and with reference to its traditional principles. Both were concerned with providing an understanding of Islamic ethics consistent with the historical challenges to which their community was subject to. Whereas they internalized certain aspects, such as a modern use of reason and natural sciences, they claimed that well-being, justice, and progress can only be *Islamic* justice, well-being, and progress.

Community self-referentiality is common also in Shi'i Islamist theory. The very fact that an Islamic political project such as the *Wilāyat al-Faqīh* is put forward as an alternative to liberal and communist models by al-Ṣadr and Khomeini testifies the idea that Islamic norms are seen as alternative to other ethical conceptions rather than complementary. Khomeini's harsh condemnation of the influence of liberal political models on the Iranian constitutional process, seen above, further confirms this. His criticism of the Westernization of the Islamic community substantiates the claim that it is only with reference to the Islamic tradition that legitimate political institutions can rise. Similarly, Faḍlallah has claimed that "Islam, as a divinely revealed and organic system of existence, does not need to borrow, much less incorporate, alien terminology and foreign concepts, tenets and theories."²¹ Declarations of this kind, asserting the idea that the Islamic model is self-sufficient and it does not need or accept external interference, confirm how also in Islamism, community is conceived as a self-referential entity over which external influences are only arbitrary impositions lacking a basis of legitimacy.

Community as Source of Legitimacy

The idea that the concept of community has a fundamental role as a source of legitimacy for political norms and institutions comes as a consequence of the two previous points regarding its constitutiveness and self-referential character. Being the community constitutive of the moral principles of persons and as the exclusive source of moral principles, it

therefore becomes the only source to acknowledge the legitimacy of political institutions and norms. If norms and institutions do not reflect the principles of the ethical community, these will be challenged as illegitimate by its members whose moral reasoning and ethical parameters are derived from the traditional community.

Indeed, the members of the ethical community identify themselves with these principles because these are constitutive of their identity and consequently they would recognize the legitimacy of a political order, its norms, and institutions only if this order reflects such principles. Consider, for example, Taylor when he describes an ideal communitarian polity. He claims that the viability of this kind of institutional system can be based either on coercion or on participation. Coercion is not an option and he continues by saying that

in order to have a free society, one has to replace this coercion with something else. This can only be a willing identification with the polis on the part of the citizens, a sense that the political institutions in which they live are an expression of themselves. The “laws” have to be seen as reflecting and entrenching their dignity as citizens, and hence to be in a sense extensions of themselves.²²

For political institutions to be legitimate, they have to be an “extension” of our personal moral identity and reflect the norms and values that we have acquired as members of an ethical community. If this is not the case, then the legitimacy of a polity is undermined, because it is not derived by our moral sense. The role of community as a source of legitimacy can be observed also with regard to the debate on the universality of human rights. Let us consider again Brown’s view on human rights and the Western liberal tradition:

Liberal societies of the last 150 to 200 years have indeed been the freest and most generally congenial societies known to history, but not because they have been constructed on the basis of rights; their success has been based on features within them that pointed towards a different, more community and less individualist, context for political action. It was because of the existence of this context, because these societies were, in certain respects, ethical communities, that rights were widely honoured and respected; a successful rights-based politics is parasitic on features of the polity that have nothing to do with rights—indeed, that may even be inimical to rights thinking.²³

This conception relies on the idea that it is the existence of an ethical community and its contextual historical tradition, which grants the legitimacy for norms and institutions such as rights. International norms such

as human rights cannot be considered legitimate if they are not derivatives of our communal moral principles and traditions.

The argument unfolds in a similar manner, within Islamist political theory. Concerned about the decay of the Muslim community of Egypt, Qutb has argued that

the cure for this situation was not to leave our comprehensive religion in a corner for devotion only. Nor was to rush off to draw our laws from French legislation, or our system of government from western political theories, or our social system from materialistic theories, before we had demonstrated the unsuitability of this *Shari'ah* as a basis for modern society! For the natural organic growth of a [political] system in any environment makes it more suitable in relation to this environment—at least—than an arbitrarily adopted system that is foreign to the nature of this environment and has not grown up in it in a gradual organic way.²⁴

The quote above shows how only traditional ethical communities provide the moral grounding for the legitimacy of political institutions, also in the case of Islamist theory. Equally, 'Abduh discusses in detail the ground of legitimacy of a political order pointing out how uncritical endorsement of external norms and political institutions lacks a moral basis of legitimacy. He claims that "the form of civil order in a society is only the image of the substance of the characteristics of its members."²⁵ The link between the ethical community and political order becomes evident in 'Abduh's legal and political theory with regard to his conceptions of *shūrā* and *ijmā'* as have been presented above.²⁶ In his view, a just political order shall exercise power within the limits established by consultation (*shūrā*) with the community and in particular its Islamic scholars in order to be legitimate. The principle of *ijmā'* further reinforces this aspect. Whenever there is a moral and political question whose ethical righteousness is in doubt, the final word remains with the community.²⁷ The principle is derived by the Islamic *ḥadīth* which states, "My community will never agree upon an error"²⁸ which establishes that consensus (*ijmā'*) or disagreement of the community corresponds respectively to its moral righteousness or immorality.

A similar way of thinking is also present in Shi'ī political theory, although is articulated differently from the Sunni case because of its particularly hierarchical organisation through the tradition of the *marj' aiyya* and consequently the *Wilāyat al-Faqīh*. In this case the community of believers constitutes the basis of legitimacy for the leader of the community (the *marj'a*) and in the case of Khomeini's *Wilāyat al-Faqīh* for the *Walī al-Faqīh*. As Khomeini claims, it is the duty of the community

to acknowledge the legitimacy of the authority of a religious expert as the only legitimate authority from an Islamic point of view. The central importance of community in granting a license of morality to political decisions confirms how Islamists see the community as a central source of legitimacy for political institutions in a way that shares many similarities with the communitarian conception.

Conception of the Person as Community Member

The way community is understood in Islamism and communitarianism directly influences how the person is conceptualized. The first aspect is that in communitarianism and Islamism the person is described as developing his/her moral identity by relating to the other members of the community, which is a direct consequence of the constitutive function of the community. Communitarian theory offers several examples highlighting this aspect. Taylor argues that

the identity of the autonomous, self-determining individual requires a social matrix, one for instance which through a series of practices recognizes the rights to autonomous decision and which calls for the individual having a voice in deliberation about public action.²⁹

On this basis, the communitarian person develops his/her identity in a symbiotic process with the community. The Sandelian critique of the liberal “unencumbered self” further clarifies this aspect. Referring to the idea of a liberal rational actor detached from communal relations, he points out that

to imagine a person incapable of constitutive attachments such as these is not to conceive an ideally free and rational agent, but to imagine a person wholly without character, without moral depth.³⁰

The idea of the person as abstract from moral and communal relations as it is theorized, for example, in Rawls’s original position is considered an implausible assumption to which he opposed the idea that we, as persons, can only be plausibly conceived as part of a wider ethical context that is the community.

A similar conception of the person as a component of a wider relations framework emerges in Islamist theory. As Abu-Rabi’ notes with reference to Quṭb, Islam is conceived as a religion that cannot be lived and practiced as individuals. Persons shall become part of a social environment on the basis of which his/her moral life is based. As Quṭb says:

Without this environment the life of the individual becomes impossible, or at least extremely difficult. Therefore whoever wishes to be a Muslim should know that he cannot devote himself to his practice of Islam except in a Muslim environment dominated by Islam. He is mistaken if he imagines that he can realize his Islam as an individual lost in the midst of a society ignorant of divine guidance.³¹

Furthermore, Abu-Rabi' comments on Quṭb's conception of person and comes to the conclusion that according to him

man is that complex structure of body, emotions, passions, fears, and hopes that are subject to social conditions and relationships. Quṭb warns against treating man as an abstraction or as a speculative construct. Man should be taken as a complete whole and, above all, should be considered within a historical and social context.³²

Such a conception is then similar to the kind of conception that can be found in communitarianism. The person is conceived as part of a relational communal network in which acquires his/her moral understanding also in 'Abduh's theory. As seen in the previous chapter, in his discussion of 'Abduh's commentary to the *Qur'an*, Adams observes that

one of the principles of society, he [Abduh] says in introducing his comment, is that no people can exist as an independent entity unless there be some bond that binds them together and gives them unity, so that they become a living community, as though they were a single body.³³

Haj further confirms this and points out:

'Abduh presumed, as any Muslim would, that religious duties (*'ibadat*), as embodied practices, were constitutive of social relations, and he took for granted that interactive transactions (*mu'amalat*) were integral to the constitution of a Muslim subject. Accordingly, the understanding of a Muslim subject as a constitutive part of the collective community is bound to be different than the liberal understanding, in which a clear distinction is drawn between ethics and law, and ethics and religious belief are delineated as private and interior.³⁴

'Abduh's conception of the person is then in contrast with the liberal conception; his communal nature can be deducted from his own words:

God has created us as social beings desirous of creating social bonds with one another; these bonds start in families and branch out to other parts of

the society until they are rooted in the nation and the larger Community of Muslims.³⁵

Also in Islamist Shi'ī thinking, a similar conception of the person as deeply embedded in communal relations emerges. al-Ṣadr claims that

the basic distinguishing feature of the Islamic system is represented in its being basis on spiritual understanding of life and a moral sense of life. A major point of this system is the taking into consideration of both the individual and society, and the securing of a balance between life of the individual and social life. The individual is not considered the central principle in legislating and governing, nor is the large social existence the only thing to which the state pays attention and for whose sake it enacts its laws.³⁶

al-Ṣadr's view on the ultimate aim of moral righteousness in Islamic life and the balance between social and individual existence mirrors the communitarian conception of the integration of the person within a network of social relations characterized by shared moral principles and providing the basis for their realization. As he further makes clear:

[Religion] builds a link between personal motives and the paths leading to good in life. It also modifies the interest of individuals in such a way as to make individuals believe that their personal interests and the real general human interests—as defined by Islam—are interrelated.³⁷

A strong connection between the person and the social and historical context in which it is embedded is then of cardinal importance, and confirms how communitarianism and Islamism have in common a similar view on persons as deeply related to their communal environment. The person acquires moral principles and develops moral reasoning on the basis of the relationship that establishes within the community and not in abstraction from it.

Personal Realization through Community Membership

In liberal theory the person achieves freedom and personal realization primarily as a result of a process of emancipation in which the exercise of individual autonomy is the decisive factor limiting the influence of heteronomous principles. Both Islamism and communitarianism purport a different picture. According to these theories the person achieves full liberation and realization (and in the religious context, their salvation)

adhering to the ethical principles on which the community is based and not emancipating from it. As Buchanan has noted with reference to communitarian theory:

If I am a member of a community I share goals and values with other members. I and they conceive of these as our goals, not just as goals which we each have as individuals and that happen to be the same for all of us. [...] In activities that are the life of a community, individuals think of themselves primarily as members of the group, and of their values as the values of the group.³⁸

According to communitarianism the boundary between individual and communitarian identity is permeable and individual autonomy does not represent a limit to the adoption of communitarian principles within the ethical principles of the individual. As Taylor has stated, even presuming the existence of a liberal self, independent from the network of social relations in which one is embedded and provided with rights,

the identity of the autonomous, self-determining individual requires a social matrix, one for instance which through a series of practices recognizes the rights to autonomous decision and which calls for the individual having a voice in deliberation about public action.³⁹

As seen, Sandel is equally critical of the possibility of conceiving persons as moral agents dissociated from the context in which they are educated, raised, and where they establish their social relations.⁴⁰ It is for this reason that communitarianism relies on an idea of the person according to which freedom and realization are to be achieved, not by means of emancipation from communal bonds, but rather through establishing a deeper connection with the ethical community. This aspect further confirms the analogy between the underlying assumptions of communitarianism and Islamism.

Quṭb, for example, claimed that freedom and realization of the person can be achieved only when embracing the moral life of Islam. Berman has observed that "freedom in liberal society seemed to Quṭb no freedom at all. That kind of freedom was merely one more expression of the hideous schizophrenia –the giant error that places the material world over here, God over there."⁴¹ In one of his most influential works, Quṭb argued that,

only in the Islamic way of life do all men become free from the servitude of some men to others and devote themselves to the worship of Allah alone,

[...] This concept and the way of life covering all the practical aspects of man's life is the vital message that mankind lacks.⁴²

Furthermore, both Quṭb and Khomeini theorized an idea of the person as *al-insān al-kāmil*: the perfect or complete human.⁴³ According to this conception, the person achieves status of virtuous moral being by fully endorsing the precepts of the Islamic community.

On a similar basis, 'Abduh's attempt to restore a moral Islamic community in Egypt and the reform of education relied on the idea that it is only as members of the Islamic community that the person can achieve well-being and realize his/her freedom. In *The Theology of Unity*, for example, he dedicates an entire chapter titled *Religion and Human Progress: Their Culmination in Islam*. He points out that

human society reached a point at which man came to his full stature, helped by the morals of the earlier vicissitudes. Islam supervened, to present its case to reason, to call on mind and intelligence for action, to take emotion and feeling into partnership for man's guidance to both earthly and heavenly blessedness.⁴⁴

Similar statements dominate the discourse of al-Ṣadr. Also in this case, the relationship between the person and moral life of the Islamic community is a fundamental component for the liberation and realization of the full potential of humanity, and eventually leading to salvation. According to al-Ṣadr, "the basic distinguishing feature of the Islamic system is represented in its being based on spiritual understanding of life and a moral sense of life."⁴⁵

As much as we need to be part of a liberal community to become liberal persons according to communitarians, in Islamism we can realize our potential as human beings only as members of an Islamic community. The dependency of the person on the moral community of which they are part is also to be found in Islamism then, and confirms the argument that Islamism and communitarianism share similar assumptions regarding the conceptions of person and community.

Moral Responsibility toward the Community

A final consideration linking communitarianism to Islamism is that, in both theories, the person is responsible of protecting the integrity of the community. Whereas liberalism emphasizes the recognition of rights to persons as norms protecting them from external unwanted interferences,

Islamist and communitarians emphasize the responsibility of the person toward the community.

According to communitarian thinking, the person develops a sense of loyalty and a related sense of responsibility toward the community. Both Taylor and Sandel have developed a thorough criticism of liberal conceptions and argued that persons do have rights but these rights are counter-balanced by the responsibility to preserve the community on which these rights are based. For example, Taylor has argued that

the incoherence of asserting the primacy of rights is even clearer if we imagine another way in which the conflict could arise: that, in destroying the society, I would be undermining my own future ability to realize this capacity.⁴⁶

It is for this reason that communitarianism emphasizes the importance of the responsibilities and obligations of persons to abide by ethical principles of the community in order not to undermine the bases of their lives. According to communitarians, we first become members of a community and then responsible toward it and subsequently we acquire entitlements such as rights and freedom. The idea of a fully autonomous being which, on the basis of rights, can neglect or deny the importance of the moral values of the community of which they are part is criticized by communitarians. This is because the person is conceived as responsible toward the community since it is the origin of personal moral principles and identity. This aspect can also be found in Islamism.

‘Abduh has argued for the importance of personal responsibility in various occasions. For example, although he claims that reason is a component of his Islamist theory, nonetheless this cannot overcome the interests and the judgments of the community. Principles of consultation (*shūrā*) and consensus (*ijmāʿ*) shall prevail over the claim of individual reason. The interest and well-being of the community (*maslaḥa*) shall overcome the interests of isolated individuals, especially when in contrast with collective interests. Qutb’s case is even more radical in this respect and he points out repeatedly that, while the community is responsible of preserving the rights and welfare of its members, this also applies vice versa to the person. As he says:

Every individual is charged in the first place conscientiously to perform his own work; for the results of individual work are in the long run advantageous and beneficial to the community. [...] No individual, then can be exempt from this care for the general interest, but everyone must have a constant care for the community.⁴⁷

Furthermore, for Quṭb the sense of individual responsibility is embedded in a communitarian perspective to the point of becoming coextensive with collective responsibility. According to him:

Every individual will be held responsible for evil-doing in the community, even if he has had no part in it. For society is a unity which is harmed by any evil-doing, and the duty of every individual is to guard and to protect it.⁴⁸

Also in the case of Shi'ī Islamism, the sense of responsibility of the individual toward the community is predicated as a factor of utmost importance. One example is Khomeini who argues that the Muslim has a duty to undertake action to protect their community from the external interferences that harm its moral integrity. This duty is based on a cardinal Islamic principle that is "enjoining the good and forbidding the evil."⁴⁹ As Khomeini says, "He who enjoins the good and forbids the evil actively calls men to Islam by remedying injustice and opposing the oppressor. Enjoining the good and forbidding the evil has been made a duty primarily for the sake of accomplishing these high aims."⁵⁰

Quite the opposite of the liberal conception of the person according to which the priority is his/her emancipation from heteronomous ethical conceptions and norms, communitarianism and Islamism purport an idea of the person who has distinct responsibility toward the community of which s/he is part of. The close relationship with the community and the ethical importance that communitarians and Islamists attach to it entails an idea of persons responsible for the preservation of the integrity of the community.

Conclusions

In *Enemy in the Mirror*, Euben has observed that

the extent to which modern Islamic thinkers from Afghani to 'Abduh to Quṭb are engaged with the problems and dilemmas of Western political thought suggests that, in a colonial and postcolonial world in particular, questions that define political theory have ceased to be, if they ever solely were, Western.⁵¹

Euben's observation explains how comparing Western and Islamist critiques of liberalism establishes a relationship between ways of political thinking connected by the same phenomenon: the rise of liberal values in the Western world and their expansion in the Middle East. I have argued

that Islamism and communitarianism share analogous conceptions of person and community on the basis of which they develop their criticism of liberalism seen in Chapters 2 and 3. It is on this basis that it is possible to understand Islamism as a form of communitarianism in analytical terms.

The concept of community was defined as self-referential and constitutive of the person's ethical identity. Conversely, it was pointed out how the person is not an individual moral agent (as liberals would argue) but is primarily understood as the member of a community, which in turn is the source of his or her moral beliefs, and then defines the principles a just political. The impact of liberal norms has provoked the reactions of thinkers (Marxist, conservatives, Catholics,⁵² Islamists, and so on) who perceive the "liberal project"⁵³ as a risk for the moral status of the community, leading to its decay into a morally unsubstantiated society of individuals.

On the basis of these observations and having set out a theoretical framework that fundamentally interprets Islamism as a form of communitarianism; the following chapters of this study will assess how international norms have changed these conceptions, especially with regard to Islamist movements. Are Islamist conceptions of the person and community tenable? Is the ontological status of the person and community as conceived by Islamists plausible, or is the Islamist political project founded on unrealistic assumptions?

Katerina Dalacoura has observed how the idea of community and person which we find in communitarianism and Islamism are in fact hardly tenable in terms of plausibility.⁵⁴ I will show in the next four chapters that the assumptions of Islamism are being profoundly challenged by the increasing influence of norms as international humanitarian law, human rights and UN Security Council resolutions. The idea of a self-referential community, constitutive of the identity of the person, is confronted by a process of socialisation of Islamist political actors in international society in which liberal norms are dominant.

The following chapters are dedicated to the study of this process with reference to the case of Hezbollah. The study eventually comes to a concluding assessment on the impact of international norms on Islamist politics in Chapter 10. Prior to that, Chapter 5 will introduce an historical perspective of the emergence of Shi'i Islamist politics in the region, and in particular, in Lebanon.

The Rise of Political Shi'ism in Lebanon

Introduction

Following the theoretical discussion of the previous chapters, the study now moves from a comparative analysis of normative theory to the empirical examination of the case study of Hezbollah.¹ This chapter will bridge the previous theoretical analysis of Islamism with the subsequent empirical inquiry into the interaction between Islamist politics and international norms. The following pages will provide a discussion of the origins of Hezbollah and its foundation in Lebanon, which will provide the basis for analyzing the impact of international norms on its political identity, especially pointing out how its Islamist profile has been modified by the liberal assumptions that underlie the international normative system.

There is a vast literature² that has addressed the topic of Hezbollah's history; for this reason, the present chapter refrains from providing yet another account and instead focuses more on the intellectual foundations of the Shi'i Islamist discourse that has led to the formation of Hezbollah as a political and military actor. It starts by looking at the case of Iraqi Shi'ism in particular and then shows its transnational connections with Iran and Lebanon. Subsequently, the analysis considers three key intellectuals, activists, and religious scholars with a crucial role in mobilizing Lebanese Shi'ites: Mūsā al-Ṣadr (1928–1978),³ Muḥammad Mahdī Shams al-Dīn (1936–2001), and Muḥammad Ḥusayn Faḍlallah (1935–2010); and then turns to a succinct overview of the historical context in which Hezbollah has emerged as an organization. The final section of this chapter outlines the contents of its first political manifesto, which will contribute to defining the political identity of Hezbollah as an Islamist movement.

By proposing a discussion of the intellectual origins of the movement, this chapter shows how Hezbollah fits the Islamist paradigm delineated in the previous two chapters and, then, highlights how its formation was the result of a complex process of interaction between historical events, a long curriculum of social exclusion of the Shi'i of Lebanon and transnational religious and cultural network that have facilitated the spreading of political Shi'ism as it both developed in Iraq and was implemented in Iran following the 1979 revolution.

Political Shi'ism in Iraq and Its Regional Transnational Links

The origins of Shi'ism in Iraq are centuries old, but its politicization in modern times becomes a relevant phenomenon for the scope of this study at the end of the 1950s with the formation of *Ḥizb al-D'awa* of which Bāqir al-Ṣadr was among the main ideologues.⁴

In 1958, Iraq was in an unstable political situation. The Hashemite monarchy, established in 1920, was overthrown by a military coup enacted by 'Abd al-Kārim Qāsim who adopted an ideological framework mixing pan-Arab, nationalist, and communist components clashing with Shi'i tradition. Tribal rivalries and the fact that most of the Iraqi political leadership was Sunni exacerbated the antagonism between the newly established regime and the Shi'i community.

Consequently, the D'awa drafted a foundational document (circa 1960) with three main objectives: founding a modern organization for the dissemination of the party's political vision, deciding a political agenda for the implementation of the goals of the party, and asserting the need to establish an Islamic political system in Iraq as its final aim.⁵ According to Faleh Abdul Jabbar, the foundation of the D'awa is to be understood as part of a renascent intellectual life in the Shi'i context, epitomized by the figure of al-Ṣadr.⁶ Amatzia Baram argues that the foundation of the party was due to the concerns of the Shi'i clergy about the decline of the Shi'i community which, under Qāsim's regime, was increasingly exposed to atheism and communism as alternative ethical paradigms threatening the moral integrity of the community.⁷ Hanna Batatu observes that

it was not a reviving Islam or an ascendant Shi'ism that prompted elements within the *hawzah al-'ilmīyah* (the circle of 'ulama') at Najf to organize ranks in the late 1960s and set on foot the D'awa party. On the contrary, they were moved by the growing sense that the old faith was receding, that scepticism and even disdain for the traditional rites were rife among the educated Shi'is, that the belief of even the urban Shi'a masses was not as

firm, and their conformism to ancient usages not as punctual or as reverent as in times past, and that the '*ulama*' were losing ground and declining in prestige and material influence.⁸

In a way that is similar to the rise of Sunni Islamism in Egypt, the foundation of the D'awa resulted then from the convergence of a movement of renaissance in religious-political thought with the emergence of social and political circumstances perceived as threatening the integrity of the Muslim community as traditionally conceived.

Exactly who the founders of D'awa were is not clear. Jabar says that al-Ṣadr was the author of the foundational document, while Baram claims that Muḥammad and Mahdī al-Ḥakīm (the sons of the Iraqi Ayatollah Muḥsin al-Ḥakīm) had an important role in the foundation of the D'awa, thus breaking the tradition of quietism⁹ endorsed by their father. Batatu claims that the D'awa's original leadership was represented by both Iranian and Iraqi religious scholars inspired by al-Ṣadr's intellectual work.¹⁰

The D'awa was not the only Islamist phenomenon emerging in Iraq. A number of other organizations more or less politicized emerged and broke the Shi'i front of Iraq along several points of contention. As Florian Bernhardt observes, one crucial aspect was the discussion of what should be the relationship between political activism and religious leadership and whether party politics was in fact consistent with the unity of the Islamic community.¹¹ In 1960 the '*ulamā*' of Najaf¹² constituted the *Jam'at al-'Ulamā*' (Society of the '*Ulamā*'), which aimed to contrast the decay of Shi'ism by means of cultural promotion, education, and welfare provision. The Society included the most prominent religious figures of Shi'ism in Iraq and among its younger ranks Muḥammad Bāqir al-Ṣadr, Muḥammad Ḥusayn Faḍlallah, and Muḥammad Mahdī Shams al-Dīn stood out. The last two of them would escape to Lebanon where they would later have a prominent intellectual and political role.¹³ Differently from the D'awa, the *Jam'at al-'Ulamā*' was not politicized and maintained the profile of a socially oriented organization.

In addition to the D'awa and the Society of the '*Ulamā*', there was the Shirāzī Group (1962), a political faction led by Ḥassan Shirāzī and his brother Muḥammad Ḥusayn Shirāzī who challenged the primacy of D'awa as the main Shi'i Islamist movement in Iraq. According to Jabar, the dispute was due to intellectual divergence and to tribal and city rivalry. The Shirāzī Group criticized the fact that the D'awa was not under the authority of a *marj'a*. It is not a coincidence that Khomeini, who promoted the idea of *marj'a* as leader of the Islamic state, was more sympathetic to the Shirāzī Group rather than the D'awa and Bāqir al-Ṣadr.¹⁴

Around 1968 the informal organization of the Shirāzī movement was upgraded by Muḥammad Taqī al-Mudarrisī and Hādī al-Mudarrisī to a more formal organization known as *al-Ḥaraka* ("the movement"). After the Iranian revolution, *al-Ḥaraka* changed its name to become the *Munaẓamat al-'Amal al-Islāmī* (The Islamic Action Organization). In the meantime, the D'awa became increasingly nationalized under the new leadership of Ṣubḥīy al-Dakhil in 1961.

A turning point for Shi'i activism was 1968 with the ascent to power of Saddam Hussein who, differently from his predecessors, adopted a Ba'athist ideology. The rise of Hussein to power escalated the tensions with the Shi'i community. From 1972 to 1974, the regime began to arrest and execute the leadership members of the D'awa. In 1972 al-Dakhil was executed while al-Ṣadr was released from arrest under the pressure of popular mobilization.

We have already looked at the impact of the Iranian revolution in the region, but what matters for this account is that in Iraq the Iranian revolution produced the conditions for even harsher repression against Shi'ites. al-Ṣadr expressed enthusiasm and support for the revolution in Iran, though his relationship with the new *Walī al-Faqīh*, Khomeini, was rather cold. As a consequence a consistent part of the Shi'i population supported the revolution. al-Ṣadr's endorsement of the Iranian revolution provoked the reaction from the Iraqi regime which, in 1980, arrested and executed him. Membership to the D'awa was declared illegal and punished with death, and a number of its adherents expatriated. Some of them¹⁵ went to Lebanon where they joined the ranks of the rising local Shi'i movement and would eventually become founding members of Hezbollah.¹⁶

A similar situation characterized the other Shi'ia political groups. The *Munaẓamat al-'Amal al-Islamiy* of al-Mudarrisī was involved in a bombing campaign including the attempt on the life of the foreign minister, Tāriq 'Azīz, in April 1980. Ḥassan Shirāzī (one of the Shirāziy brothers) was killed in 1980 in Beirut. His brother, Muḥammad Shirāzī, became one of the leaders of the Shi'i community in Kuwait, and Muḥammad Taqī al-Mudarrisī also became a leading *marj'a*. As observed by Laurence Louër, political Shi'ism was becoming a prominent transnational phenomenon with ramifications all across the region also as a consequence of the repressive Iraqi regime.¹⁷

Tensions between Iraq, its Western allies, and Iran then erupted in the Iraq-Iran conflict (1980–1988). Within this context, Iran began to play an even more influential role in the Shi'i Iraqi scene and more broadly in the Shi'i community at a regional level. A new organization trying to unify the Iraqi Shi'ia movements was born in 1982 in Tehran under the leadership of Muḥammad Bāqir al-Ḥakīm. *The Supreme Assembly of*

*the Islamic Revolution in Iraq*¹⁸ (SAIRI) was the organization in which a great part of the Islamist Shi'ia activists, including some D'awa members, converged under the influence of Iran. The idea of a unified Shi'i opposition group to the Iraqi regime was, nonetheless, constantly challenged by internal antagonism, and by the conflicting souls of Arabism and Shi'ism. Shi'ism was a solid transnational bridge linking Iraqi Shi'ites with Iranian Shi'ites, but their Arab heritage was at odds with Iran and its Persian roots. Nonetheless, with the powerful backing of the Iranian Islamic Republic and relying on its wide transnational network, political Shi'ism was soon to spread in the region and Lebanon was a particularly fertile ground in a key geostrategic location.

Political Shi'i Islamism in Lebanon: Mūsā al-Ṣadr, Shams al-Dīn, and Faḍlallah

The Lebanese connection with the broader Shi'i community passes through a few but very influential thinkers and ayatollahs who awakened the centuries-old Shi'i tradition of Lebanon.¹⁹ All of them are strictly related to the transnational Shi'i network that was illustrated above which connects Iran,²⁰ Iraq, Lebanon, and Shi'ia enclaves in the Arab Peninsula. Mūsā al-Ṣadr (1928–1978),²¹ Mahdi Shams al-Dīn (1936–2001), and Muḥammad Ḥusayn Faḍlallah (1935–2010) are three key religious actors active at the local level in Lebanon who are worth considering in more detail.²²

Of the three thinkers, Faḍlallah and Shams al-Dīn were members of the *Society of the 'Ulamā'* of Najaf where they were in contact with Bāqir al-Ṣadr and with whom they had a friendly and intellectual relationship. While Faḍlallah and Shams al-Dīn were Iraqi Arabs (with Lebanese ancestors), Mūsā al-Ṣadr (also with roots from *Jabal 'Āmil*)²³ was born in Iran and consequently more directly connected with the Iranian networks, although he enjoyed a remarkable degree of independence. All of them were students of two Grand Ayatollahs Muḥsin al-Ḥakīm and Abu al-Qāsim al-Khu'y and received their official titles of religious scholars in the *ḥawza* of Najaf, in the same cultural environment in which Bāqir al-Ṣadr and Khomeini operated.²⁴ Mūsā al-Ṣadr was the cousin and brother-in-law of Bāqir al-Ṣadr,²⁵ and in 1959 he accepted the position of *fāqih* (religious judge) in the Lebanese city of Tyre.²⁶

As reported in Fouad Ajami's biography of Mūsā al-Ṣadr,²⁷ his charismatic figure had the most important role in reviving the Shi'i tradition in Lebanon. Mūsā al-Ṣadr recovered the Shi'i community from the social, economic, and political marginalization to which it has been relegated in

the Lebanese state dominated by the Christian and Sunni Muslim communities since its inception. Initially, he mobilized the Shi'i community at the social level without interfering politically. At a later stage (1969) he promoted and obtained the foundation of the Higher Islamic Shi'i Council in Lebanon (*al-Majlis Al-Islāmiy al-Shi'a al-'Alā*), which, within the sectarian system of Lebanon, institutionalized the role of the Shi'i sect to a higher degree and established a more centralized authority.²⁸ His political involvement became more prominent when he founded the Movement of the Dispossessed (*ḥarakat al-maḥrumiyy*), announced in 1974 in Ba'albek after months of public rallies denouncing the social condition of Shi'ites in Lebanon.²⁹ The birth of the Movement of the Dispossessed marked the culmination of Mūsā al-Ṣadr's mobilization of the Shi'ites in Lebanon. He advocated the need to attain a more influential political role for the Shi'i community and urged the state to address the social and economic problems of the Shi'i people.

A few months later in 1975, a political and paramilitary formation under the acronym AMAL³⁰ was born under his auspices. AMAL represented at least in part the interests of the Shi'i community and participated in the conflict against Israel (but also against the Palestinians in Lebanon) and in the Lebanese civil war. Nonetheless, though AMAL adopted Mūsā al-Ṣadr as its spiritual guide (*murshid al-ruḥi*), he was never directly involved in its affairs. Conversely, AMAL did not adopt a religious-political agenda, adopting instead a predominantly secular profile. This gave Shi'ia Islamists the opportunity to carve out their political space as a separate force within the complex political scene of Lebanon. In 1980, Mūsā al-Ṣadr disappeared in obscure circumstances during a visit to Libya.

Despite personal friendship and esteem, Faḍlallah's stance was different from Mūsā al-Ṣadr's and he occasionally disagreed with the Iranian-born *'ālim*. Faḍlallah moved from Najaf to Lebanon in 1966, at a time in which the Iraqi repression was harsh on Islamist Shi'i figures,³¹ but also because he was involved in the foundation of D'awa.³² His presence in Lebanon was soon to be noticed when he began predicating and taking part in the cultural and religious life of the country.³³ He became one of the most prominent minds of Shi'ism in the world with a prolific publication activity including poetry, theology, and public ethics. In 1995 he was recognized as *marj'a* and this aspect strained the already-complicated relations with the Iranian leadership, which claimed the monopoly over the religious leadership throughout the authority of the *walī al-fāqih*.³⁴

Faḍlallah's early thinking publicly supported the typical Islamist arguments about the decay of the Muslim community and exhorted the society to mobilize in order to redeem the *umma* from this decay. His public

discourse widely reflects the concerns about the ethical integrity of the community and consequently that of its members, as observed in the previous chapters. Even before his arrival in Lebanon, Faḍlallah focused on the idea of the individual as an organic part of the ethical Islamic community as a first step in the reconstruction of the *umma*. According to Faḍlallah:

The engendering of conscious and committed Muslim individuals in society would constitute the first phase in creating a true Islamic society, through the nurturing of fraternal Islamic ties and the insemination in the collective psyche of Islamic precepts and values, such as social justice, equality and solidarity.³⁵

He became the promoter, in the Lebanese context, of the Islamist discourse endorsing Islam as an alternative to the value system imposed by the interference of Western ideologies within the Islamic community. In one of his sermons in 1972, he argued that, "Islam, by virtue of its divine and comprehensive legal system, embodied an unsurpassed normative code and practical set of values, which together provided the basis for refining the individual behavior and reforming social relations."³⁶ His Islamist views widely overlapped with the political project of the D'awa and basically reproduced the conditions for its refoundation in Lebanon.

Faḍlallah's commitment to Islamic reform of the community is another element that partly distinguishes him from Mūsā al-Ṣadr. While Mūsā al-Ṣadr's Movement of the Dispossessed was characterized by a variety of internal political and not necessarily religious components, for Faḍlallah this was not the case. His social action was Islamic in nature and acted throughout a network of Islamic charitable institutions. This process gave birth to the wide network of social and welfare organizations that even today characterizes Lebanese Shi'i politics and social action but also established a connection between Faḍlallah and the emerging political Shi'i movements.

Initially, the link was between Faḍlallah and the Lebanese branch of the D'awa. At a later stage, in correspondence with the Iranian revolution and the execution of Bāqir al-Ṣadr, the D'awa members joined the ranks of the emerging formation of the Islamist Shi'i movement, which eventually would have contributed to the formation of Hezbollah.³⁷ As Nizar Hamzeh observes, future leaders of Hezbollah such as 'Abbās al-Mūsawī³⁸ and Ṣubḥiyy al-Tufaiyli were coming from the ranks of the D'awa.³⁹ Faḍlallah became the leading figure of the Islamist Shi'i mobilization in Lebanon. As in the cases of Bāqir and Mūsā al-Ṣadr, his affiliation to a political organization was neither direct nor formalized, although certain scholars unconvincingly tend to associate him officially with Hezbollah.⁴⁰

The Iranian revolution further reinforced the already radical Islamist views of Faḍlallah, who saw the revolution as an inspirational model and a demonstration of the possibility for Islamism to achieve its ends. Differently from other Shi'ia leaders, Faḍlallah thought that political action and religious belief should be combined to rescue the Islamic community from its decay and the Iranian revolution strengthened this belief. This point was not as obvious as it may seem, since leading figures of the Islamist Shi'i community such as Grand Ayatollah Muḥsin al-Ḥakīm and his successor Abu al-Qāsim Kh'ui were both quietists, and claimed that there is no religious authority that can legitimately replace the "Disappeared Imam" until he returns to earth.⁴¹

Nonetheless, Faḍlallah made clear in one of his publications⁴² that the field of action of Islam interested both religious ethics and politics. The theory of the *Wilāyat*, as conceived by Khomeini, sparked a debate within the Shi'i community in Lebanon which, at that point, was also represented by Shams al-Dīn. Shams al-Dīn was keener on the kind of social mobilization path inaugurated by Mūsā al-Ṣadr in Lebanon. The more moderate intellectual stance of Shams al-Dīn was confirmed by the fact that he succeeded Mūsā al-Ṣadr as the head of the Lebanese Supreme Shi'i Council. He was not as convinced regarding the *Wilāyat al-Faqīh* as Faḍlallah. Both Mallat and Jamal Sankari indicate how he expressed rather pragmatic concern due to the fact that in a country characterized by sizable Christian, Druze, and Sunni communities, the *Wilāyat* would not have been feasible if not throughout forced imposition.⁴³ It was a position that, at a later stage, would have persuaded the most radical factions of the Lebanese Shi'i community. The alternative concept presented by Shams al-Dīn was that of *al-dymuqrāṭiyya al-ta'adudiyya* (pluralist democracy) reproducing the idea of a democratic participatory system but preserving the role of communities. Faḍlallah, however, claimed that the *Wilāyat* represented the ideal Islamic state to which the Muslim community should aspire. The same stance was subsequently adopted by Hezbollah in 1985, in his *Open Letter to the Downtrodden of Lebanon and the World*. As we shall see below, the letter recognized the leadership of Khomeini and auspicated the establishment of a central Islamic state.

The debate on the *Wilāyat*, and generally on the perspective of an Islamic polity in Lebanon, changed contextually with the more peaceful period of post-1989 Lebanon once the civil-sectarian conflict was sedated. At this later stage, Faḍlallah implicitly recognized the utopic nature of the *Wilāyat*, when applied to the case of Lebanon, and developed the concept of *dawlat al-insān* (the human state). The "human state" is considered a "non-confessionalist democratic institutional mechanisms of electoral representation and public accountability, religious inclusivism, and social and economic justice."⁴⁴ This marks the beginning of a more moderate

view on Islamic statehood which is also reflected in Hezbollah's choice of participating in the political life of Lebanon and promoting the project of an Islamic state more as a political ideal rather than the starting point of a revolutionary political process. The "human state" is a sort of middle base toward forms of more strictly Islamic statehood, which is recognized by Faḍlallah as a necessary compromise to cope with the social circumstances of Lebanon.

The Shi'i community of Lebanon did not lack reasons of internal dissent in various theoretical respects, but one fundamental element was common to all its internal components: the resistance against the Israeli occupation and more generally against the very existence of the Israeli state. All the Shi'ia leaders aforementioned shared the most hostile views toward Israel and Israeli policy in the region. Being Lebanon subject to Israeli occupation and attacks, this further radicalized the situation. Mūsā al-Ṣadr expressed his hostility to Israel and support for the Palestinian cause in times when this was not even popular in south Lebanon and despite being among the moderate minds in the spectrum of Shi'i thinking. His successor Shams al-Dīn condemned Israel even more harshly when he was the head of the Supreme Shi'i Council at a time in which Lebanon was undergoing invasions and attacks from Israel. He was the issuer of an important *fatwa* that sanctioned the religious duty among the Shi'ites of Lebanon of civil disobedience and resistance against the Israeli occupier after the clashes between Shi'ia believers and the Israeli army during the 'Ashūra' procession in 1983.⁴⁵ Faḍlallah's stance was the same, if not even more hostile, as he gave religious justification for the struggle against Israel.⁴⁶

Throughout the leaderships of Mūsā al-Ṣadr, Shams al-Dīn, and Faḍlallah, the transnational network of Shi'i activism emerged prominently on the Lebanese scene. Most importantly, the impact of the Iranian revolution and its foreign policy in the region, the common cause of opposition to Israel and the social marginalization of Shi'ites in Lebanon, provided the ideal conditions for the rise of Shi'i Islamism in Lebanon. It is the combination of these factors that produced the conditions for the foundation of Hezbollah, as discussed in the section below.

Historical Context of Hezbollah's Formation

The first public document signed by Hezbollah attesting its official existence is the *Open Letter to the Oppressed of Lebanon and the World (al-Risālat al-Maftuḥa Lilmustad'afiyn fi Lubnān wa al-Ālim)* announced in 1985. However, its announcement and the formalization of Hezbollah's existence were preceded by several intricate events.

Some sources date the original foundation of Hezbollah to 1982 but its origins can be traced back at least to 1978.⁴⁷ N'aim Qāsim, a founding member of Hezbollah and its deputy secretary general since 1998, claims that the first appearance of an Islamic resistance front is testified by the publication of the "Document of the Nine" (*Wathīqa al-Tis'a*). The manifesto, endorsed by three religious men from each of the majority Shī'ia regions of Lebanon (the South, Biq'a Valley and the Beirut's peripheral area), relies on three points: belief in Islam, opposition to Israel through *jihād*, and acknowledgment of the *Wilāyat al-Faqīh* as the only legitimate leadership.⁴⁸ Not by a coincidence, the same principles became the ideological backbone of Hezbollah. According to the same account, in the seven years preceding the *Open Letter* of 1985, a Consultative Council (*majlis al-shūrā*) was secretly operating as the most prominent forum in which religious Shī'ia leaders planned resistance activities against the Israeli occupation.

Along with the social and intellectual mobilization presented in the previous section, the newly established leadership in Iran was a fundamental factor in the formation of a religious Shī'i resistance in Lebanon in ideological as well as logistical terms. Iran became a model of revolutionary Islamic regime for the *Shūrā* and acted as a promoter for the formation of a religiously inspired Shī'i armed group in Lebanon. The popularity of the Iranian revolution favored the formation of factions challenging the leadership of AMAL within the Shī'i community.

The second Israeli invasion of Lebanon in 1982⁴⁹ escalated the internal conflict between AMAL (with the backing of Syria) and the Palestinian Liberation Organization (PLO). This was the effect desired by Israel but also favored by Syria, which had deployed its army in Lebanon in 1976⁵⁰ and was interested in limiting the influence of the Palestinian movement in Lebanon. Initially, the Israeli army was greeted with enthusiasm in the villages of the south⁵¹ but within a few months the situation radically changed. A probably unforeseen consequence of the 1982 invasion was the Iranian intervention in Lebanese affairs. In the surroundings of the city of Ba'albek, Iran deployed about 1,500 Guardians of the Revolution with the aim of training a local resistance whose main priority was fighting the Israeli invasion and establishing an Islamic state.⁵² Furthermore, Nicholas Blanford reports that the Iraqi members of D'awa formed a network of armed cells called *Qassām*, the members of which would have eventually joined the Islamic Resistance (*al-Muqāwama al-Islāmiyya*), that is, Hezbollah's armed wing.⁵³ Chehabi reports that at the time of the Israeli invasion, Faḍlallah, Rāgheb Ḥarb (one of Faḍlallah's students), and al-Ṭufayli were in Iran for a conference and, heard the news of the invasion, asked for Iranian support. In response Iran dispatched via Damascus experienced fighters from its elite Pasdaran forces.⁵⁴

Another account is given by one of the masterminds of the exportation of the Iranian revolution in the Levant and the creation of Hezbollah, 'Ali Muḥtashimī (Iran's ambassador to Syria from 1982 to 1985 and then Iran's interior minister until 1989). He claims that Iran deployed a number of elite troops in Lebanon to counter the Israeli invasion within the broader framework of the Iran-Iraq war.⁵⁵ The choice, nonetheless, turned out to be logistically unsustainable and for this reason Khomeini decided to instead provide training to the local Shi'i population. In this respect, Gerges observes that the Iranian deployment in Lebanon was busier indoctrinating and Islamizing the local Shi'i population rather than fighting directly against the Israeli occupying troops.⁵⁶

The leader of AMAL, Nabih Berri, joined the National Salvation Committee (June 20, 1982) set up by the President Ilyas Sarkis to deal with the Israeli Invasion and the presence of the Palestine Liberation Organization (PLO) in Lebanon.⁵⁷ The committee, nonetheless, appeared to be more concerned with the withdrawal of the PLO rather than facing the Israeli occupation and, although Berri subsequently left the committee, his participation was harshly criticized and caused an alienation of at least part of its constituency that turned to the project of an Iranian-inspired Islamic resistance. A seceded branch of AMAL, Islamic AMAL (*Ḥarakat AMAL al-Islāmiyya*), emerged under the leadership of Ḥusayn al-Mūsawī,⁵⁸ one of the signatories of the *Manifest of the Nine*, and Ṣubḥiyy al-Ṭufaylī, a particularly religious member of AMAL. Furthermore, other clerics such as Faḍlallah, 'Abbās al-Mūsawī, and Hasan Nasrallah (secretary general of Hezbollah at the time of writing) were also organizing in informal groups of local support to the Islamic revolution.⁵⁹

Within this context, the newly trained Islamist forces became fully operative between the end of 1982 and 1983. After the withdrawal of the PLO (August 23, 1983) under the supervision of the Multinational Forces (MNF), the new Lebanese President Bashīr Jumayel, endorsed by Israel and the United States, was elected by what was left of the Lebanese parliament with the expectation of establishing a pro-Israeli regime in Lebanon, and striking a peace deal in a few months between the two countries.⁶⁰

Jumayel was killed a few weeks later and succeeded by his brother Amin. His assassination was then followed by the massacres of Ṣabrā and Shātīlā in south Beirut (September 15–17, 1982). The massacres took the lives of more than 1,000 Palestinian refugees and internally displaced persons and were carried out by factions of the Christian militias under the eyes of the occupying Israeli army a few days after the MNF left the country.⁶¹ Under pressure due to the rage in international public opinion, the MNF was redeployed but only to become the new target of the Islamist factions and their foreign patrons: Syria, Iran, and the USSR.

On November 11, 1982, the first "martyrdom operation" was carried out against an Israeli-occupied building in Tyre. The Islamic guerrilla against the occupation was becoming a painful reality for the occupying forces. The suicide bomber, Aḥmad Kassīr, remained unknown for years and was only later revealed and endorsed by Hezbollah as the first *shahīd istishahādī*,⁶² a martyr who is consciously going to die carrying out a *jihād* operation. The attack killed 75 Israelis and 15 Palestinians and Lebanese.⁶³ With the unfolding of further clashes among the sectarian militias but also against the Israeli occupier, the MNF was increasingly drawn into the conflict, thus dissipating its already-limited credibility of impartial force. On April 18, 1983, a suicide attack was carried out against the American Embassy during a meeting of Central Intelligence Agency (CIA) agents killing 63 people. The attack was claimed by Islamic Jihad, an obscure organization associated with the emergence of Islamic armed activity in Lebanon, though more precise identification is uncertain.⁶⁴

In September 1983, Israel withdrew its troops from the Shuf, the mostly Druze area in which Christian militias were fighting against the Druzes led by Walīd Junblāt. The withdrawal had ominous consequences for the Christian minority, and it was at that point that the MNF, especially the United States, intervened in the conflict inevitably compromising the façade impartiality that was at the basis of their mission. On October 23, 1983, a marines' base and a French paratroopers' building were hit by two simultaneous suicide operations. The attacks killed 241 marines and 54 French soldiers⁶⁵ and were claimed again by Islamic Jihad. Hala Jaber describes the attacks as the result of collaboration among Syrian and Iranian intelligence with the participation of members of the Lebanese Shī'ia militias; nonetheless, the attacks took place at a stage when Hezbollah did not have the means to carry out this kind of operation.⁶⁶ Fisk reports an interview with Ḥusayn al-Mūsawī (the leader of Islamic AMAL) in which he declared his support for the attacks but he did not claim responsibility.⁶⁷

A few days before the attacks against the marines and the French soldiers, another landmark event took place in Nabatiyya (south Lebanon) where, during a 'Ashūra' celebration, an Israeli military convoy tried to pass through the procession enraging the crowd and killing two people. The event provoked the reaction of the Higher Islamic Shī'i Council presided by Shams al-Dīn who issued a *fatwa* calling for civil resistance, thus officializing with a religious edict the Shī'i opposition to the Israeli occupation.⁶⁸

In 1984, the tension in Lebanon was still high. In April the MNF withdrew completely while the Israeli army reduced the occupation area but maintained control over the southern region.⁶⁹ On February 2, 1984, one

of the most prominent leaders of the Islamic resistance and a student of Faḍlallah, Sheikh Rāgheb Ḥarb, was killed. The killing was blamed on the Israelis and further consolidated the consensus around the resistance. The constant status of occupation, the continuous threat from the occupying forces and the enormous damages to the agricultural economy⁷⁰ of south Lebanon, exasperated its population producing mass displacement and migration toward Beirut as well as creating fertile ground for Islamist activism to grow.

On the first anniversary of the death of Ḥarb (February 16, 1985), an official spokesman of Hezbollah, Ibrahim Amin al-Sayid, announced the *Open Letter to the Oppressed of Lebanon and the World*. The text was signed by Hezbollah, thus marking the existence of a paramilitary entity operating under this name. It was within this context of military confrontation involving international forces, Israeli military occupation, Palestinian factions, and internal sectarian militias that Hezbollah emerged as the epitome of Shi'i Islamism in Lebanon. Its motto was a verse of the Qur'an saying "God's party [*ḥizba l-lahi*] is sure to triumph"⁷¹ and on its flag appeared the definition "The Islamic Revolution in Lebanon."⁷²

Hezbollah's *Open Letter*

The *Open Letter* is the subject of a more detailed analysis from a comparative perspective in Chapter 9, but for now it is sufficient to identify its central themes as the definitional elements of Hezbollah's political identity and to observe how these are consistent with the definitions of community and person, proposed in Chapter 4. Hezbollah can be identified as a religious Islamic community (the "umma of Hezbollah")⁷³ committed to the principles of Islam, abiding by the decisions of the *walī al-faqīh*⁷⁴ and aiming at liberating Lebanon from external interferences, military occupation, and promoting an Islamic reform of Lebanese society and institutions. The letter states:

We, the sons of Hezbollah's *umma*, consider ourselves a part of the *umma* of Islam in the world; which is facing the most tyrannical and arrogant assault from both the West and the East—an assault intended to deprive it of the content of the Message with which God has blessed it.⁷⁵

This places Hezbollah clearly in the mainstream Islamist discourse which sees the Islamic community as threatened by the influence of external powers and values and in need of defending itself. Its exclusive reference to the Islamic tradition, highlighting the self-referentiality of Hezbollah,

is evident if we consider, for example, the part in which it declares that “the main sources of our culture are the venerable Qur’an, the infallible *Sunna*, and the decisions and religious edicts [*fatwa*] made by the jurist [*Faqīh*], the authority of emulation [*marj’a al-taqlīd*].”⁷⁶ Hezbollah aligns its political identity with Islamism by asserting the need to reform the community and its members. It declares so with reference to Qutb’s concept of *jāhiliyya*⁷⁷ and states that “the time has come to be cognizant of the fact that all foreign ideas, concerning the origin of man and his instinct, are incapable of answering his ambitions or saving him from the darkness of ignorance [*jāhiliyya*]. Only Islam leads to man’s reform, progress, and creativity.”⁷⁸ The person then, in Hezbollah’s project, needs to embrace Islam and the principles of *shari’a* to achieve his or her full realization and salvation.

These principles inform an individual’s responsibility toward the community, including the duty to resort to *jihād* if necessary to defend the moral and material integrity of the community. The letter states that “each and every of us is a combatant when the call of *jihād* demands it, and each of us undertakes his task in the battle in accordance with the ‘legitimate and religious responsibility’ (*taklif shar’i*) of the *Wilāyat al-Faqīh*.”⁷⁹ Eventually the letter exhorts all the Muslims of the world to be aware of their moral responsibility and support the cause of Hezbollah. The same text confirms how only Islamic principles can be the source of legitimacy for a political order when it says that “we do not hide our commitment to (the rule of) Islam and we invite everybody to choose the Islamic system [*al-niẓām al-islāmī*] (of governance) which alone is capable of guaranteeing justice and dignity to everyone, thus preventing any colonial attempt to invade our country again.”⁸⁰ Hezbollah is nonetheless adamant at this early stage in stating that the implementation of an Islamic polity in Lebanon can only be the result of free choice from the Lebanese people and that it should not be imposed.⁸¹

The document then presents a number of considerations strictly from an Islamist perspective and related to the historical and social circumstances in which Hezbollah was operating at the time. It denounces the practices of Western imperialism, especially in relation to the United States, France, and its regional allies (primarily Israel but also the other Arab regimes enjoying the support of Western states). It declares Hezbollah’s aims of eliminating Israel, and fighting its occupation of Lebanese soil. Consequently, Hezbollah is hostile toward Israel’s Lebanese allies, the component of the Christian community operating under the banner of the *katā’eb*.⁸² It also denounces the corruption of the Lebanese state as well as its imbalance in the distribution of power in favor of the Christian component. It finally calls for a renewed sense of responsibility for the

Islamic community, the *umma*, to join the struggle against these forms of injustice as a duty dictated by belief in Islam.

Quoting extensively from Khomeini's appeal to the Muslim '*ulamā*' to mobilize, the letter ends by asking to the '*ulamā*' to undertake action and join the ranks of the Islamic revolution. Within this section the letter mentions Bāqir al-Ṣadr and Mūsā al-Ṣadr as examples of paramount virtue.⁸³

Conclusions

The origins and formation of Hezbollah can be understood and explained only as resulting from concurrent dynamics, including transnational networks, regional and domestic historical circumstances, and social conditions within the Lebanese context.

I have begun by highlighting how the case of Iraq is important as the intellectual cradle of Shi'i Islamism, from where it subsequently spread to the rest of the region including Lebanon. The overview above has shown a direct and often-neglected connection with the experience of Bāqir al-Ṣadr and the rise of Hezbollah in Lebanon via the diaspora of Iraqi-trained '*ulamā*' who found refuge in Lebanon and politically mobilized its Shi'i community.

The influence of Iran is also fundamental.⁸⁴ The 1979 revolution constitutes the inspirational source of emulation for Hezbollah and also becomes the basis of the *Wilāyat al-Faqīh* to which the movement fully commits in the *Open Letter*. As seen Iran plays also a role as the regional strategic ally for the movement, providing material assistance in the military sector as well as in Hezbollah's social services. At a later stage, Syria also became part of this alliance.

Furthermore, it has been highlighted how the social and historical context of Lebanon in the late 1970s and early 1980s is conducive to Shi'i mobilization. The historically marginal status of the Shi'i community was a fertile ground for mobilization well before the rise of Hezbollah. In addition, Israel's war on Lebanon, the presence of Palestinian factions, the Lebanese civil war, and international intervention, all constitute key elements that have facilitated the formation of Hezbollah.

Since its inception, Hezbollah earned a reputation for a particularly hard-line Islamist movement which defended its stances and implemented its politics without hesitating to use force and relying on aggressive rhetorical action. This renders its permeability to international norms unlikely. The self-referentiality and sense of self-sufficiency of this Islamist political actor and the foundational assumptions (as they were

presented in the previous chapters) on which its political identity is based render implausible the possibility that international norms may influence its behavior. If we consider the content of the *Open Letter* as well as its actions, it would have been hard to imagine that seven years later Hezbollah would have fielded its candidates in elections in Lebanon, that it would have interacted with principles of international humanitarian and human rights law, or that it would have accepted the implementation of UN Security Council resolutions directly concerning its capacity to operate in south Lebanon.

In an attempt to challenge this presumption, the following chapters present different instances in which Hezbollah interacted with international norms. The cases presented below highlight how, contrary to what may be expected, the political identity of Hezbollah has been altered by international norms. This will bring to the conclusion that Islamist politics is not immune to the influence of liberal norms; rather, the interaction with international actors and then international norms acts as means of socializations of Islamist movements within the wider framework of international society challenging the communitarian assumptions upon which Islamism relies.

Noncombatant Immunity and Israel-Hezbollah Wars: The Case of the April Understanding

Introduction

As seen, Hezbollah was born and has been constantly operating in a situation of international conflict. Inevitably, its activity became exposed to the normative international context that regulates these circumstances that is International Humanitarian Law (IHL). The following analysis considers one case in which the IHL principle of noncombatants immunity¹ has shown a particular influence in regulating the behavior of Hezbollah as a political and military actor.

The task for this analysis is to investigate to what extent and in which respects the definition of a person as “noncombatant” was capable of modifying Hezbollah’s warfare. This chapter shows that, even if Hezbollah initially did not distinguish between noncombatants and combatants among Israelis, at a later stage the distinction emerged as a parameter regulating its warfare as a result of its interaction with international political actors. The shift is representative of how an international norm has influenced the identity of the Islamist actor, although it does not indicate necessarily a full “internalization”² of the norm.³

The events to which this phenomenon is related refer in particular to the 1996 conflict between Israel and Hezbollah and especially with regard to the Qānā Massacre. After the events of Qānā, Hezbollah became part⁴ of an unsigned agreement (the April Understanding) regulating the conflict on the basis of a combatant/noncombatant distinction. Although the historical process leading to the April Understanding began in 1992 with the killing of Hezbollah’s secretary general ‘Abbās al-Mūsawī, the events

of 1996 constitute a watershed after which the adoption of noncombatant immunity became official. By this I do not intend to claim that after 1996 Hezbollah always respected this principle but that its military strategy was revised also on the basis of this principle, as it will become clearer through the following analysis.

The adoption of noncombatant immunity by Hezbollah is indicative of an initial stage of socialization in the international normative framework. This challenges the Islamist concept of attaching moral value to the person in relation to his/her communal affiliation as well as the self-referential idea of the community typical of Islamist theory.⁵

Israel's Wars in Lebanon

Israel has been operating militarily in Lebanon at least since 1968.⁶ The first major operation (preceded by various clashes with the Palestinian factions based in south Lebanon) was in 1978, when the Israeli army invaded its northern neighbor for the first time (Operation Litani). The main aim, at this early stage, was to eliminate the Palestinian factions, and in particular Yasser Arafat's Palestine Liberation Organization (PLO), which were using south Lebanon as the platform for their attacks against Israel. As seen in the previous chapter, in June 1982, Israel embarked on a full-scale invasion (Operation Peace for Galilee) reaching Beirut with the objective of eradicating the Palestinian presence in the country to then establish a friendly Christian-led regime. Eventually, the PLO left Lebanon (although many Palestinian factions remained) in August 1982 but Israel's occupation lasted until May 2000.⁷

In 1985, the Israeli army partially withdrew maintaining its presence south of the line of the Litani River, establishing an area under its control and under the control of its proxy militia, the South Lebanon Army (SLA).⁸ The area was to become known as the "security zone" and it was supposed to become a buffer between Israel and Lebanon. Allegedly, it would have enhanced the security of Israel isolating it from the rocket attacks originating from south Lebanon. Nonetheless, it did not deliver the expected results. It soon became a battlefield in which the Lebanese resistance against the Israeli occupier practiced its war of attrition.⁹ According to Nizar Hamzeh's research, the Islamic Resistance¹⁰ carried out about 6,000 operations from 1985 to 2000 including direct attacks on military personnel, mortar shelling, improvised explosive devices (IEDs), ambushes, and, at a later stage, the shooting of Katyusha rockets.¹¹ Domestically as well as internationally, the Israeli presence in Lebanon was often questioned, especially on the basis of the frustration of its goals, the human losses that it caused, and its illegality.¹²

On three occasions the war of attrition with the guerrilla factions grouped under the National Resistance escalated to high-intensity conflicts. Israel engaged in full-scale military operations with Hezbollah (which had the lion's share in the guerrilla activity) in July 1993 (Operation Accountability), in April 1996 (Operation Grapes of Wrath), and in July 2006 (Operation Change of Direction).¹³ The aim of all these operations was to annihilate Hezbollah but regularly failed to do so. Israel's strategy in these wars, as well as in the occupation of Lebanon, proved to be ill-conceived and indeed the strategy was often judged as a failure.¹⁴ The then Prime Minister Yitzhak Rabin described the 1993 operation as an effort to undermine the popular support of the Islamic Resistance in south Lebanon. The strategy was to displace the civil population by targeting also civilian areas, infrastructure, and Hezbollah's bases.¹⁵ The displacement of civilians, allegedly, not only would have undermined Hezbollah's support, but would have also pressured the Lebanese government into dealing with the problem of south Lebanon in a more resolute way. According to Itamar Rabinovich:

Its principal component was a broad-scale expulsion of the Lebanese civilians from the southern part of the country north towards Beirut. In this fashion the Israeli authors of the operation expected to generate pressure on the Lebanese government of Rafiq Hariri and ultimately on the latter's Syrian patrons.¹⁶

However, the 1993 operation did not achieve these aims. As many as 350,000 civilians evacuated part of the area migrating north of the Litani, but part of the population simply did not have another place to go or the means to evacuate. Furthermore, the operation did not damage Hezbollah. Despite suffering casualties, the movement was even more active after the conflict and its popular support was as robust as before, if not more.¹⁷ The seven-day conflict of 1993 also had disproportionate consequences between the parties involved in terms of casualties. The Israeli army lost 9 men, whereas 147 Lebanese died in the attacks, most of them confirmed as civilians. In the same operation, about 75 Lebanese villages were destroyed along with other infrastructure.¹⁸ After six days of war, on July 31, 1993, the US Secretary of State Warren Christopher brokered a ceasefire agreement in which the parties involved agreed on mutual restraints in military operation (July Agreement).

The July Agreement did not cease the hostilities, but set up a regulatory regime for their continuation within restraints. According to this unwritten pact, Hezbollah would not fire rockets into Israel and Israel would stop targeting Lebanese villages. As August Norton and Jillian Schwedler observe: "Implicitly, the parties agreed that attacks inside the 'security

zone' that did not target civilians fell outside of the ceasefire agreement."¹⁹ Between 1993 and 1996, the conflict continued at a lower intensity and generally according to the rules established by the July Agreement.

The 1996 operation was a continuation of Israel's 1993 strategy with the same outcomes. Operation Grapes of Wrath began in April 1996²⁰ after weeks of escalation on both sides in breach of the 1993 informal accord. Israeli military engagement aimed at dislodging civilians and targeted Hezbollah's bases. As Rabinovich says: "At the core of the operation lay the notion that Israel could achieve at least some of its goals by exerting pressure on the government of Rafiq Hariri through destroying some economic targets and through causing the population in the south to flee to Beirut."²¹ The engagement rules of the Israeli army reflected this strategy. For example, they established that the civilian population traveling north, thus evacuating the area, should not have been targeted, whereas engagement was allowed with anyone traveling south, thus discouraging the repopulation of the area.²² The operation continued until April 26 when the parties agreed to a ceasefire. This time, the agreement was written and it became known as the April Understanding. The suspension of hostilities and their further regulation was principally due to the Israeli shelling of a UN compound which killed 104 civilians. It was inevitable that these wars, in which civilians were used "like pawns"²³ for strategic purposes, would have eventually caused damages of these proportions.

The Massacre of Qānā

The events of Qānā are a turning point in the Israel–Hezbollah conflict.²⁴ The human suffering caused by the conflict and the reputational costs for both actors involved in this event provoked a rethinking of the rules of engagement and more generally of the conflict. On April 18, 1996, south Lebanon was for the seventh consecutive day under the attack of Israeli military forces. To these attacks, the Islamic guerrilla group along with other armed formations responded by targeting Israeli military outposts in the "security zone," and shooting rockets into northern Israeli territory in retaliation.

On that day, a squad of the anti-Israeli resistance shot about eight rockets and five mortar rounds against Israeli military targets. The mortar rounds fell close to an Israeli patrol that was unharmed and reacted by asking for rescue fire. The guerrilla fighters used an area surrounding a UN compound under the command of the UN Interim Force in Lebanon (UNIFIL) mission as the launch pad for their attack. According to the observation of the subsequent investigation, the rockets and mortar rounds were shot from positions at a distance varying from 600 to 200 meters from the south

side of the UN compound in breach of the laws of war.²⁵ In the UN base, more than 800 people were taking refuge from the hostilities.

The Israeli army engaged in the rescue fire called for by its troops and the consequences were a disaster. Once identified, the coordinates of the location from where the attack against the Israeli troops was launched and orders were sent to an artillery battalion located on the Israeli/Lebanese border. Having noticed the proximity to the UN-inhabited area, the battalion asked for confirmation on the target which was subsequently given by the central command. Two artillery batteries then fired on the targets indicated by the orders.²⁶ The facts reported by the subsequent investigation on the massacre show that the shelling of the Israeli artillery focused on two areas, the second of which did not match with the area from where attackers were previously shooting. The first concentration of impact was south of the UN compound, roughly corresponding to the site where the mortar was located. But the second area of impact corresponded with the UN compound. Almost all the proximity-fuse²⁷ ammunitions fell on the second target area, killing more than 100 refugees taking shelter in the UN premises.

According to some testimonies, some of the members of the guerrilla brigade who were shooting in the proximity of the compound entered the premises after firing the mortars.²⁸ It is not established whether this happened before, during or after the Israeli shelling of the compound. Nonetheless, the shelling of UN facilities was a violation of the laws of war and even the alleged presence of combatants in the building would not have justified the shelling.²⁹ The massacre provoked an international reaction for the level of barbarity which the conflict had reached. The grim images of the victims became immediately public throughout the world's media. As the target of the shelling of a UN facility, the Qānā events immediately assumed an international relevance. The UN Secretary-General Boutros Boutros-Ghali sent his Military Advisor Major General Franklin van Kappen to Lebanon to report on these events. Israel's military strategy³⁰ and Operation Grapes of Wrath became a source of criticism and condemnation inconvenient for Israel and its allies. In a page of his memoir, Rabinovich makes an observation with regard to the strategic thinking of Grapes of Wrath:

If the flaws in this kind of thinking were not self-evident, they should have been realized by any Israeli who studied the lessons of Operation Accountability. The prospects of actually achieving the operation's goals were limited, while Israel was bound to be cast in the role of the heartless, powerful state venting its rage and massive military power on innocent and helpless civilians.³¹

Even more problematic was the fact that van Kappen's investigation excluded almost categorically the accidental nature of the Qānā events. Different elements brought him to the conclusion that the shelling of the UN compound could not have been a mistake, although the motivations of this action remain unclear.³²

The shelling of the UN building was not the result of involuntary overshooting of the guns according to the military investigation of van Kappen. Further doubts were raised by the contradictory declarations of Israeli officials during van Kappen's investigations, for example, as regards the presence of Israeli helicopters during the bombing. At a later stage, a tape recorded by a Norwegian troop not far from Qānā was leaked showing the presence of a helicopter and a drone in the area of the shelling, while the shelling was ongoing, a fact denied by Israeli officials. van Kappen's report listed a number of circumstances showing the implausibility of the accident thesis put forward by the Israeli authority, and concluded that "while the possibility cannot be ruled out completely, it is unlikely that the shelling of the United Nations compound was the result of gross technical and/or procedural errors."³³

A different opinion is advanced by Louis Rene Beres, who defends the legality of Israel's shelling of Qānā. He claims that "responsibility for this tragic Israeli artillery bombardment of UN-protected civilian refugees in Lebanon lies pre-eminently with Hizbullah and its Islamic state mentors, Syria and Iran, as well as with Lebanon."³⁴ He defends this opinion on the basis of the alleged fact that Hezbollah was committing a "perfidious act" engaging in military activity in the proximity of a UN basis,³⁵ and that Israel shelled the UN compound due to a mistake in mapping the location.³⁶

van Kappen's report was eventually submitted to the secretary general, and rendered the situation embarrassing at the diplomatic level for Israel and its allies.³⁷ In a meeting with van Kappen, Madeleine Albright (then US Ambassador to the United Nations) asked him whether he was sure about the report's contents and made clear that she was "upset" about it.³⁸ Pressure was exerted on the United Nations in order to keep the report confidential; further, the tape recording the events was not to be made public, but eventually the report was adopted and made public by the Security Council.³⁹

The Diplomatic Negotiations of the April Understanding

The events of Qānā encouraged the acceleration of the diplomatic efforts to end the hostilities and rendered Israel's position in the negotiations most unfavorable. As Rabinovich says, "the ensuing wave of international

and Arab indignation and condemnation made Israel's position practically untenable.⁴⁰ The actors involved in the diplomatic initiative were Israel and the United States along with European countries, such as France. Syria acted as the patron of the resistance in Lebanon. Lebanon, at the time under Rafiq al-Ḥariri's premiership, was under the pervasive influence of Hāfez al-Asad's rule and was supportive of the National Resistance. Iran kept a low but decisive profile in giving the green light to the final agreement.

Two main diplomatic tracks were in competition; on the one hand, there was the US channel, on the other the France minister of foreign affairs, Hervé de Charette, was engaged in a different negotiation. According to a report of that time, "their efforts devolved into competing shuttle diplomacy with the two of them following each other back and forth between Jerusalem and Damascus in an effort to broker an agreement between Israel, Lebanon, and Lebanon's *de facto* suzerain, Syria."⁴¹ The United States was looking for an agreement that would have imposed the disarmament of Hezbollah by the Lebanese Armed Forces (LAF) or Syria. After three months in which there were no attacks against the Israeli army or shooting of rockets, so went the plan, then there would have been a possibility to start negotiating the withdrawal of Israel from Lebanon.⁴² This was a proposal that had been around since the 1993 crisis.⁴³ Three years later, and in a weaker bargaining position, the same proposal was equally unsuccessful.

France was pursuing an agreement referring to UNSC Resolution 425 and thus demanding the withdrawal of Israel from Lebanon without asking for Hezbollah's disarmament or the cessation of its activity in the "security zone."⁴⁴ The two plans overlapped in their intent to protect civilians, thus resuming and ameliorating the nonwritten conditions of the 1993 July Agreement. On April 26, the parties reached an agreement over an unsigned document, the so-called April Understanding. The Understanding contained various clauses, but importantly included an absolute prohibition of targeting noncombatants as it is established by the international norm of noncombatant immunity. The Understanding went as follows:

The two parties commit to ensuring that under no circumstances will civilians be the target of attack and that civilian populated areas and industrial and electrical installations will not be used as launching grounds for attacks.⁴⁵

A forum of participating countries (Israel-Lebanon Monitoring Group) would have supervised the implementation of the understanding

and addressed cases of violation.⁴⁶ Eventually, the mechanism established a code of practice for the continuation of hostilities incorporating the principle of noncombatant immunity and establishing an absolute prohibition to target civilians and civilian property. The members of the Israel–Lebanon Monitoring Group (ILMG) were France, the United States, Syria, Lebanon, and Israel. Since then, tensions on the border have often run high, although no major clashes occurred until 2006 when the July War erupted. Eventually, Hezbollah invoked the April Understanding as a condition for a ceasefire for the 2006 conflict.⁴⁷

Military *Jihād* and Islamic Warfare

The events presented above had a significant impact on Hezbollah's military action against Israel, shaping its warfare in a way that increasingly (although not in a definitive manner) concurred with the principle of discrimination between combatants and noncombatants. Although principles regulating the use of force are present in Islamic warfare tradition and consequently in Hezbollah's practices, the integration of an absolute⁴⁸ principle of noncombatant immunity within Hezbollah's religious warfare is an innovation that came about progressively as a result of the 1996 events.

Consistently with the broader Islamist discourse as shown in the previous chapter for example with reference to Qutb and Bāqir al-Sadr, the principle of *jihād* constitutes the basis of legitimacy for Hezbollah's military activity.⁴⁹ This is confirmed by Qāsim's account of Hezbollah's ideological pillars in which *jihād* figures among the most prominent.⁵⁰ The concept of *jihād* also appears in various occasions in the 1985 letter.⁵¹ According to Qāsim, military *jihād* is conceived as defensive (*al-jihād al-dif'āī*) by Hezbollah and with the purpose of liberating occupied territory or as a defense to aggression against the community. Offensive *jihād* (*al-jihād al-ibtid'āī*) is not allowed in the absence of the Prophet or before the return of the twelfth vanished Imam (*Imām al-Mahdī*), and therefore Hezbollah considers only defensive *jihād* to be legitimate.⁵²

Thus, the foundation of Hezbollah's *jihād* against Israel is based on the idea that Israel is an illegitimate occupying entity and therefore *jihād* against Israel is just war as it is defensive against an oppressive occupier.⁵³ The problem is that the theory of religious warfare regulated by *jihād* is subject to interpretation with regard to the immunity of noncombatants and this uncertainty leaves open a discretionary margin of interpretation. Whereas *jihād* provides relatively clear indications with regard to *ius ad bellum*, the regulation of conflict (i.e., *ius in bello*) however is more problematic. As John Kelsay notices, "There is a paucity of attention in

contemporary Islamic discussions of the *jus in bello* concerns, and [...] this points to the difficulty of keeping a moral tradition ‘up to date’ when its interaction with military and political matters is limited.”⁵⁴ A growing literature recently tried to clarify the regulation of conflict according to Islamic principles⁵⁵ but, as it is regularly the case, discussions of Islamic interpretations are hardly conclusive. The sources of *shari‘a*, whether the Qur‘an or the *hadīth*, are subject to interpretations, and various legal schools, traditions and opinions of sheikhs, ayatollahs, or ‘*ulamā*’ differ in various respects with none having the last word. There is general agreement, nonetheless, that in Islamic warfare women, children, and elders shall be immune from the consequences of belligerent actions. This confirms that a principle of noncombatant discrimination applies also in *jihād* to some extent, as in IHL.⁵⁶ Sohail Hashmi observes that

the Qur‘an provides the basis for *jus in bello* considerations: “and fight in God’s cause against those who wage war against you, but do not transgress limits, for God loves not the transgressors” [2:190]. The “limits” are enumerated in the practice of the Prophet and the first four caliphs.⁵⁷

Nonetheless, various problems arise, for example, with the interpretation of the concept of aggression and defense, especially with regard to foreign occupation or toward oppressive and authoritarian regimes. This led to interpretations authorizing attacks against authoritarian regimes in the past (as seen in the case of Qutb), Israeli noncombatants, or the use of suicide bombing as forms of resistance.⁵⁸ Furthermore, noncombatant immunity in Islamic warfare is limited by derogations as the “double-effect principle,” or cases of necessity or nonintentionality as in IHL.⁵⁹

In the case of Hezbollah, the *fatwa* issued by Grand Ayatollahs in Lebanon and from the *Walī al-Faqīh* Khomeini and his successor Khamenei confirmed the religious obligations (*wājib shar‘ī*) of *jihād*. As already discussed, one example of this is Shams al-Dīn’s *fatwa* of 1983 in which “civil resistance” to the Israeli occupation was religiously sanctioned.⁶⁰ However, Qāsim refers repeatedly to the declarations of Khomeini and Khamenei as a source justifying *jihād* against Israel. He makes clear that

the *jihād* decision is tied to the Jurist-Theologian [*Walī al-Faqīh*], upon whom rests the duty of diagnosing the situation and categorizing it as falling under the banner of defensive *jihād* or not. He is entrusted with defining the fundamentals and guidelines of confrontation. The responsibility for blood is great, and fighters should not be consigned into any battle without identifying that which is in harmony with the duty and objectives of *jihād*.⁶¹

Thus, no matter what interpretations could be available, the last word in Hezbollah's regulation of warfare is in the judgments and decisions of the *Walī al- Faqīh*.⁶²

Noncombatant Immunity in Warfare against Israel

The actual rules of engagement in conflict and the definition of lawful targets remain vague and often decided on a circumstantial basis. Let us consider a key example. The first "martyrdom operation" carried out by Hezbollah (or its founding nucleus) against an Israeli military target in Tyre sheds some light in this respect. Targeting a military facility of an occupying force was legitimate from the point of view of Islamic warfare as interpreted by Hezbollah, but things were complicated by the fact that the facility was also the place of detention of many Muslims.⁶³ According to Jaber, this raised serious moral dilemmas in Hezbollah:

When the Shiite radicals met at the time to discuss the bombings of the two IDF [Israeli Defence Force] bases, they were faced with an acute moral dilemma. Torn between their desire to attack Israel at the hearth of its operations in Lebanon and their Islamic teaching and upbringing which condemned the killing of their fellow Muslims, the fighters realized that what they needed was not just a military decision, but a religious edict, fatwa, from a scholar.⁶⁴

Hezbollah eventually obtained a religious ruling legitimizing actions in which Muslims were killed if they were used as human shields by the enemy or anyway if the enemy casualties were higher than the Muslims killed.⁶⁵ This case shows that the criterion for engaging in bellicose activity took into account the minimization of harm to the noncombatant population, but on the basis of the "Double-Effect Principle"⁶⁶ or assessing the general benefits of this operation against its costs. The operation was therefore eventually authorized notwithstanding its high cost in innocent lives.⁶⁷ Ayatollah Faḍlallah also confirms this logic in an interview in which he declares that doing injustice to an unbeliever is forbidden and the hijacking of means of transport containing civilians or kidnapping noncombatants is in violation of Islamic principles, but these principles can be derogated for pragmatic reasons:

Some issues have to be viewed in a wider context. Otherwise, how can one justify wars, where there are many innocent casualties? If harming an innocent is categorically wrong, then warfare is categorically wrong. Islamic values do not exist in abstraction, suspended in mid-air, as it were;

they are human values that apply to real situations in the real world. A negative value may be transformed into a positive value if it serves the public good.⁶⁸

As in the case of IHL, the prohibition of killing noncombatants is not unconditional, and can be suspended if the strategic benefits of its violation are proportionate to its collateral damage. Hezbollah primarily carried out attacks against military targets and in general avoided or minimized the involvement of noncombatants, but when necessary or strategically advantageous, noncombatants could also have been involved in an attack. This does not apply when the noncombatants in question are Israelis. Indeed, Hezbollah deliberately targeted civilians and civilian property in Israel, disregarding the principle of noncombatants' immunity, especially through the use of Katyusha rockets.

Israel's assassination of Hezbollah's secretary general 'Abbās al-Mūsawī (1952–1992) was the event that initiated Hezbollah's deliberate attacks on civilians.⁶⁹ al-Mūsawī was killed on February 16, 1992 along with his wife and children by an Israeli helicopter gunship. The assassination enraged Hezbollah, which promptly replaced al-Mūsawī with Ḥasan Nasrallah. The killing of al-Mūsawī inaugurated Hezbollah's "balance of terror" doctrine (*tawāzun al-r'ab*), on the basis of which it would have reacted to Israeli attacks with attacks targeting northern Israel using Katyusha rockets.⁷⁰ This widened its military objectives from targeting the Israeli military in Lebanon to aiming at Israelis in the north of Israel. Katyushas are rudimentary and ballistically inaccurate weapons; they do not allow precise targeting and differentiation between military or civilian targets and consequently they amount to deliberate attacks on civilians.⁷¹

The effectiveness of these actions is inferior if compared to the damage caused by Israeli operations.⁷² Nonetheless, its terrorizing effects over the civilian population and the causation of internally displaced persons are accounted as violations of the laws of war. The issue of Hezbollah's alleged involvement in terrorist attacks targeting civilians outside of Israel, in the same period, also deserves brief consideration. In 1992, the Israeli Embassy in Buenos Aires was bombed,⁷³ and in 1994 the Israeli–Argentinian Mutual Association in the same city was also attacked.⁷⁴ The responsibility for these acts has been attributed by the Argentinian prosecutor to Hezbollah among others, but Hezbollah has always denied accountability.⁷⁵ If Hezbollah's responsibilities for these terrorist attacks were to be ascertained, it would further confirm Hezbollah's selective commitment to noncombatant immunity according to which Israelis or Zionists are not considered immune.⁷⁶

Saad-Ghorayeb elaborates that Hezbollah has made its war with Israel a founding commitment prior to any other, and that it sees Israel as an undistinguished “monolithic society” in which all its members are a potential target for Hezbollah.⁷⁷ She accounts for Hezbollah’s justification of attacks on Israeli civilians on the basis of three factors: as a self-defense policy, a strategic measure, and as the result of the belief that all Israelis are Zionist enemies, hence legitimate targets.⁷⁸ Hezbollah’s warfare, then, allowed for deliberate targeting of noncombatants and non-combatant property in Israel, differently from the other cases in which restraints applied in the case of noncombatants. This selective application of the noncombatant immunity principle is not only to be found in Hezbollah’s case but is consistent with wider Islamist moral thinking on warfare against Israel.

One of the most notable examples is that of Yūsuf al-Qarḍawī, a prominent Sunni *‘ālim* who proposed a similar line of thought.⁷⁹ His argument is that since Israel is a country in which men and women are supposed to serve in the army and remain liable to be recalled as reservists, then the distinction between combatants and noncombatants does not apply because all of them are potential enemy combatants.⁸⁰ In this perspective, attacks against Israelis are legitimate even when they do not discriminate between combatant and noncombatant targets, as happened in certain attacks carried out by the Palestinian resistance in Israel.

The argument was similarly exposed by Nasrallah in a speech of 2001 at a time in which the April Understanding was suspended.⁸¹ Nasrallah claims that “there are no citizens [*madaniyin*] in the Zionist entity [as] all of them are aggressors and participants in the onslaught against the [Palestinian] people.”⁸² Furthermore, Ghorayeb quotes Hezbollah’s high-ranking member Husain al-Mūsawī saying that “the Israeli soldier in Lebanon has a mission to expand occupation; the Israeli civilian in Israel is a confirmation of that occupation. They both serve one aim and both considered enemies,”⁸³ thus confirming how Israelis were considered undifferentiated objectives for Hezbollah’s military activity. Therefore, although Hezbollah applied the principle of noncombatant immunity, it did so *selectively* and not with regard to the Israelis who were considered an undistinguished group of enemies.

With the July Agreement of 1993 but above all after the April Understanding of 1996, things changed. Hezbollah overall agreed to the principle of discrimination between combatants and noncombatants also with regard to Israel’s population as a result of a process of interaction with international actors that enforced a principle of IHL. Certainly, there were occasions in which Hezbollah did attack deliberately civilian

targets in Israel also after the understanding, but this happened generally in retaliation to attacks against civilians in Lebanon by Israel.

The event of Qānā of 1996 and the high costs in civilians' lives of the war overall prompted a rethink. At this stage noncombatant immunity became influential in redefining the rules of the conflict and introduced the distinction between combatants and noncombatants with regard to Israeli population. Qānā was a tremendous shock for the local population and, notwithstanding the fact that Israel was responsible for the massacre, Hezbollah, with its fighters shooting in proximity of the UN compound, bear relevant responsibilities which did not pass unnoticed to the local population.⁸⁴

The cost in human lives and, in particular, the human lives of innocent noncombatants became unacceptable under any principle from the point of view of international law or in a cost-benefit perspective. Self-restraint came, then, as a consequence to put an end to the use of civilian lives and deaths as the instrument of a cruel game on both sides. Under the pressure of international actors, eventually, the parties agreed on rules regulating the conflict contained in the April Understanding. The new rules were clearly drawing a distinction between combatants and noncombatants within Israel's population, changing the selective noncombatant immunity principle adopted by Hezbollah into an absolute noncombatant immunity principle. Rules decided on the basis of IHL prevailed over various interpretations of Islamic warfare. In commenting on the April Understanding on April 30, 1996, Nasrallah, secretary general of Hezbollah, declared that

our second objective is the protection of civilians: before the July Understanding [the unwritten agreement of 1993] no one bothered about the Lebanese civilians—neither America, France, Russia, the European Union, the Arab League, or the United Nations. It was nobody's business; we never heard condemnations of civilian massacres in the south. The resistance used Katyushas in order to put pressure on the Israelis, and tell them that when Lebanese civilians are in danger, your civilians will also be in danger.⁸⁵

Hezbollah then moved from a view of the enemy in which all Israelis were potential targets to a concept in which a distinction between civilian and noncivilian became relevant.

Although the April Understanding imposed the absolute prohibition of targeting civilians,⁸⁶ Hezbollah's doctrine of the "balance of terror" remained active in the sense that when Israel violated the Understanding by targeting Lebanese civilians, retaliatory action was implemented on

a regular basis by Hezbollah. Violations of the April Understanding occurred, but until the Understanding was effective,⁸⁷ its rules significantly curbed hostile activities on both sides. According to Adir Waldman:

While civilian casualties did continue in the wake of the April Agreement, the parameters of the conflict in southern Lebanon did in fact change under its operation. The parties to the Agreement understood that firing at civilians or firing from civilian areas was now outside of the code of accepted behavior and that there would be repercussions from such actions.⁸⁸

What is relevant for the sake of this analysis is that, although the Understanding was violated on certain occasions by resuming “the balance of terror” strategy, they nonetheless introduced a distinction between noncombatant and combatant that was previously absent in the case of Israeli targets. As Daniel Sobelman observes:

The rules of the game which co-evolved between the sides defined the nature and the scope of the confrontation, containing and restraining the intensity of the conflict. Perhaps the most pivotal of all the rules of the game was the guiding principles calling for the exclusion of targeting civilians on both sides of the border.⁸⁹

In a more general perspective, the practice of targeting civilians became more explicitly condemned by Hezbollah. For example, Hezbollah condemned the attacks against the Christian monks in Algeria (1996), tourists in Egypt (1997),⁹⁰ and the attacks on the “World Trade Center” (but not the Pentagon, considered a military target) in 2001.⁹¹

This process of assimilation of an international norm within the activity of an Islamist movement can be interpreted as an indicator of its socialization within international society. Hezbollah’s warfare originally relied exclusively on Islamic premises and did not distinguish clearly between Israeli combatants and noncombatants, but by interacting with international actors and on the basis of dramatic historical circumstances, the international norm of noncombatant immunity acquired importance introducing differentiation between combatants and noncombatants within the Israeli population.

Conclusions

The need to regulate the conflict with Israel in light of the disastrous events at Qānā and the human suffering that was imposed on the civilian

population of Lebanon modified the principles regulating Hezbollah's hostile activity. With the April Understanding, Hezbollah's moral thinking on the rules of warfare shifted from a merely Islamist interpretation to conception that combined the duty of *jihād* against Israel with the international normative distinction between combatants and noncombatants, until then not applied to Israelis.

This has some implications with regard to the considerations presented before on person and community. The fact that international norms influenced the behavior of an Islamist political actor is an indicator that Islamism is not as self-referential as it claims to be and signals a process of incremental socialization within international society whereby interacting with international political actors, international norms increasingly acquire a constitutive value for Hezbollah's agency. The indeterminacy of Islamic principles of warfare discussed above leaves a margin of discretion that allows international norms to influence their interpretation, for example, extending the definition of noncombatants to all persons, notwithstanding their religious or national affiliation. This is the sign of an increasing susceptibility of an Islamist actor to the influence of international norms and also an indicator of its progressive socialization within the international normative framework.

Furthermore, this chapter has shown that, although Hezbollah considered all Israelis as combatants, with the implementation of the April Understanding, Israeli noncombatants acquired the same moral value as other noncombatants and then became entitled to immunity from belligerent activity. This shift not only shows that an Islamist actor is indeed subject to the influence of international norms, but also its concept of person as strictly defined by communal affiliation is challenged. As Hugo Slim says:

The civilian idea argues for what social psychologists call a "super-ordinate identity"—a belief that all of us, no matter what side we are on, have a greater common identity as human beings than the particular identities that war bestows on us as "enemies" or "allies." Belief in the idea of the civilian turns, therefore, on issues of personal identity and social relationship. It requires us to allow people a fundamental and vulnerable human identity that is not determined by their immediate relationship with politics, economics or social structure of war. Their human value transcends their social connections with the war.⁹²

Slim captures well the importance of the recognition of persons as noncombatants which has been described in this chapter. With the extension of the category of noncombatant to include Israelis, Hezbollah has

implicitly (and probably not entirely cognizant) acknowledged a moral value attached to their humanity that was absent or at least ambiguous before, when the Israelis were considered an undistinguished enemy.

This not only amounts to a change in the way Hezbollah looks at persons as members of a certain community as Muslims, Christians, or Zionist Jews for example, but entails a recognition of their human status and consequently of their moral value independent from their contextual communal affiliation. As much as the idea of an isolated self-referential community is challenged by the events of 1996, the Islamist idea of person is altered in favor of an emerging concept of humanity in which the moral value of the person is independent from contextual and communal characterization. As the next chapter shows, similar patterns of transition in Hezbollah's political identity can be traced with regard to other occasions in which it interacts with international norms.

Hezbollah and Human Rights Legislation in the Lebanese Parliament

Introduction

The previous case has highlighted one instance of the dynamics of Hezbollah's interaction with International Humanitarian Law (IHL) this chapter analyzes Hezbollah's approach to the legislative process in relation to human rights laws. As it was previously mentioned, in 1992, Hezbollah decided to take part in parliamentary politics in Lebanon after a lengthy discussion within its ranks regarding this decision and its effects on its political identity. For this reason, it was necessary to rethink how an Islamist movement could have dealt with norms and institutions not based on Islamic principles but rather inspired by liberal norms such as the sovereignty of a parliament elected by the Lebanese people. Even more problematic was the fact that the parliament could approve laws that may not have been Islamic in their inspiration and sometimes may even be in open conflict with Islamic principles.

The following pages will illustrate how Hezbollah makes decisions in this regard. What is interesting to notice is that its approach to law making allows for the adoption of legislation that is not Islamic and sometimes may contravene Islamic principles. In order to assess how international norms play into this process, this chapter looks at how legislation informed by human rights principles was addressed by the members of Hezbollah's delegation in the parliament.

Three patterns can be discerned. The first is the most common, and amounts to Hezbollah's neutrality toward human rights legislation. Having analyzed about 50 laws concerned with human rights from 1992 to 2006, in almost all these cases Hezbollah does not raise objections of

fundamental relevance against the approval of these laws in the Lebanese Parliament.

The second pattern is a form of selectivity that sees Hezbollah active in supporting a solution for certain human rights issues (examples given here refer to detainees in Lebanon protestors' rights in Bahrain and the issue of the offensive movie against the Prophet of Islam). But this more proactive stance is noticeably limited to social groups with which Hezbollah shares a particular sense of loyalty due to the common Shi'i identity.

Finally, there are issues in which the more conservative and Islamist outlook of the movement prevails over the influence of international human rights principles. This is the case particularly for those human rights laws that aim at reforming the conservative personal status law system of Lebanon. In this respect, Hezbollah, along with the other political groups of the parliament and in agreement with religious authorities, has not shown availability to compromise, similarly to all the other religious factions in the country even though its opposition and that of its allies has been only partly successful.

On the basis of this analysis, the chapter then concludes that Hezbollah's integration in the Lebanese parliamentary system since 1992 increasingly exposed it to the influence of international norms (although mediated through national legislation) and facilitated its socialization within the international normative system, in particular with regard to human rights legislation. As in the previous example with regard to noncombatant immunity, the self-referentiality of Islamism is strongly challenged and an Islamist political actor like Hezbollah is compelled to revise aspects of its political identity to fit into the wider framework of norms and institutions of Lebanon and, as a consequence, of the international human rights system of which Lebanon is part.

Hezbollah's Participation in Parliament

The decision to take part fully in Lebanese politics came as a consequence of the new social and political circumstances emerging from the end of the civil war and the Tā'if Agreement of 1989.¹ This decision was the result of a heated debate within Hezbollah. There have been various interpretations of the internal dynamics of this discussion within Hezbollah,² but what is relevant is to notice the theoretical implications of this choice.

The primary concern for the movement was how Hezbollah could retain its Islamic political values while interacting with norms and institutions that have foundations that are disconnected from Islam. Although highly dysfunctional and still in a phase of reconstruction

after the civil war, the Lebanese state is an institution originating from the French colonial past and entirely inspired by Western liberal canons of statehood including a degree of secularism,³ the separation of powers, and the regulation of a legal system whereby legislation is made by a sovereign parliament. As seen in the previous chapters, Islamists have been profoundly critical of liberal principles and, also in this case, interaction with institutions based on such principles raised serious issues. It is not a coincidence that the movement experienced its first internal split in these circumstances with the departure of one of its most hard-line members, Subḥī al-Ṭufaylī, who became an outspoken critic of Hezbollah's post-1992 policies.⁴

Qāsim reports that a commission of notables within Hezbollah was asked to discuss various questions in this respect. One of the fundamental issues was: "would participation be considered a form of acquiescence to the political system's reality, including the responsibility of adopting and defending such a system and abandoning the Islamic vision?" Another question was: "would participation lead to a reorganization of priorities of the type that would result in abandoning the cause of the resistance in favour of taking part in the internal political game?"⁵

Hezbollah was fully aware of the impact that integration within Lebanese politics may have had over its Islamic identity and, consequently, adopted measures to contain these effects. Eventually, the decision to take part in politics was granted by a *taḥkīm* (ruling) of the then *Walī al-Faqīh* Khamenei.⁶

A central concern in the debate was whether a political actor, whose legitimacy was derived from the interpretation of Islamic principles, can become part of a non-Islamic political system. The moral integrity of the movement could have been undermined by the secular nature of the state as well as by the malpractices diffused in its administration, such as its symptomatic corruption⁷ and its patron-client relations. To tackle this issue, Hezbollah reconfigured its internal hierarchical structure, to which it added a Council of Parliamentary Activity (*Majlis al-'Aml al-Niābī*) distinguished from the Political Council (*Majlis al-Siyasī*) of the party.⁸ The Council of Parliamentary Activity was subordinate to the Shūrā Council (*Majlis al-Shūrā*), the top decision-making assembly of the movement that obeys the authority of the *Walī al-Faqīh*. Any decision taken by the Council of Parliamentary Activity is then under the scrutiny of an Islamic authority and the same, in turn, happens with the decisions of the members of Hezbollah's parliamentary delegation whose members are nominated by the Shūrā Council.⁹ It is through this mechanism that Hezbollah tried to contain the effects of its inclusion in the parliament. Another measure of self-restraint to avoid contamination with Lebanese

institutions was to limit participation only to the legislative activity not taking part in the government, at least until 2005.

Whether these adjustments were effective remains disputed. In fact, Hezbollah's participation in parliamentary activity exposed it considerably to external influence. Ghorayeb argues that Hezbollah's participation in parliamentary politics represents a major shift in its relations with the Lebanese state. Until the Tā'if Agreement of 1989, Hezbollah considered the state to be illegitimate in many respects. Among these, there was the predominant role of the Maronite community, its sectarian system, and the ambiguous stance of the Maronite-led state toward Israel.¹⁰ These points were made clear in the 1985 *Open Letter*, which defined the Lebanese state as "rotten" and condemned it harshly as illegitimate. More generally (as observed previously), Islamist political theory does not recognize the legitimacy of institutions that are not entirely founded on Islamic principles and Lebanese institutions are certainly not among these.

Nonetheless, the Tā'if Agreement opened the possibility for the abolition of sectarianism (which has not been implemented); it revised the allocation of seats on confessional criteria in the parliament leading to equal distribution between Muslims and Christians and reduced the power of the president of the Republic in favor of the prime minister.¹¹ Despite the call for the disbandment of militias, Hezbollah was allowed to keep its arms, while Syria would keep its role of patron over the country on the basis of the Brotherhood Agreement signed in 1991.¹²

These new conditions lessened the friction between Hezbollah and the Lebanese institutional system and rendered political participation both an opportunity to matter politically and a necessity to cope with the regional and domestic changes determined by the end of the civil war.

The Accommodation of Islamist Principles in Secular Law Making

If political opportunity and necessity explain Hezbollah's integration in the political system, a fundamental question remains. How can Hezbollah become part of a secular political system if Islamist political actors acknowledge legitimacy exclusively to Islamic institutions?

ʿAbdallah Balqaziz has noted that Hezbollah's commitment to Islamic Shi'i political theory clashes with participation in political institutions that are not legitimated by the authority of an *imām*. Furthermore, he has explained Hezbollah's decision as informed by the circumstances in which it was operating and by its "sense of reality."¹³

Joseph Alagha and Faḍīl Abū al-Naṣr observe that Hezbollah's participation in the legislative process marks a significant turn. Originally, Hezbollah did not consider positive law¹⁴ (*al-qanūn al-waḍ'iyya*) legitimate from an Islamic point of view.¹⁵ But contextually with its co-optation in the parliament, Hezbollah became inevitably enmeshed with the process of sanctioning laws that derive their legitimacy from the sovereignty of the parliament and not from the opinion of a religious jurist. According to Alagha:

Hizbullah became satisfied with *al-qawānīn al-waḍ'iyya* [positive laws] and even contributed to their legislation through its members of parliament. Hizbullah stressed that although the Qur'an, Sunna and the Shari'a are the sources and bases of legislation, some issues in life could be referred to other sources.¹⁶

al-Naṣr investigates in more detail how Hezbollah tried to harmonize the approval of nonreligiously mandated laws with its religious commitment. In his interview with Muḥammad Ra'ad—Hezbollah's head of the parliamentary delegation—this is clearly pointed out.¹⁷ In case of inconsistencies between positive legislation and the juridical principles of Islam, there is a specific methodology on which Hezbollah relies to make decisions in this regard. Ra'ad describes it as follows:

For this issue we rely on the following rules: as regards what is entirely in opposition to what is *haram* [prohibited] according to the *shari'a* (including its deductions) and what is against what is *halal* [permissible] in the *shari'a* (including its deductions and rectifications) and what falls within the field of the permissible; we strive to find the form that is more just according to our view of religion. We may face a project of law in which there is a big damage according to our view, and it may not be possible that we abrogate it on the basis of the rules of the democratic game if not throughout the presentation of another project of law which is less damaging and may not realize what is requested. All this is based on two rules:

The first rule: Warding off the cause of evil (*dar' al-mafsada*) takes precedence over bringing the general good (*al-maṣlaḥa*).

The second rule: Comparing (*tazāḥum*) between the greater evil and the lesser evil.¹⁸

These principles establish the criteria used by Hezbollah to decide on the legislation presented in parliament. What is worth noting is that, aside from the limitations they pose, they still allow for the implementation of legislation on the basis of considerations of opportunity and not only

on a religious basis. As Ra'ad acknowledges, the "rules of the democratic game"¹⁹ may compel the approval of legislation that is not Islamic. The role of Hezbollah in the parliament minimizes the impact of even more anti-Islamic legislation.²⁰ Furthermore, Ra'ad observes that "the principle of jurisprudence (*faqihyya*) on which we rely in our discussions of positive legislation allows for a wide margin of participation and influence,"²¹ thus admitting how the political identity of an Islamist movement does not clash necessarily with its inclusion in the parliamentary politics of a secular state.

A similar point was referred to the author in a conversation with a researcher close to or member of Hezbollah who indicated how various aspects of positive legislation are substantially disconnected from Islamic jurisprudential tradition and, as such, Hezbollah takes decisions in this respect that are consistent with Islamic ethics but not dictated by it.²²

In an interview with the author, Hezbollah's MP 'Ali Fayyād²³ further expanded in this respect. Consistently with the principles indicated by Ra'ad, Fayyād suggested that two concepts of Shi'i jurisprudence play a fundamental role in decision making over legislation. The first is that of *al-maṣlaḥa al-'amma*, basically a principle of public interest;²⁴ the second concept is *tazāḥum*.²⁵ The latter is a kind of reflective assessment in which the jurispudent, on the one hand, weighs the effects of an action (in this case a law) in terms of public interest and, on the other hand, assesses to what extent this action infringes upon Islamic judicial principles. When the action greatly benefits the general interest, *tazāḥum* allows for the derogation of certain Islamic principles. This principle therefore allows for the approval of legislation that may be in contradiction with Islamic jurisprudence, but its approval avoids an even greater evil from an Islamic point of view.

Fayyād provided an example in this regard considering the case of a boy drowning in a pond. To save the boy's life—so goes the example—it is necessary to pass through the private house of a person. Islamic jurisprudence imposes the obligation of asking for authorization from the owner of the house to access the property. Nonetheless, this would inevitably lead to the death of the boy. Here is where the principle of *tazāḥum* allows for an assessment of a situation from the point of view of public interest. Since public interest in this case (i.e., saving the life of a human being) greatly supersedes the importance of the Islamic principle requiring authorization to enter the property of a person, then bypassing this principle is granted by the jurispudent. This derogation suspends the validity of the principle of property in order to preserve the greater interest of saving the life of the boy.

At the apex of this process of decision making over legislation is Hezbollah's *Majlis al-Shūrā*. Asked whether the *Walī al-Faqīh* has a role in this process, Fayyād declared that this happens very rarely and that he could not remember any example. He further pointed out that the authority of the *Walī al-Faqīh* is recognized as a religious reference (*marja*) only by those believers who voluntarily submit to his authority.²⁶ Hezbollah harmonizes its adherence to Islamic jurisprudence with its participation in the drafting of positive laws in a secular institution throughout this method of assessment, which allows them to cope with the tension between Islamic ethical principles and secular legislation.

When asked about instances of legislation exemplifying this kind of tension, Fayyād mentioned three cases. One referred to the regulation of banking in Lebanon (a key sector of the country's economy). This kind of legislation is, in some cases, inconsistent with Islamic principles²⁷ but such principles are reconsidered under the lenses of the benefit that non-Islamic legislation can bring to the public interest. On the basis of these considerations, an exception is made as regards the relevant Islamic principles in favor of the public interest principle. Another instance relates to the regulation of production, consumption, and marketing of alcoholic products in Lebanon. Here the general interest is associated with the idea of preserving the "social pluralism" of Lebanon, characterized by different attitudes toward the consumption of alcohol. Lebanon is a society characterized by "social pluralism"—so goes Fayyād's argument—and therefore Hezbollah tolerates an exception as regards permissive legislation on alcohol even though it is not compliant with Islamic principles. The principle of respect of social pluralism is considered a "general interest" and thus overrides the Islamic principle prohibiting alcoholic products. In another example, Fayyād pointed out how gambling is a prohibited activity by Islamic ethics and, as such, when Hezbollah had to vote over the legislation regulating the activity of the *Casino du Liban*, it voted against but "did not care"²⁸ about the outcome of the vote.²⁹ The fact that the parliament would have passed a law in contradiction with Islamic principles did not limit the possibility of Hezbollah continuing to be part of it.

Thus, Hezbollah does express preferences over legislation on the basis of Islamic principles and tries to limit the impact of legislation which it deems to be in contradiction with Islam. But the fact that such legislation can be approved by the parliament, notwithstanding its opposition, does not mean that Hezbollah cannot take part in its works. Either this legislation can still be beneficial in relation to the general well-being (*maṣlaḥa*), or the violation of certain Islamic principles can be neglected in light of the overall benefit which a law may bring. A more proactive stance opposing legislation that allegedly interferes with Islamic principles intervenes

only on occasions in which the stakes are higher such as the reform of the personal status law or situations in which opposition to Israel is disputed.

Considering the fact that Hezbollah developed a methodology that is partially receptive toward non-Islamic principles, it is reasonable to expect that human rights legislation may not necessarily be problematic for Hezbollah's delegation in the Lebanese parliament. I have identified three main patterns of behavior in this respect.

Hezbollah and Human Rights Legislation: Neutrality

An analysis of the parliamentary debate related to the approval of human rights legislation shows that Hezbollah only rarely has raised fundamental objections to the approval of human rights legislation. In fact, in most of the cases³⁰ its parliamentary delegation (the Loyalty to the Resistance Block) has been generally neutral toward the majority of this kind of legislation. Considering that Hezbollah's recognition of the legitimacy of parliamentary institutions in Lebanon represents already a significant change, it is even more remarkable to observe how its involvement in the legislative process regarding international norms as human rights has not raised major reasons of conflict.

The methodology of the analysis upon which this analysis relies is the following. The first stage of the analysis identified human rights legislation approved in the Lebanese assembly, going through *al-Jarīda al-Rasmiyya* (the *Official Gazette*) of the Lebanese Republic which contains all the legislation approved by the parliament from 1992 to 2006.³¹ In order to identify human rights legislation, the analysis focused on laws considered problematic by international human rights organizations. For example, the human rights reports and the Universal Periodic Review of the UN Human Rights Council³² were sources for this selection. In addition to this, the analysis has also kept track of the approval of legislation relating to the ratification of international and regional human rights treaties and legislation whose human rights relevance has been highlighted by nongovernmental organizations (NGOs).³³

Once a significant portion of this legislation was isolated,³⁴ the analysis focused on the parliamentary debate related to the approval, amendment, or rejection of these laws in order to understand how Hezbollah's members or associate³⁵ acted in response to the parliamentary debate on legislation that was strictly related to human rights.

This latter stage of the analysis was problematic. Parliamentary proceedings are published in the *Mahādīr Jalasāt Majlis al-Nuwāb*

(Proceedings of the Lebanese Parliament Sessions) but they are only partially accessible³⁶ and the voting procedures used in Parliament are not recorded in the proceedings if not in their final outcome. The assembly votes by raising hands, in spite of the fact that an electronic voting system is available. Once a law is voted, the chair of the parliament declares the approval or rejection of the law but no official count of the votes is recorded in the proceedings (apart from a few exceptions in the more recent records).³⁷

The deficiencies of these parliamentary procedures are a serious issue for democratic accountability, but do not entirely affect the possibility of monitoring the parliamentary activity on which this part of the study relies. In most of the cases, if a draft law is problematic, MPs intervene in the debate sessions proposing amendments, abrogation, observations for the records or draft laws alternative to the law proposal in question. Furthermore, the most problematic legislative processes are usually also reported by the media. These interventions are recorded by name and then render the proceedings a source for monitoring parliamentary works. On the other hand, the fact that a law does not provoke discussion in the parliament is an indicator of the fact that the members of parliament fundamentally agree or are indifferent to its approval. Intervention in parliamentary debate is more common in cases in which the law has not been previously discussed in the parliamentary committees, although it is still possible to present observations also in the plenary assembly.³⁸

From what is possible to observe, on the basis of the survey carried out for the documentation relevant between 1992 and 2006, no significant objections criticizing human rights as incompatible with Islam or as undermining the alleged traditional values of the Islamic community have been raised in opposition to the approval of legislation that was informed by human rights principles.³⁹

The same applies to legislation ratifying international human rights treaties. Out of about 50 human rights laws considered from 1992 to 2006 (and a few others at a later stage), Hezbollah intervened only occasionally and proposed somewhat technical comments rather than criticizing the fundamental nature of the law itself. One exception to this latter aspect is the ratification of the treaty for the ban of cluster ammunitions which, according to the account of a member of parliament, Hezbollah has criticized not as a matter of principle but for strategic reasons saying that, since Israel has not ratified this treaty, Lebanon should not ratify it as well so that it would not suffer from a military disparity.⁴⁰

Dalal El-Bizri points out that, even in the few occasions in which human rights legislation provoked criticism from Hezbollah, such criticism was rather bland. She mentions two examples. The first⁴¹ relates to

a law introducing a compulsory medical certificate as a precondition to marriage; against this, Hezbollah MP Ali 'Ammār argues that "civilian authorities do not have any role in marriage affairs in Lebanon" and that "for Shiites this question is of competence of the man of religion." The second example⁴² refers to a law that gives the possibility to women to start businesses without the consent of the husband. Despite initial criticism, el-Bizri then reports that Hezbollah's position ends up being favorable to the law as she quotes Muḥammad Fnaysh⁴³ saying that the law will be accepted on "the condition that it will not be in contradiction with the personal status law."⁴⁴ As further discussed in the section below, the question of personal status law is central for Hezbollah as for all the other political forces and constitutes the only example in which human rights legislation raised some issues.

Let us consider a few other examples that further corroborate the thesis of Hezbollah's neutrality toward most of the human rights legislation. As regards a proposed law concerning the prohibition and limitation of labor for minors, according to the parliamentary proceedings, Fnaysh observed that the law did not contain certain specifications regarding the kind of work that can be done by minors. To this observation, the reply stated that the said specifications were agreed upon by the ministry of labor and eventually the law passed with the majority of the votes from the assembly.⁴⁵

Fnaysh also intervened over a matter of administrative nature in the debate of the law establishing a National Committee for Lebanese Women commenting on who should establish the wage of its administrative staff. The concern relates to how the wages of its administrative members should be decided and, once the request to abrogate this article was approved, the law is passed by majority vote.⁴⁶ On another occasion, Ibrāhīm al-Sayid asked for clarifications as regards the specification of the minimum working age in another law project regarding the prohibition of child labor.⁴⁷ Hezbollah MP 'Abdullah Qasir intervened in the debate on the amendments of the penal procedural code, proposing some changes related to the validity period of indictment after arrest.⁴⁸ Law 463 of 2002, introducing the reduction of penalties for minor crimes and on the basis of good conduct, is widely debated in its details. Hezbollah intervenes with Ra'ad in the debate who declares the endorsement of the law as it was drafted by the government. Subsequently, Fnaysh intervenes in an attempt to mediate between different views over the wording of an article of the law proposal concerning the criminalization of drugs trafficking.⁴⁹

Overall, the analysis of a significant part of the human rights legislation approved in the parliament allows us to conclude that Hezbollah's

parliamentary delegation over the years has not raised prejudicial objections to the approval of this legislation amounting to a blanket denial of its legitimacy.⁵⁰ Notwithstanding the wide-ranging issues over which this legislation touches upon, including the equal treatment of women in terms of social and economic rights, the prohibition of child labor exploitation, the provision of services, and facilities for disabled persons, the reform of the penal procedure code, and the ratification of a number of international and regional treaties directly and indirectly connected to human rights; in none of these cases has Hezbollah presented any of the typically Islamist arguments even though this legislation originated primarily from principles of human rights ethics and not from Islamic jurisprudence.

Three concurrent explanations help us understand this phenomenon. First, it is reasonable to assume that Hezbollah's neutrality toward this legislation can be explained as a result of the principles and methodology that have been mentioned by Ra'ad and Fayyad such as *maṣlaḥa* and *tazāḥum*. Regardless of the fact that it is non-Islamic legislation and originates primarily from principles of international human rights law, most of it does not seem to raise concerns from an Islamic point. Second, Hezbollah's Loyalty to the Resistance Block generally keeps a low profile in the parliament, in the sense that it limits itself to echoing the fundamental stances of the movement, especially in relation to resistance and opposition to Israel as the central aspects of its parliamentary participation. Ra'ad assessed the activity of Hezbollah's delegation as follows:

Its performance is acceptable and reasonable, but we did not attain the exemplary level to which we aspire as if we were 'swimming against the flow'. Despite this, the Loyalty [to the Resistance] Block achieved a number of positive results at the best of its capacity. Even though the party cannot give concrete form to its views in the laws [related to the public well-being], it can play an obstructive role for law projects informed by private interests.⁵¹

He describes primarily an oppositional role in the parliament where Hezbollah is mainly acting as the voice of dissent over legislation it deems unacceptable. This leads to the fact that no active initiative to promote an Islamist political agenda has ever emerged prominently in Hezbollah's parliamentary activity. The Islamist character of its parliamentary policy is more apparent, although barely detectable, in the refusal of legislation that is deemed to openly challenge the authority of religious institutions, as will be seen in the section below.

However, the methodology described in the previous section leaves a wide margin of discretion for Hezbollah to adopt or not oppose legislation that is also human rights legislation. Nonetheless, no draft laws or reform projects restructuring the institutional architecture of the Lebanese state in an Islamist sense, for example, promoting *shari'a*, forms of theocracy such as the *Wilāyat al-Faqīh*, have ever been advanced.

The harshest political stance of Hezbollah in parliament relates to the opposition to Israel, the denunciation of international interference in Lebanese political affairs, and the condemnation of corruption, patron–client social relations, and uneven economic development of the country. Also in these cases, as el-Bizri confirms, the Islamic character of Hezbollah can barely be traced in its parliamentary discourse. On the basis of monitoring Hezbollah's parliamentary activity between 1992 and 1996 compared with the activity of the *Jama'a Islāmiyya* (the Lebanese branch of the Muslim Brotherhood), el-Bizri notes, "How few are the references to Islam in general, the absence of stances based on the *shari'a* and the omission of the *basmala* (the formula that has to be pronounced by believers before starting to speak) in the discourse of Islamist deputies."⁵² According to el-Bizri, the Islamist character emerges more prominently in the political discourse of the Sunni *Jama'a Islāmiyya* rather than in the case of Hezbollah.⁵³

The third aspect explaining Hezbollah's neutrality toward human rights is that the Lebanese parliament tends to deal with legislation addressing only part of the actual human rights agenda of the country and avoids the most controversial issues. The legislation that reaches the stage of parliamentary discussion is primarily legislation that does not produce political tensions.

Potentially controversial problems such as the rights of the thousands of Lebanese disappeared during the civil war,⁵⁴ the reform of personal status laws, and crucial aspects related to rights of women (of which more below) have not been on the parliamentary agenda (apart from minor exceptions) in the time frame under analysis and are emerging significantly only at the time of writing. Furthermore, the approval of the Convention for the Elimination of Discrimination against Women (CEDAW) has been ratified with the vote of the parliament, and its ratification occurred with major reservations, for example, as regards the possibility for women to pass their nationality to their children. This has likely eased Hezbollah's attitude toward human rights legislation as in the case of all the other parliamentary groups.

Overall Hezbollah has maintained a neutral approach, fundamentally acquiescent toward most of this legislation. Hezbollah's approach to law making leaves open the possibility for the approval of legislation that is

not Islamic but is also not in opposition to Islamic principles; a significant part of the human rights legislation that has been debated in the Lebanese parliament seems to be compatible with this approach.

The Question of Rights of Detainees: Instances of Proactive Selectivity

Among the most prominent issues addressed in the human rights debate in the Lebanese parliament in the years 2000s is the condition of detainees in prisons.⁵⁵ The conditions for inmates caused criticism from international organizations but, above all, prompted severe protests within prisons including mutinies and hunger strikes by inmates, which have drawn the attention of MPs over this issue.

The case is interesting because it represents an instance in which Hezbollah shifted from a neutralist stance, as described in the previous section, toward a proactive stance, actively supporting the implementation of certain human rights principles in the interest of detainees. This includes, for example, promoting certain legislation and engaging with the works of the Human Rights Committee of the Lebanese Parliament. Indeed, the issue has been repeatedly addressed by the Committee⁵⁶ and Hezbollah took part regularly with high-profile members such as Nawāf al-Mūsawī and Fnaysh.

The question of the conditions of detained persons was of central concern for the Committee at least from 2010, but also prior to then, and the parliament has passed laws reducing penalties or granting amnesties often “justified” on the basis of the poor conditions of detention.⁵⁷ On various occasions, the Minister of Justice and the Minister of Interior were summoned by the Committee to discuss the situation of Lebanese jails. More recently, Lebanon has joined the Convention against Torture and later its related Optional Protocol⁵⁸ on the basis of which an international committee has visited detention facilities for assessment.⁵⁹ It is difficult to establish how the issue of prisons became so prominent in a political agenda crammed with several other human rights issues. Among the relevant factors certainly there are the protests of inmates themselves and the fact that the issue can be addressed without disruptive consequences in political terms.⁶⁰ As the Rapporteur of the Parliamentary Human Rights Committee explained to the author, inmates and their relatives have been “particularly efficient in making their voice heard.”⁶¹

What is of interest in this case is the fact that Hezbollah has been particularly vociferous on this issue, which is another factor that facilitated its mainstreaming in the political debate. Hezbollah’s parliamentary

delegates were always present at the sessions dedicated to this topic⁶² and, as mentioned above, legislation about the reform of the penal code drew the attention of Hezbollah's MPs on more than one occasion. Its commitment to this specific human rights issue becomes evident if we look at the records of the Human Rights Parliamentary Committee. For example, MP Nawār al-Sahilī, a member of Hezbollah and member of the committee, released a declaration for the records over the urgency of this matter. The declaration came in correspondence with the calling for a hunger strike by the detainees of the largest Lebanese detention center in Rūmīa.⁶³

We will call for the solution of this issue, and we hope for the application of Article 108 of the Code of Criminal Procedure, so that there is a release of as much as possible detainees held for minor felonies. With regard to the question of those detained for crimes, some of the judges are worried about the fact that they may not return [if released] to the trial. Therefore, the prisoners who apply for release from jail they need to know that there is an on-going trial and that they will need to return to the court. As regards the issue of prison overcrowding, what we can do is to put the judiciary at work and begin to discharge detainees for minor felonies and those detained for more than two or three years.⁶⁴

al-Sahilī points out the urgency of the matter using the human rights committee and indeed human rights principles as the platform for his appeal. He calls for the application of the penal procedures of detention with reference to Article 108 of the Code of Penal Procedure. This article establishes that pre-trial detention can be protracted for a maximum of one year under specific circumstances;⁶⁵ after this period any detained person who has not being tried shall be released. Many of the detainees in prison⁶⁶ are held in breach of this law and its application would also be favorable for the issue of overcrowding which is among the most pressing problems.

It remains to be understood which factors shifted the policy of neutrality toward this proactive stance adopted specifically with reference to the rights of detainees. First of all, a genuine interest in the protection of the rights of persons under investigation or detained in conditions that do not respect standards of human dignity shall not be excluded. Hezbollah has often been involved in the issue of prisoners of wars and their detention on various occasions and this might have created a particular sensitivity in this respect.

Answering a question regarding this topic, Fayyād made the point that the issue of prisoners' conditions is given importance by Hezbollah as

a matter of justice. According to Fayyād, “the suffering of people in the Lebanese prisons is a real disaster and we [Hezbollah] regret this.”⁶⁷ A genuine moral commitment relating to the minimization of suffering of persons is a factor that, at least nominally, explains this phenomenon. But Hezbollah’s proactive stance as regards the rights of prisoners is also related to other aspects. As sources confirm, the great majority of persons detained in Rūmīa are young males primarily from the area of the Biq’a and therefore Shī’ites.⁶⁸ The Biq’a region is the center of production of drugs such as hashish. It consequently became a center of criminality in which the rule of law is barely existent and to which many poor and unemployed young individuals resort to alleviate their critical social and economic situation. This explains why prisons like Rūmīa are populated by a majority of Shī’ites and gives some explanation for Hezbollah’s proactive stance regarding detainees’ rights.

Hezbollah perceives a particularly close connection with its Shī’i constituency, a factor confirmed by Fayyād, who said that Hezbollah has a responsibility to represent its Biq’a constituency in the parliament.⁶⁹ In addition to the neutral stance that interests the majority of human rights legislation, there are signs of more proactive policies toward issues in which human rights principles converge with ideological principles and sectarian loyalties. The case of prisoners’ rights is clearly indicative of this. On the issue of prisoners, there is a convergence of factors that are a genuine moral concern for the minimization of suffering, Hezbollah’s sectarian loyalty,⁷⁰ and its commitment to issues of social concern. Framing this matter within the human rights discourse is a way for Hezbollah to gather more political consensus nationally.

Analogous cases of selectivity can be mentioned with respect to the rights of Bahrainis (who are in majority Shī’ites) to protest during the 2011 events in the region. In various circumstances, Hezbollah voiced solidarity with the cause of the Bahraini protesters. To mention one, Hezbollah protested against the measures adopted by the regime against female protestors. Amnesty International equally voiced concerns over ill-treatment and torture in the same circumstances.⁷¹ Hezbollah declared: “these kinds of abusive practices resemble the American terrorist practices in Guantanamo and Abu Ghraib, they are subject of condemnation from all the living forces, entrusted with conscience and liberals all over the world.”⁷² The selectivity of this stance can be easily noticed if we consider that the repression of Bahraini protestors was taking place at the same time in which the regime of Bashār al-Asad was violently repressing anti-regime protests in Syria. Whereas Hezbollah condemned repression of Bahrainis by their own regime, they nonetheless voiced support

for al-Asad's regime in several occasions despite its violent repressive measures.⁷³

More recently, Hezbollah has (for the first time, to the knowledge of the author) referred explicitly to the concept of human rights (*huqūq al-insān*), thus marking a further step in the assimilation of these norms in its political vocabulary. In September 2012, a film released on the internet with offensive content toward the figure of the Prophet Muḥammad sparked a wave of violent protests in the Arab world. Hezbollah released the following declaration, claiming that this film "is an immoral action which represents the highest grade of aggression of the most important right among human rights, that is the respect for religious belief, sanctity, not to mention religious feelings."⁷⁴

The movement furthermore has called on the United Nations to issue laws prohibiting these offensive actions: "The UN today is bound to issue laws that condemn this kind of actions in a way similar to the laws that prohibit anti-Semitism."⁷⁵ The declaration further confirms Hezbollah's approach to human rights and its proactive stance toward these norms under certain favorable circumstances.

In certain scenarios then, the neutral stance of Hezbollah on human rights shifts toward a form of proactive selectivity as in the cases of detainees, Bahrainis and the offences against religious sensibility. As seen in the previous chapter, a selective approach to certain norms is not new for Hezbollah. For political issues, which are important on the basis of sectarian loyalty or ideological commitments, the language of rights is used by Hezbollah in order to favor the political legitimacy of the movement and its actions.

Personal Status Law, the Claims of Religious Authenticity, and the Role of Religious Authorities

If concurrent political and human rights interests can produce a selectively proactive policy toward human rights, Hezbollah's generally neutral stance toward human rights reforms can nonetheless shift into criticism when human rights are perceived as undermining values and principles that it considers fundamental and on which it does not seem to accept compromises. As observed above, this has happened only in a minority of cases in the sample that was analyzed.

Among these, there is the more prominent issue of the protection of religious authority in the regulation of family affairs which is institutionalized in Lebanon as in the rest of the Arab world with the personal status law system.⁷⁶ This seems to be the case of the debate over the rights of

women and the related penal legislation in Lebanon, which were opposed in 2011 on the basis of legal technicalities but also relied on a classical Islamist claim of authenticity. Although Hezbollah does not seem to have particular reservations over the extension of social and economic rights to women,⁷⁷ the situation is more complicated when the protection of women's rights interferes with aspects of personal status law, which is *shari'a*-based and is often conservatively interpreted by religious scholars.

Article 562 of the Lebanese Penal Code is particularly problematic in this respect.⁷⁸ This article states that the executor of a nonpremeditated act of violence against a woman who is caught in adultery or in some kind of extramarital intercourse can benefit from mitigating circumstances in its penal condemnation.⁷⁹ The article, basically, condones the so-called honor crimes that are acts of violence "justified" as reactions to the offense of the honor of the family.⁸⁰ This kind of legislation has been the target of human rights organizations but also of international human rights monitoring institutions.⁸¹ A draft law for the abrogation of Article 562 was proposed in parliament and approved in 2011. Its abolition was connected to a wider campaign in which civil society organizations were promoting the abolition of reservations on CEDAW, and the approval of a draft law for the protection of women against family violence (of which more below).⁸²

In the parliamentary debate,⁸³ members of both Sunni and Shi'a parties found common ground in opposing the proposal to abolish Article 562. A member of *Mustaqbal*, MP Samir al-Jisr, declared that he was opposing the abrogation of Article 562, then followed by Imad al-Hut, a member of the *Jam'at Islamiyya* (the Lebanese branch of the Muslim Brotherhood) who declared that Article 562 does not refer to "honor killing" but introduces mitigating circumstances for nonpremeditated crimes, and therefore should not be abolished.

On the other hand, the proponents of the law were claiming that Article 562 cannot exist in the twenty-first century, condoning what de facto is honor crime and that failing to abrogate it would have brought Lebanon back to the Middle Ages. Eventually, Hezbollah's MP Fayyad declared opposition to the abrogative law proposal and asked for its referral to the competent committee. Notwithstanding the opposition, the law was eventually passed with a majority, thus abolishing Article 562. Fayyad, in a conversation with the author, has maintained that there is a difference between premeditated violence and non-premeditated violence and such difference should be reflected in the penal code. He defended the idea that the two situations deserve different legal considerations from a penal point of view and, for this reason, Hezbollah opposed the abrogation of Article 562. His explanation did not refer to Islamic principles

but reflected concerns over the issue of crime intentionality.⁸⁴ He also pointed out that on other occasions Hezbollah opposed customary forms of violence, for example, the practice of vendetta in the more traditional sectors of Lebanese society, a fact that is also reported by Hamzeh.⁸⁵

This seems to indicate that Hezbollah's members do not defend an unqualified form of traditionalism (according to which any practice that has been carried out in the past deserves to be protected from change), but rather aim at preserving values that are considered specifically Islamic according to its interpretation.⁸⁶ Fayyād defended the idea of a form of "specificity" of the local ethical traditions to which it should be given priority over external ethical claims such as women's human rights advocated by international organizations but also local civil society. In a wider perspective, he clarified that legal questions related to marriage, divorce, custody of children, and alimony are all within the religious sphere of jurisdiction with which no other ethical traditions should interfere.⁸⁷

Whereas his explanation for opposing the abrogation of Article 562 was merely of a technical character and did not invoke any Islamic principle, personal status law remains a limit against which Hezbollah does not intend to go in terms of political reform, a stance that is common to the other religious communities in the country.⁸⁸ The principles of *maṣlaḥa* or *tazāḥum* or the margin of negotiability of certain aspects of Islamic jurisprudence find an insurmountable obstacle when it comes to the regulation of private relations among persons within the religious community.

Another case confirming this issue is related to the proposal of a law criminalizing domestic violence and discussed in a joint meeting between *Dār al-Fatwa*⁸⁹ and deputy secretary general of Hezbollah Sheikh Qāsim. The delegation addressed a law proposal aiming at criminally penalizing domestic violence, including marital rape, thus filling a major legal loophole in the Lebanese system. The draft law was proposed by a coalition of human rights organizations, approved by decree in 2010 by the government and then passed to the parliament for approval.⁹⁰ This campaign and its related law proposal raised criticism from Hezbollah's religious leadership. The declaration of Qāsim at the meeting with *Dār al-Fatwa* relies on two lines of argument. The first is that domestic violence against children and women is an issue that needs to be urgently and efficiently addressed judicially. According to Qāsim:

It is necessary that we deal with the problems that afflict the family and especially women and children, and we shall not close our eyes to these, and it is necessary that we find solutions that can guarantee for the two following principles: respect for the rights of women and children within

the family, non-use of violence within the family, protect the privacy of the conjugal life from external interferences, the quicker implementation of the legal provisions of the *shari'a*, and not to slow down the tribunals in dealing with the complaints over which they are judging.⁹¹

The second aspect is that this problem should not be dealt through civil law (*al-qanūn al-mudunī*) but should be under the exclusive jurisdiction of religious courts. In Qāsim's opinion the law proposal drafted by civil society organizations will affect the integrity of the family. According to his declaration to the press, the law proposal

is far from ending family violence, and closer to destroying the family from within, and for this issue details are set out in the reports that have been drafted by the specialists in these things. This topic is also completely remote from political stances, but is exquisitely religious, ethical and humane.⁹²

Qāsim and the Sunni Lebanese religious authorities expressed their concerns over the impact that such legislation could have on traditional family values and denounced the interference of civil courts into what has been traditionally the realm of religious authority.

The law underwent a tortuous drafting process that included the delegation of the law to a Ministerial Committee in 2009 and then to a parliamentary subcommittee led by Samīr al-Jisr in which the law was debated for almost two years. In several occasions, opponents to law attempted to subvert its original purpose of protecting women from family violence, whereas other members of the committee tried to mediate a compromise between the law promoters' stances and the opponents.

In April 2014 the law was finally approved, although with significant amendments. The Human Rights organization Kafa, that was the leading promoter of the campaign for reform, organized a petition to the members of parliament to take into account the critical observations made by the human rights movement against the modification of the law just approved. A quick overview of the signatories of the petition and those who did not sign the petition shows a clear split within the parliament, whereby the members of Hezbollah along with many other members of the Mustaqbal party, as well as AMAL, among others stood against further amendments of the new law approved in April 2014.⁹³

A similar case took place in 1998 when the then President Elias Hrawi proposed a law to introduce civil marriage within the framework of an optional civil personal status law to be added to the other personal status laws. Qāsim analyzes this case and criticizes this law in the respect that

the rights and responsibilities that are established by it are different from the rights and responsibilities that Islamic legitimate (*shar'iy*) marriage establishes, for example, with regard to inheritance, alimony, the regulation of adoption, and the husband's duty to support the wife and the children. His position is clear in this respect when he claims that "what is *ḥalāl* (permissible) from the *shariatic* point of view and what is *ḥarām* (forbidden) from the point of view of civil law and vice versa."⁹⁴

These more recent developments regarding personal status laws and human rights indicate that, in addition to neutrality and selectivity, Hezbollah also resorts to critical stances toward certain specific aspects of human rights legislation. It is worth noting that this is only a more recent development in the human rights debate in Lebanon. Qāsim's argument does not condone family violence but is concerned with protecting religious family values and with the preservation of religious legal authority, although human rights standards clearly require criminal legal provisions for these forms of violence. The preservation of the jurisdiction of religious courts was also confirmed by Fayyād, who made clear that no human rights principles infringing upon the integrity of personal status law will be accepted by Hezbollah. The author asked Fayyād how this position preserving personal status law and then religious courts could have been consistent with Hezbollah's critical stance against the Lebanese sectarian system. Fayyād's reply was that Hezbollah aims to abolish *political* sectarianism but not *social* sectarianism. This distinction means that while sectarianism according to Hezbollah should be abolished within the political structure of the state, its social structure and the related administration of justice along social sectarian lines should be preserved.⁹⁵

Thus, whereas Hezbollah has been generally neutral to most of the human rights legislation, the implementation of legislative reforms that alter personal status laws⁹⁶ and consequently the authority of religious courts have been opposed in the parliament and the civil society debate by Hezbollah along with other components of the parliament.

Conclusions

The analysis in this chapter has shown how Hezbollah adapted to new political circumstances. Its integration in the political system prompted a rethinking of how it should administer relations with non-Islamic institutions and norms. The patterns of neutrality and selective proactivity discussed above indicate how Hezbollah is far from appealing to a fundamental incompatibility toward human rights normative principles

indiscriminately, a fact that shows a departure from the self-referential Islamist conception and its fundamental criticism toward liberal norms. Instead, these patterns of neutrality and proactivity can be understood as indicators of an early stage of socialization in international society similar to the process described in the previous chapter with regard to noncombatant immunity. The case of authenticity claims, epitomized by the analysis of the previous section, however, is indicative of a degree of resiliency of the Islamist political identity of Hezbollah.

This chapter has highlighted how there is a shift in the moral reasoning of Hezbollah and that the process of interaction with international norms cannot be understood either as a simple rational calculation of political interests or as an ideological and prejudicial refutation of human rights in principle. I have shown that beyond Hezbollah's adaptation to parliamentary law making, there is a moral reasoning that attempts to harmonize Islamist principles of jurisprudence with positive law. The mutated circumstances of post-civil war Lebanon motivated Hezbollah's choice to take part in the parliamentary life of the state so that it could continue to operate within the Lebanese context without being excluded from the parliamentary process.

This, nonetheless, is only part of the picture, because the kind of reasoning that Hezbollah adopts in evaluating the legislation that it supports in parliament shows how Hezbollah had to justify its participation in a process that was sanctioning positive law and not Islamic law, including human rights. The principles enunciated by Ra'ad and Fayyād regarding Islamic jurisprudence concepts amount to considerations of moral legitimacy and justification and not to mere political calculus. Risse-Kappen and Sikkink refer to moral reasoning as one of the stages of a process of norm socialization. According to them, "moral discourses in particular not only challenge and seek justifications of norms, they also entail identity-related arguments. What I find morally appropriate depends to some degree on who I am and how I see myself."⁹⁷ The explanations given by Ra'ad and Fayyād to evaluate abidance with Islamic jurisprudence and balancing it with public interest are, in fact, considerations about what Hezbollah may find morally appropriate from an Islamic perspective. In this respect, the rational calculation of interests leaves room for moral considerations in which the political actor attempts an assessment of legislation from the point of view of Islamic morals.

This way of reasoning on legislation corresponds to a process of moral argumentation which on certain occasions fails to come to a conclusion in favor of human rights principles, whereas in other circumstances leaves Hezbollah neutral or even informs a proactive stance toward human rights principles. This latter case is perhaps the most striking, signaling

a higher degree of socialization in which international norms become part of Hezbollah's policy. In few cases, Hezbollah explicitly resorted to human rights principles and language, as seen with the case of detainees' rights, Bahraini protesters, or when articulating its demand for the respect of religious sensibility as a human rights claim. In this latter case, Hezbollah would be identified in constructivist terms as a "norm entrepreneur" raising awareness over an alleged human rights violation.

It is throughout this process of moral argumentation that political actors become increasingly socialized within the international normative discourse according to constructivists. This process of instrumental adaptation eventually brings about moral arguments⁹⁸ which in the long term can determine the socialization of an Islamist movement within the international normative framework.

Hezbollah and UNSC Resolutions 1559 and 1701

Introduction

As the previous chapter has shown, Hezbollah's participation in Lebanese politics has been deliberately limited to parliamentary activity. But the withdrawals from Lebanon of Israel in 2000 and Syria in 2005 changed the political and military scenario regionally and domestically. Consequently, Hezbollah escalated its role in Lebanese politics, taking part in the Lebanese government for the first time in 2005. The withdrawal of Israel from almost¹ the entire Lebanese territory in 2000 was celebrated as the final victory for the Resistance in Lebanon but also questioned the justification of the continuation of Hezbollah's paramilitary apparatus.² A serious source of troubles was Hezbollah's disarmament, which the movement staunchly opposed even resorting to the use of force in May 2008 when the country came to the brink of internal conflict.

The political vacuum left by the Syrians in 2005 was to be filled by Hezbollah's increased role in the political scene. Nonetheless, this newly acquired role was not to leave Hezbollah unchanged as this chapter intends to show with reference to the events of 2005 and 2006. The following pages will discuss to what extent the implementation of two United Nations Security Council (UNSC) resolutions approved in 2005 and 2006 changed the political identity of Hezbollah. UNSC Resolution 1559 primarily required the disarmament of militias in Lebanon and the withdrawal of Syrian forces and was approved by the Security Council in 2004.³ UNSC Resolution 1701⁴ was approved in 2006 after the July War and enforced a ceasefire through the deployment of the Lebanese Armed Forces (LAF) backed by a newly reinforced peacekeeping military contingent under the framework of the United Nations Interim Force in Lebanon (UNIFIL) mission.⁵ Both resolutions drew upon fundamental international norms such as state sovereignty, and the principles of self-determination and self-defense, to mention the most important.⁶

Three aspects are particularly indicative of how international norms, mediated by UNSC resolutions, have affected the political identity of Hezbollah and further determined its international socialization as suggested in the previous chapters. The first is that Hezbollah, as a member of government, became involved in international negotiations to a new and unprecedented degree. For this reason, its accountability to international norms has become more direct rather than being mediated by other actors, as in the case of the April Understanding seen in Chapter 6.

The second aspect is that Hezbollah partly modified the paradigm throughout which it constructed its legitimacy of resistance movement. We know, as observed before, that originally its justification for military and political action was primarily Islamic, but at this stage it became increasingly framed within the parameters of international norms such as self-determination and self-defense.

The third aspect is that, with its participation in the executive and by accepting the fundamental demands of UNSC Resolution 1701, Hezbollah changed its relationship with the state, the LAF, and—by inference—with international organizations. Accepting the deployment of the LAF in the south of Lebanon, Hezbollah acknowledged its authority of state army and hence the authority of the state as the monopolist of force in Lebanon. This latter aspect is more problematic because, at the time of writing, Hezbollah has not disarmed, therefore challenging the state monopoly of force, but the formal recognition of the legitimacy of the LAF deployment in south Lebanon is still a meaningful step which “locks in” Hezbollah’s rhetoric in the international normative discourse of state sovereignty.

In the following pages, I reconstruct the process related to the implementation of UNSC Resolution 1559 and in the negotiations of UNSC Resolution 1701. This will show how Hezbollah was capable of imposing its conditions over the international negotiations of these resolutions and their implementation. On the other hand, this newly acquired role of Hezbollah made its political identity increasingly subject to the influence of the norms that it attempted to control.

State sovereignty, right to self-defense, and right to self-determination have all become norms shaping significantly the political and military activity of Hezbollah and the way it justified its military activity, differently from its previous exclusive focus on Islamic principles.⁷

The Crisis over UNSC Resolution 1559

On April 2005 the Government of Syria informed the United Nations of the withdrawal of its military and intelligence apparatus from the

Lebanese territory.⁸ The withdrawal was the result of a long period of pressure against the Syrian regime which peaked with the approval of UNSC Resolution 1559 of 2004.⁹ The resolution, strongly supported by the United States and France, requested the Syrian withdrawal and the disarmament of Lebanese and non-Lebanese “militias.”

After the assassination of the former prime minister Rafiq al-Ḥariri on February 14, 2005, pressure against Syria (by many considered the primary suspect behind the assassination), created the circumstances under which the regime of al-Asad had to withdraw its forces. Prominent in this process (branded as the “Cedar Revolution”) was the emergence of the March 14 movement, named after the rallies held a month after the killing of al-Ḥariri and led by a coalition of parties sharing their opposition to Syrian interference in Lebanese affairs.¹⁰ This coalition enjoyed the sympathy and support of the Western powers (especially the United States, France, and the United Kingdom) and Saudi Arabia.

In opposition to this movement, the March 8 coalition was formed, named after the demonstrations held in a show of solidarity to Syria and expressing gratitude toward its alleged role of pacifier in Lebanon. In the March 8 coalition, Hezbollah had a prominent role in alliance with AMAL. After February 2006 the Free Patriotic Movement (FPM) led by the Christian Michel ‘Aoun joined this coalition.¹¹ The main patrons of this coalition were Syria and Iran, with some indirect backing at the Security Council by Russia.

While the country was experiencing these profound changes, the polarization of its society between pro- and anti-Syria camps grew wider. At the same time, an international body for investigation over the killing of al-Ḥariri was set up to collaborate with local authorities to produce the basis for a judicial process against those responsible for this assassination and the related crimes.¹² Between May and June of the same year, parliamentary elections were contested. The March 14 coalition won the majority of parliamentary seats and was then in charge of forming a new government inclusive of representatives from all Lebanese religious sects as required by the Ṭā’if Agreement.¹³ In the same elections, eleven Hezbollah members were elected in the parliament along with three non-Hezbollah allies.

A national unity government led by the March 14 leader Fu’ād al-Sinyūra was formed and included, for the first time,¹⁴ members of Hezbollah or representatives trusted by its leadership. Ṭrād Ḥamāda (a Hezbollah ally) and Muḥammad Fnaysh (a member of Hezbollah) became respectively Minister of Labour and Minister of Energy and Water. Another key figure was Fawzi Ṣallūkh, nominated foreign minister and enjoying the support of Hezbollah although not an official member.

Interestingly, whereas the participation in parliamentary politics was a divisive issue that needed to be approved by the *Walī al-Faqīh*,¹⁵ there is no evidence that Hezbollah's participation in the government required approval by the Iranian leadership. The need to counterbalance Syria's withdrawal from Lebanon overrode doctrinal considerations. A member of Hezbollah describes the reasons for its participation in the government as follows:

Syria's withdrawal left a strategic void in the state's administration, altering the relative size of the various forces, revealing some of the key choices in State policies and exposing Lebanon's vulnerable position in the regional equation. As regional factors lost some of their weight in the political equation, the domestic forces and trends expanded to fill the political space, according to their size, and reposition themselves in a new political constellation. In Hezbollah's view, it was no longer possible to pursue the resistance project and correct the State-building process from outside the structure of power. These goals constituted two major reasons for entering the government.¹⁶

Thus, Hezbollah took part in the government to counterbalance the increasing role of March 14 and its foreign patrons and to continue its mission of resistance movement, even giving its confidence vote to the government.¹⁷

The "Militia" versus "National Resistance" Issue

Reflecting the social tensions of that period, the political process was characterized by the harsh contraposition between the two political coalitions March 8 and March 14. Among the most controversial items on the government agenda were the implementation of the resolutions related to the prosecution of the al-Ḥarīrī assassination, and the enactment of the points requested in UNSC Resolution 1559, which demanded the disarmament of all "militias" in Lebanon. But the situation was further exacerbated by the campaign of political assassinations targeting high-profile political and intellectual figures critical of Syria also after the killing of al-Ḥarīrī and Syria's withdrawal from Lebanon.¹⁸

On December 12, 2005, Gibrān Tuynī, a journalist, political figure, and outspoken critic of Syria, was one of the victims of this bombing campaign, increasing the pressure on the members of March 14 and in general the opponents to Syrian interference in Lebanese affairs. In the hours subsequent to the killing, Prime Minister al-Sinyūra called for an emergency cabinet meeting. He demanded a vote to approve a letter to be sent to the UN secretary-general asking for the extension of the mandate

of the international investigation on al-Ḥarīrī's assassination and the establishment of an international tribunal to try those responsible for this act and the connected crimes.¹⁹ The decision was taken with a majority vote rather than consensus, and infuriated the March 8 component of the council of ministers, which suspended its participation to the government until February 2006.

This was the first time in which Hezbollah's ministers and their allies took advantage of their presence in the government to undermine its executive capacity. There are two ways through which this can be done according to an interpretation of the Lebanese constitution. The first is the resignation of a third of the members of the cabinet. According to article 69(1b) of the Constitution, the executive is considered resigned when it loses at least a third of its members. This is because according to Article 65(5) of the Constitution, the legal quorum required for a meeting of the cabinet is two-thirds of its members.²⁰ The second way is through the resignation of the entire component of a religious sect. Article 95 of the constitution establishes a procedure for the abolition of confession-alism, but the same clause also says that until when confessionalism is not abolished, the government shall be representative of all the Lebanese sects recognized by the state to be legitimate.

Therefore, when a delegation of ministers that is representative of an entire sect resigns, the government is considered unconstitutional. It is controversial whether this kind of suspension of the cabinet activity actually poses a question of constitutionality over its decisions but, as a matter of fact, the cabinet remained paralyzed due to the boycotting of its March 8 component.

The reasons for such a strong reaction from the March 8 component of the cabinet are not entirely clear. At this stage, Hezbollah was not against an investigation over the al-Ḥarīrī killings.²¹ It posed conditions over its implementation but did not oppose it in principle. Investigating the truth behind the killing of al-Ḥarīrī was even a point in Hezbollah's political program of the 2005 elections, which committed to "facilitate the mission of the UN's team investigating Hariri's assassination."²²

Nonetheless, al-Sinyūra's letter to the UN Security Council came at a point that was extremely tense for Lebanon and at a time in which Syria was held responsible, by a great deal of the public opinion, for the al-Ḥarīrī killing and the killing of Syrian critics.²³ Blocking the works of the cabinet in these circumstances was therefore favorable to Syrian interests, showing that Syria was still capable of controlling Lebanese politics through its proxies even after its withdrawal from Lebanon. Hezbollah's concern was also related to the procedural aspect of majority vote rather than consensus. Article 65(5) of the constitution established that the Council of

Ministers “makes its decision by consensus. If that is not possible, it makes its decisions by vote of the majority of attending members.”²⁴ Hezbollah was a minority component of al-Sinyūra’s government, and establishing a precedent of a decision adopted by majority would have diminished Hezbollah’s capacity to control the decisions of the government.

The issue was serious for Hezbollah, because the implementation of UNSC Resolution 1559 of 2004 demanding the disarmament of militias (read Hezbollah and the Palestinian factions) was pending on the cabinet agenda. A majority vote could have established a precedent for the approval of governmental measures related to UNSC Resolution 1559. Hezbollah, by no means, would have accepted to be part of a cabinet sanctioning its own disarmament. Furthermore, there are reports saying that Hezbollah’s vote of confidence for al-Sinyūra’s government and its commitment to its decisions were under the condition that important decisions in the cabinet would have been taken exclusively on a consensual basis, thus rejecting the adoption of important measures on a majority basis.²⁵ The approval by majority vote of the governmental declaration to the Security Council which prompted the crisis in December 2005 was probably seen as a violation of the principle of consensual decision and a risk for the continuation of Hezbollah’s armed activity as a “resistance movement” under international pressure.²⁶

Hezbollah MPs had already questioned the commitment of the prime minister to the issue of the armed resistance.²⁷ The prime minister made clear in the governmental statement inaugurating the legislature his endorsement of the national resistance declaring it a “national right.” According to the statement:

The government considers the Lebanese resistance a sincere and natural expression of the national right of the Lebanese people to liberate their land and defend their dignity in the face of attacks, threats, and Israeli ambitions, and the factor to complete the liberation of Lebanese territory.²⁸

Even though al-Sinyūra’s commitment was sufficient to obtain Hezbollah’s confidence vote in parliament in July 2005, at a later stage and as a consequence to the majority vote adopted in December’s cabinet session, the relations between the majority and the opposition entered a phase of crisis.

Conclusion of the Political Crisis over UNSC Resolution 1559

Hezbollah looked for further reassurance that no decisions by the government would have been implemented to forcefully disarm it. They demanded a ministerial letter to the Security Council in which it was

explicitly identified as a “national resistance movement” and not as a “militia.”²⁹ The distinction was important because in UNSC Resolution 1559 both the Palestinian factions and Hezbollah were identified with the term “militia.”³⁰ Being identified otherwise (i.e., as a national resistance) would have allowed them to circumvent the requirements of the resolution.

The condition for the government to be reactivated was then to obtain an official acknowledgment of Hezbollah as a national resistance movement. However, this was only partially met. Hezbollah did not obtain a letter to the Security Council but at the end of January 2006 (at a time in which violent protests were spiraling in open street violence), al-Sinyūra gave a speech in parliament declaring that the government will never refer to the resistance with terms other than national resistance, thus excluding the possibility of deferring the issue of Hezbollah’s arms to the Security Council with respect to UNSC Resolution 1559.³¹

In a conversation between the US ambassador in Beirut and PM al-Sinyūra, the latter described the solution to the political stalemate as a result of a concerted effort between AMAL’s leader Berri and March 14 forces. al-Sinyūra made clear to Berri that he did not have the possibility of disputing the definition of Hezbollah as a militia and the only thing he could do was reiterating the formula of Hezbollah as national resistance that was adopted in the inaugural statement of its government. That would have been enough to obtain the support of AMAL’s component in the parliament who gave a standing ovation to the declaration. Hezbollah then had to recognize the declaration as a sufficient guarantee to return to the cabinet, since divergence with AMAL would have meant the end of Shi’i unity, which is a priority.³²

With al-Sinyūra’s declaration, the boycotting ministers returned to the cabinet and the government was back on track. Hezbollah, its allies, and Syria “flexed their muscles” with their presence in government “showing off” their political influence. Backed by the terror spread by the bombing campaign taking place in Lebanon against Syrian critics, al-Asad’s regime demonstrated that, notwithstanding its withdrawal from Lebanon, it was still capable of interfering with Lebanese politics hindering the approval of decisions which would have been against its interests. The Lebanese political agenda had plenty of controversial items from the point of view of Syrian interests; among these were the establishment of the Tribunal for the al-Ḥarīrī assassination and the nomination of a new president of the Republic following the end of the term of the pro-Syrian Emīl Lahūd.³³

This war of words between “militia” and “national resistance” continued for a few more months. At a later stage, al-Sinyūra participated in a Security Council meeting in April 2006 addressing the Middle Eastern

situation. At the meeting the prime minister reviewed the situation of Lebanon and stated that Hezbollah's disarmament was an internal affair:

While there is consensus throughout Lebanon of the important role that the resistance, spearheaded by Hezbollah, played in forcing Israel's withdrawal from the south in May 2000, as well as on the fact that the south-eastern corner of the country, namely the Sheba'a farms, remains occupied, the future role of Hezbollah's weapons in defending Lebanon is a matter of national debate. That debate will be carried out in the context of the strategy agreed by all Lebanese concerning how best to defend Lebanon, against the backdrop of the provisions of the Tā'if Agreement of 1989, United Nations resolutions regarding Lebanon and the continued occupation of the Sheba'a farms, as well as the long history of incursions and violations of Lebanese territory by Israel.³⁴

But a month later another resolution was adopted by the Security Council (UNSC Resolution 1680)³⁵ again referring to Hezbollah as a "militia" but lacking effectiveness.

Hezbollah used its participation in the Lebanese government to void the effectiveness of UNSC Resolution 1559. Its boycotting of the cabinet served its interest of "preserving the resistance" and the interests of its ally Syria, but this also altered certain aspects of its political identity as I shall clarify below. Before that, other major events were influential in shaping Hezbollah's political and military behavior in relation to the implementation of UNSC resolutions.

The July War of 2006 and UNSC Resolution 1701

The withdrawal of Israel in 2000 boosted Hezbollah's popularity in Lebanon and in the region but also questioned its definition of "resistance movement." In addition to this, the wave of anti-Syrian sentiment of 2005 brought its ally Hezbollah to one of the lowest levels of popularity in the same year. Nonetheless, Israel's military campaign against Hezbollah in July 2006 had the effect of reaffirming its legitimacy as a "resistance movement" in the eyes of the Lebanese and not only. The focus of this section is mainly a process tracing of the negotiation of UNSC Resolution 1701 and the role played by Hezbollah as a member of government in this regard.

The *casus belli* of 2006 was a Hezbollah operation³⁶ held on July 12, 2006 in which two Israeli soldiers were kidnapped across the southern "Blue Line" border with Israel to be used subsequently to negotiate the

release of Lebanese prisoners in Israel.³⁷ The operation was entirely a Hezbollah initiative and the government was not informed about it. The military reaction of Israel killed at least 1,200 civilians and damaged the civil infrastructure of the country worth billions of dollars.³⁸ Military operations included a devastating bombing campaign, a blockade of ports and airports, and, at a later stage, a ground invasion of the south of Lebanon. Israel reportedly suffered 120 casualties in the war.³⁹ Hezbollah retaliated by shooting rockets into the north of Israel and fought on the ground against the invading Israeli troops. Hezbollah's casualties were between 300 and 400 fighters, whereas its military capacity was allegedly damaged between 25 and 50 percent.⁴⁰

The Negotiations of UNSC Resolution 1701

The war finished with the approval of UNSC Resolution 1701.⁴¹ Resolution 1701 was the result of long negotiations, during which the international community acted reluctantly to find a solution to the crisis. Two main drafts for the resolution were negotiated through a single diplomatic channel.⁴² One draft was proposed by the Lebanese government (the "Seven-Point Plans"), whereas the other proposal was a US initiative with intermittent support from France.

The US initiative is to be understood within the wider framework of the Middle Eastern conflict, which Halliday defined as the "West Asian crisis." It was part of the triangular dispute that sees: "Iran and its radical allies on one side (Syria, Iraqi Shiite parties, Hizballah, Hamas), the forces of the radical Sunni insurgency in Iraq and al-Qaeda, on the second side, the US and its regional allies."⁴³ The parties primarily involved in the 2006 conflict are the first and the third alliance. The outcry of the Arab region against Israel's war on Lebanon was defined by Secretary of State Condoleezza Rice as "the birth pangs of a new Middle East."⁴⁴ This definition approvingly referred to the Israeli operations in Lebanon and outraged sectors of public opinion for its negligence of the human suffering caused by a full-scale war.

On the other hand, the Lebanese government was immediately active in negotiating a ceasefire, although some of the political opponents and allies of Hezbollah cynically saw the war as an opportunity to weaken its domestic role. At the initial stage of the war, part of the Lebanese political elite judged it a favorable event that, presumably, would have weakened the political and military capital of Hezbollah. March 14 MP Boutros Harb⁴⁵ was quoted in a US diplomatic cable saying: "if we are convinced that Israel can finish the job, then we can allow a few more weeks."⁴⁶ According

to this view, politically Hezbollah would have been held responsible for bringing Lebanon into a disastrous conflict; militarily, the Israeli army was seen as being in a position to annihilate Hezbollah's fighting capacity.⁴⁷ In another quote reported in a US diplomatic cable, Hezbollah's ally Berri compared Israel's military activity to "honey" saying: "I like a little bit of honey but if you eat the whole jar you get sick!" He, therefore, concluded that targeting Hezbollah for a limited amount of time would have been beneficial to its weakening but it should not last for too long.⁴⁸ This proved wrong in both military and political respects.

Militarily, Hezbollah was not irremediably damaged and was also capable of inflicting serious losses to the Israeli army, whereas politically the war allowed Hezbollah to regain and increase the popularity lost in the previous months and years. Despite these cynical calculations by certain sectors of the Lebanese political elite, the Lebanese government was, nevertheless, working on a plan to obtain international support for an immediate ceasefire at the UN Security Council.⁴⁹ On July 19, 2006, PM al-Sinyūra called for an immediate ceasefire and on July 26 the Seven-Point Plan was proposed at an international peace conference in Rome to facilitate the adoption of a UNSC resolution calling for a complete ceasefire.⁵⁰ This plan was the basis of the Lebanese diplomatic initiative and would have been eventually influential in informing Resolution 1701.⁵¹ The main aim was defending the national interest bringing to an immediate end the conflict and limiting its devastating effects.

The plan asked for an immediate ceasefire to be followed by the complete withdrawal of Israeli troops from Lebanese territory, the deployment of the Lebanese army in the entire area of south Lebanon, and an increase in the military capacity of UNIFIL. al-Sinyūra's plan was negotiated in a way to guarantee government unity and responded at least to some of the requests from Hezbollah. The day before the Rome Conference, Nasrallah declared with reference to the negotiation of a ceasefire:

We can never accept any condition that will humiliate our country, people or resistance. Nor will we accept any formula that could come at the expense of national interests, sovereignty, independence, especially after all these sacrifices no matter how long the confrontation would last and regardless of the great sacrifices we will offer. Our true and basic motto is: dignity first.⁵²

Importantly, even though some of its requirements were accepted by Hezbollah reluctantly, the Seven-Point Plan was unanimously adopted by the Lebanese government, including Hezbollah's members and its allies at least in the cabinet meetings held on July 27 and August 12.

Ṭāreq Miṭrī (at that time a member of the cabinet) described a two-hour long cabinet session on July 27 in which Prime Minister al-Sinyūra was determined to achieve a unanimous consensus over the conditions for a ceasefire. al-Sinyūra was aware that nonconsensual decisions would have thrown the cabinet into another crisis, with disastrous consequences for the country at a time in which it was under attack. Apparently, President Émile Lahūd was concerned primarily with the deployment of the LAF in south Lebanon in proximity with the Israeli-Lebanese border, even though it is not clear why this should have been problematic. Hezbollah, through Fnaysh, its emissary in the government, expressed concerns over the deployment of an international force in the south, especially as regards its nature as a Multinational Force or as a continuation of the UNIFIL peacekeeping mission. Only after a discussion over the exact wording defining this force and some phone calls did Fnaysh express agreement over the Seven-Point Plan, which would have been the subject of negotiations at the Security Council to achieve a ceasefire resolution.⁵³

But the Lebanese proposal was opposed by some of the permanent members of the Security Council. It was not deemed conducive to a lasting ceasefire, especially by the United States. Both the United States and France had another ending to the conflict in mind which constituted the alternative proposal they were pursuing to solve the crisis. Their proposal aimed at the approval of two different resolutions under chapter VII of the UN Charter, which would have authorized the deployment of a multinational force in south Lebanon (most likely a North Atlantic Treaty Organization (NATO) contingent) to disarm Hezbollah. In addition to this, the draft resolution agreed between France and the United States did not mention a call for an immediate ceasefire but only a cessation of hostilities. The cessation of hostilities was also curiously qualified by an unprecedented distinction between defensive and offensive activities on the behalf of Israel.⁵⁴

Miṭrī, who was at the head of the diplomatic delegation in the UNSC, reports that France was particularly keen for a chapter VII resolution, whereas the United States was contrary to the inclusion of the issue of the Sheba'a farms in the resolution.⁵⁵ According to Michael Williams (at the time the UN Special Coordinator for the Middle East Peace Process and then Special Coordinator for Lebanon), France was even asking for the deployment of ground to air missiles to protect Lebanese airspace, a proposal that was staunchly opposed by both the United States and Israel.⁵⁶

The Lebanese government was against the Franco-US plan. It opposed the idea of a multinational force⁵⁷ under chapter VII claiming that the deployment of the Lebanese army, assisted by an upgraded military force of UNIFIL, would have been better and more easily accepted by all the parties in Lebanon (read Hezbollah). Furthermore, whereas the stronger resolution sponsored by the United States wanted to seal the borders of

Lebanon in order to prohibit the rearmament of Hezbollah, the Lebanese government was only concerned with deploying its forces in the South and prohibiting weapons under the line of the Litany River.

According to Miṭrī, achieving a shared agreement within the government over the seven points was already a considerable result.⁵⁸ Nothing more than what was already agreed could have been attained without risking the government's collapse. Furthermore, the government was critical of a resolution under chapter VII and the two-phase implementation suggested by the US proposal.

At a later stage, a further issue was raised regarding the explicit request of the withdrawal of Israel from Lebanon. The Lebanese government was obviously requesting it as an essential condition, while the US diplomatic initiative was trying to pass a resolution which would have allowed the Israeli occupation of the South for an indeterminate time.⁵⁹ Because of these divergences, negotiations were still far from an agreement while Israel was continuing its bombing campaign that, as it was not successful, was supplemented by a ground invasion.

The Cessation of Hostilities

The diplomatic negotiations were increasingly diverging over their aims. On July 25, four members of the UN Truce Supervision Organization (UNTSO) mission were killed by an Israeli precision bomb while based in a well-signed UN post. According to a US diplomatic cable, the UN Secretary General Special Representative in Lebanon Geir Perdersen conjectured that the reason for this deliberate attack was to discourage foreign nations from offering troops for a peacekeeping force.⁶⁰ Another major accident took place on July 30; Israel hit a civilian building in Qānā (the same village of the 1996 massacre) killing more than 28 people (of which 13 children).⁶¹ US Secretary of State Rice was supposed to visit Lebanon then, but at that point al-Sinyūra declared that there was no other negotiation to be held before agreeing on an immediate ceasefire.⁶² These were just two of the many occasions in which noncombatants were involved in the war on the Lebanese side, rendering the negotiations increasingly difficult and squandering precious time to reduce the effects of the conflict.

Throughout this kind of action, causing hundreds of thousands of internally displaced persons, devastating civilian infrastructure, and failing to achieve significant military results, the war did not bring about any of the results expected by Israel and its allies. Quite the contrary, whereas Hezbollah at the beginning of the war was held responsible for precipitating Lebanon in a destructive war and was surprised by the scale of the

conflict it had to deal with, its capacity to contrast the Israeli army on the ground and the suffering imposed on the Lebanese population by Israel tilted the balance in Hezbollah's favor in the second phase of the war.

The United States and France were no longer in a position to impose their conditions on the ceasefire. The situation began to reveal the political, military, and intelligence miscalculations that were at the basis of the conflict. Resolution 1701, finally calling for a ceasefire, was approved by the Security Council on August 11.⁶³ The resolution was not under chapter VII and did not call for a multinational force, both crucial demands from the United States and France. It established the deployment of the LAF in the south (but not on the Syrian borders) with the collaboration of a newly reinforced UNIFIL military force toward which various Western countries (including a reluctant France) contributed.⁶⁴ Resolution 1701 only mentioned the possibility of a follow-up resolution (as it was prospected in the two-phase plan sponsored by the United States) and called for the complete withdrawal of the Israeli army even though the United States was probably interested in a protracted Israeli presence in south Lebanon.⁶⁵

Among the other requests there was the demand to fully implement the provisions of the Tā'if Agreement: "that require[s] the disarmament of all armed groups in Lebanon, so that, pursuant to the Lebanese cabinet decision of 27 July 2006, there will be no weapons or authority in Lebanon other than that of the Lebanese state."⁶⁶ This time the term "militia" was not used (differently from Resolution 1559). The drafters adopted different wording ("armed groups") making the resolution relevant for Hezbollah disarmament and escaping the issue of defining it a "militia."⁶⁷

UNSC Resolution 1701 welcomed the efforts of the prime minister of Lebanon about the fact that "there will be no weapons *without the consent of the Government* of Lebanon and no authority than that of the Government of Lebanon."⁶⁸ But in this way, Hezbollah would have only needed the consent of the government to retain its weapons which they had officially obtained in the governmental statements a few months before. Even more significantly, the resolution did not inform any cogent mechanism to implement Hezbollah's disarmament, but established only measures to prohibit the acquisition of further weapons. This latter point was sternly pushed for by the United States. Surveillance over the implementation of 1701 as regards the rearmament of Hezbollah was to be implemented by the unequipped LAF under the supervision of the UNIFIL military force.

The resolution was, then, more receptive toward the demands of the Lebanese government (including Hezbollah) than the conditions imposed by the United States. Hezbollah was capable of maintaining its arsenal and its status of resistance movement notwithstanding the war, the resolution, and the subsequent political pressure eventually leading

to the civil unrest of May 2008. UNSC Resolution 1701 was, in conclusion, a compromise mainly reflecting the requests of the Lebanese government's diplomatic initiative which in turn was under the influence of Hezbollah's conditions. The devastating war of 2006 and its consequences underpinned the legitimacy of the resistance and the retention of its weapons. In this respect, Williams confirmed that by participating in the government, Hezbollah achieved the best resolution that it could get for its strategic interests.⁶⁹ Hezbollah member Fayyād assesses the achievement of 1701 as follows:

Just as Israel had failed miserably to achieve goals set for its aggression, the resolution 1701, in its current version, seems to be a Lebanese achievement comparing with all attempts to impose projects under Chapter VII on Lebanon, as well as the American–French or American projects that David Welch brought with (sic) to Beirut. This is also a first degree achievement based on the result of the battle, which reduced many of the political risks that were involved in other decisions.⁷⁰

In the subsequent analysis, I will illustrate that despite the success of Hezbollah in influencing certain aspects of the resolution, its involvement in the negotiation of the resolution due to its governmental role also influenced its political identity.

UNSC Resolutions as a Factor of International Socialization

The previous pages have shown that, by accessing the government, Hezbollah was capable of influencing the process of negotiation and implementation of UNSC resolutions limiting their impact over its action. UNSC Resolution 1559 drew upon two main international norms. The first is the principle of state sovereignty demanding the withdrawal of Syria and the disarmament of factions challenging the state's monopoly of force. The second is maintenance of international peace, understood as related to the disarmament of Hezbollah. Similarly, UNSC Resolution 1701 relied on the same principles of 1559 demanding the withdrawal of Israeli troops, full deployment of the LAF, reinforcement of the UNIFIL mission, and disarmament of Hezbollah.

Even though these resolutions were largely ineffective in constraining it, Hezbollah was nonetheless influenced by their implementation. Its participation in the government was a two-way process. On the one hand, Hezbollah influenced certain aspects of the resolutions. Resolution 1559 was neutralized, forcing the government to renew its acknowledgment of Hezbollah as a national resistance entity and not as militia, whereas 1701

was drafted in a way that was certainly different from how Hezbollah's enemies wanted it to be. On the other hand, its newly acquired governmental role made Hezbollah accountable toward the choices of the state in relation to international norms and exposed it to their implementation to an unprecedented degree.

As in the previous cases, Hezbollah's interaction with international norms can be understood as a case of international socialization in which Hezbollah became increasingly accountable to international normative principles contained in UNSC resolutions, modified its Islamist political profile by accepting norms (state sovereignty and international peace) which were previously not acknowledged to the same extent, and justified its actions not only on an Islamic basis, but as an international actor referring to international law.

Government Participation and Accountability

Hezbollah took part in the government in an attempt to contain the effects of a changed regional scenario. As part of the government, it was capable of influencing the drafting of UNSC Resolution 1701 as seen above. Sources confirm how the rest of the cabinet was forced to partly accept Hezbollah's conditions to avoid falling into another governmental crisis.⁷¹ Hezbollah's political influence is shown, for example, in a conversation held by PM al-Sinyūra with the ambassadors of the countries involved in the drafting of the resolution when discussing alternative options to the Seven-Point Plan of the Lebanese government. According to a US diplomatic cable:

While Siniora did not state that the GOL [Government of Lebanon] would definitely reject the current draft if passed, he hinted at growing disagreement within the Cabinet over the terms of a ceasefire deal, and that his government could collapse over it. While he will not rule out taking a "creative look" at the proposal in order to make it work, he stated clearly that "Hizbollah is not going to comply" with the resolution if passed as is, and that this would increase Sunni-Shia tensions while providing the pretext for continued Hizballah militancy and Syrian meddling.⁷²

This confirms how Hezbollah was in a position to blackmail the cabinet and potentially cause its collapse. In contrast though, Hezbollah's direct involvement not only allowed it to pose conditions over the content of 1701 but, in turn, made it responsible toward its content. This made the dismissal of the validity of the resolution more difficult, because Hezbollah was regularly consulted in its negotiation as part of the cabinet, as seen

above. Whereas Hezbollah's participation in the government gave it a greater bargaining power, the same process made it more accountable for its commitments.

At least two of these commitments requested by the resolution (i.e., accepting the deployment of the LAF and the UNIFIL peacekeeping force) were formally sanctioned by governmental decisions, but in fact were not ideal for Hezbollah. These had to be, nonetheless, accepted as a condition for the achievement of a ceasefire. Direct influence over the negotiation of 1701 came with direct responsibility over its implementation, which was also confirmed by the outspoken commitment of Nasrallah to the core aspects of the resolution. Nasrallah raised various critical points in relation to biases in 1701, for example, observing that "the resolution is unfair and unjust when it tries to blame the resistance which conducted a limited military operation despite the lies we heard yesterday at the UN Security Council's session by the US Secretary of State and the Israeli envoy." He further pointed out that

[1701] did not even make any mention of anything related to Israel's aggression, horrific massacres, the killing of over 1,000 civilians in Lebanon, and the killing of women and children in Qana, al-Shayyah, al-Qa, al-Brital, Akkar, Sarifa, and in many and countless Lebanese towns where massacres were committed within this aggression, where the Lebanese infrastructure was destroyed, and where war crimes were committed. All these acts were not even mentioned in the resolution. Some even considered these acts as a natural right for Israel. This is certainly unjust and unfair.⁷³

Notwithstanding this, Nasrallah declared commitment to the crucial points of 1701 related to the LAF and UNIFIL deployment:

In the past, through our political stand and our presence in the Lebanese government, we said that we agree on the idea of deploying the Lebanese Army backed by the UNIFIL troops. This is our stand, and we are committed to it. When the deployment of the army and the UNIFIL troops is decided, they will see all required co-operation, facilitation, and preparedness by the resistance, God willing.⁷⁴

Hezbollah's commitment and the elements of criticism which were raised by Hezbollah were also confirmed to the author by Williams, who from 2008 to 2011 was in charge of reporting to the Security Council on the implementation of 1701. Williams confirmed a rather cooperative attitude from Hezbollah's cadres in this respect, and observed a rational and prudent attitude from Hezbollah with regard to the measures and the

restraints imposed by this resolution.⁷⁵ The inclusion of Hezbollah in the government and consequently in the negotiations of 1701 facilitated its commitment even to conditions that were accepted only reluctantly. This has been partly recognized in Hezbollah's assessment of the situation; for example, Fayyād claims:

The resolution has introduced essential modifications to the strategic scene in Southern Lebanon, but they are not fundamental, for they didn't put an end to the previous phase nor recreate a new strategic reality. What actually happened was the inclusion of new strategic facts but they did not turn into new strategic reality. Hezbollah has exceeded its reservations, and the Secretary-General [of Hezbollah] openly said that these are the national bounds which they can't go beyond. Later on, Hezbollah announced its commitment to the government's decision towards resolution 1701, though it is unjust and unfair.⁷⁶

The above then confirms how participation in the government was a double-sided process, which has entailed the unprecedented (although reluctant) commitment of Hezbollah to a UNSC resolution implementing international norms as the maintaining of international peace and respect of state sovereignty.

The Shift in the Legitimacy Paradigm

Because of its increased accountability in government and internationally, Hezbollah's Islamist political profile was also affected. Whereas before its legitimacy of resistance movement widely relied on reference to Islamic ethics, this shifted toward a progressive inclusion of international law principles as the founding source of legitimacy for its actions. The move is not an isolated phenomenon, but reflects what Inis Claude has observed with regard to the role of international organizations as sources of legitimacy. According to Claude, international political institutions have progressively developed a "function of legitimisation in the international realm"⁷⁷ and Hezbollah seems to take full advantage of this function. According to Claude:

While statesmen have their own ways of justifying their foreign policies to themselves and their peoples, independent of external judgements, they are well aware that such unilateral determinations do not suffice. They are keenly conscious of the need for approval by a large and impressive body of other states as may be possible, for multilateral endorsement of their position—in short for collective legitimization.⁷⁸

This view is useful in understanding the issue related to UNSC Resolution 1559, which was a resolution imposing an identity that Hezbollah did not intend to accept. The resolution entailed its identification as a "militia" and to avoid this vilifying label, Hezbollah had to find an alternative definition with a higher legitimacy status. Resorting to Islamic norms would not have helped, since these do not enjoy the same degree of legitimacy of international norms in international society but only apply to the Islamic community. Within the international context, a non-state actor carrying weapons can only be defined as a terrorist or criminal organization or a national movement for self-determination. Hezbollah interfered in the political process to make sure that the second definition would have prevailed in a governmental declaration to neutralize the attempt at being identified as a militia or generically a terrorist organization.

Once recognized by the Lebanese government as a national resistance, Hezbollah legitimated its existence and action referring to principles of international law as the right to self-determination and self-defense and not with reference to Islamic principles with which Hezbollah is more traditionally associated. Referring to the concept of national resistance, Hezbollah aims to fall into the definition of an armed group operating on the basis of principles established by international law and then enjoying more legitimacy internationally and domestically. The most common reference in this regard is Article 1(4) of the 1977 Additional Protocol to the Geneva Conventions of 1949. This article says that the conventions codifying the principles of international humanitarian law apply also to

armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.⁷⁹

Even though the notion has been disputed among scholars, the inclusion of non-state actors in the Geneva Conventions establishes the lawful status of an armed group carrying weapons against alien occupation as an exercise of the right to self-determination.⁸⁰

Under the pressure of UNSC Resolution 1559, Hezbollah adapted its political identity to the definitions used by international norms. As observed by Iain Johnston, the role of the interpretation of legal aspects within the Security Council is crucial in producing the outcomes of its resolutions and their implementation and the same applies to this case.⁸¹ With its governmental role, Hezbollah was capable, at least domestically,

of favoring an interpretation of international law that would have acknowledged it as a national resistance movement rather than a militia and then as a legitimate entity in the framework of international law.

It is for this reason that the war of words of 2005 between “militia” and “national resistance,” discussed above acquired such capital importance and became a condition for Hezbollah to return to the cabinet. The declarations and events considered with reference to UNSC Resolution 1559 confirm this hypothesis. The ministerial statement of 2005, voted by Hezbollah in parliament, stated that “the Lebanese resistance is a sincere and natural expression of the national right of the Lebanese people to liberate their land and defend their dignity in the face of Israeli attacks, threats and ambitions, and the factor to complete the liberation of Lebanese territory.”⁸²

The same is confirmed in a second occasion after Hezbollah and its allies boycotted the government for weeks and returned to the cabinet under the condition of another declaration by al-Sinyūra. The declaration was another statement defining the political identity of the movement as a national resistance and not as a militia. al-Sinyūra made clear that “we, mister chairman, never called the resistance with any other name different from resistance, and that is a national resistance and we never used other expressions to describe it other than the expression national resistance.”⁸³ By being identified as “national resistance,” Hezbollah escaped the vilifying label of “militia” and (supposedly) acquired international legitimacy grounded in international law, but at the same time it also abandoned its Islamist definition at least in the public international political sphere.

Hezbollah’s identity was framed in a way that rendered it immune to the application of 1559 and marked a distinction between a militia and a national resistance movement. Nevertheless, Hezbollah’s maneuvering to acquire this status also made it an actor whose political principles are not determined by traditional Islamic norms but by international normative concepts. The change is evident if we contrast this definition with the traditional definition of resistance as an Islamic religious duty. Consider, for example, the definition of Hezbollah given in its 1985 *Open Letter*:

The main sources of our culture are the venerable Qur’an, the infallible *Sunna*, and the rules and religious edicts [*fatwā*] made by the jurist [*faqih*] the authority of emulation [*marj’a al-taqlid*]. These sources are clear, uncomplicated, and accessible to all without exception and they need no theorization or philosophy. All they need is abidance and application. No one can estimate our military capabilities since our military apparatus is part and parcel of our society of resistance. Thus each and every one of us is a combatant when the call of *jihād* demands it and each of us undertakes

his task in the battle in accordance with the “legitimate and religious responsibility” (*taklif shar’i*) of the *Wilāyat al-Faqih*.⁸⁴

The kind of process that has been described in this chapter shows how in this transformation the inclusion of Hezbollah in the government and its exposition to international norms such as UNSC Resolution 1559 compelled a redefinition of its identity from being exclusively defined in Islamic terms to an identity that relies on international norms as a source of legitimacy.

Whether Hezbollah can actually be defined as a resistance movement in 2005 remains disputable (especially considering that the occupying force of Israel had almost totally withdrawn from Lebanon); what really matters is that, at this stage, its *raison d’être* is not only Islamist, but widely relies on international norms as a source of legitimacy. As a member of government and acting within the framework of international norms, Hezbollah had to accept the underlying assumptions of the international normative system in which its exclusively religious identity could not be used to legitimize its existence as a resistance movement.

The same kind of transition in Hezbollah’s paradigm of legitimacy can be traced with reference to 1701 and the July War of 2006. Hezbollah’s declarations during the war show how international norms were instrumental in legitimizing its activity also in this case. At the beginning of the 2006 conflict, for example, Nasrallah needed to justify the kidnapping operation that prompted Israel’s reaction in front of the Lebanese public. It did so by framing this operation in the broader military activity of the movement and referring to the aforementioned governmental statement of al-Sinyūra:

The government statement, on the basis of which we participated in the government, talks about the Lebanese government’s endorsement of resistance and its national right to liberate the land and the prisoners. How could a resistance liberate prisoners? Go to George Bush for example? I cannot and will not go to George Bush. When you talk about the resistance’s right, you are not talking about the Foreign Ministry’s right. You talk about an armed resistance, and you establish in the government statement its right to liberate the land and the prisoners.⁸⁵

Operation “truthful promise” then was framed as an operation that, according to Hezbollah’s leader, enjoyed legitimacy as a right to national liberation of land and prisoners. Legalistic thinking in terms of international law became relevant because the kidnapped Israeli soldiers were not on Lebanese soil when they were assaulted, a point that was contested within Hezbollah’s ranks as a violation of the same international

principles throughout which Hezbollah justified its military activity.⁸⁶ To this objection, Nasrallah commented as follows in an interview, showing once more the relevance of international norms in informing the activity of the movement:

Nothing depends on this point when there is an occupied territory. You can refer to the legal opinion by the late professor Edmond N'aim. The legal viewpoint is clear. Under international law, if one inch of our land is occupied, we have the right to carry out operations in Tel Aviv. [...] there is no difference from the legal point of view if we take them prisoners in Sheba'a farm, the border, near the barbed wire, or a few hundred meters beyond the borders. This is our right in international law. We should not forget that they are holding Lebanese prisoners, claiming they are prisoners of war.⁸⁷

For the scope of this analysis, it is not relevant to discuss whether Nasrallah's legal opinion would hold in an international legal court (as it seems hardly the case); the point is that Hezbollah is not justifying its actions strictly with reference to the Islamic ethical paradigm but referring to an interpretation of international law.

Furthermore, international norms are instrumental not only to the legitimacy of Hezbollah's action but also to the condemnation of Israel's military activity. Reference to the concept of "war crime" in Nasrallah's speeches is indicative and reiterates the issue discussed in Chapter 6 regarding the protection of civilians in conflict:⁸⁸

The killing of civilians, including men, women and children, is taking place deliberately [...] Are these not war crimes? Is not the killing of children and women a war crime? Is not the demolition of vacant buildings that are distant from the battlefield and which are not used in any way and have nothing to do with Hezbollah's leaders and fighters considered a war crime?⁸⁹

An interesting anecdote was reported by Williams.⁹⁰ In one of his meetings regarding 1701 with Hezbollah's Minister Fnaysh, Williams was asked by Fnaysh to release a press statement in public in a joint conference, despite the fact that he did not have any intention to do so. Fnaysh's demand was due to the fact that Hezbollah wanted to be seen as part of the process of negotiations and implementation of 1701. Entertaining relations and meeting at a high level with the United Nations was becoming part of Hezbollah's public role and image and needed to be fully boasted by media.

As in the case of Resolution 1559 in which Hezbollah had to define itself as a national resistance, the events related to the July War of 2006 and

the adoption of UNSC Resolution 1701 also had the effect of constraining Hezbollah to justifications referring to international norms. International institutions and then international norms were used as sources of legitimization for political actors as Claude has observed.⁹¹ Exposed to hostile international pressure, menaced by a regional conflict and with the responsibility of acting as member of government, Hezbollah could not justify its mission of resistance as an Islamic duty only, but had to defend its legitimacy resorting to international norms.

This further attests the process of socialization of Hezbollah within the international normative framework highlighted also in the previous chapters.⁹² The initially reluctant interaction of political actors with the international normative system progressively brings about the regulation of domestic and International Relations on the basis of international norms. Kathryn Sikkink and Martha Finnemore mention how political actors are socialized as the result of a demand of legitimacy as in this case for Hezbollah. According to them:

An important condition for domestic receptiveness to international norms is a need for international legitimation. If legitimation is a main motivation for normative shifts, we might expect states to endorse international norms during periods of domestic turmoil in which the legitimacy of elites is threatened.⁹³

The above also applies to a non-state actor such as Hezbollah, the legitimacy of which could not be explained with exclusive reference to the Islamic normative paradigm anymore, and needs then to be underpinned by international norms.

Toward a Normalization of State-Hezbollah Relations?

A final observation to be advanced is that, particularly as a consequence of UNSC Resolution 1701, Hezbollah had to partially normalize its relations with the state authority or, at least, acknowledge symbolically that it could not depict itself as alternative to state sovereignty but rather as a complementary element. The main indicator confirming this is the deployment of the LAF in the southern region of Lebanon along with the reinforcement of the international peacekeeping force, UNIFIL. Williams reports that Hezbollah would have never admitted it in public, but the deployment of the LAF in south Lebanon was an act that restated the authority of the state over a territory from which it was virtually absent for 30 years.⁹⁴ Hezbollah had to accept (reluctantly) the deployment of thousands of Lebanese troops in an area controlled by the Shi'i

movement. More generally, in relation to Hezbollah's commitment to the Seven-Point Plan of al-Sinyūra, Fayyād notes that

there is no doubt that Hezbollah's stance submitted to critical circumstances that arose from the domestic division, and the will of Hezbollah to provide a minimum of internal solidarity and national unity in the face of aggression and Western hegemony dominating the international institutions.⁹⁵

The deployment of the LAF was previously considered unacceptable, as Nasrallah declared in one of his speeches:

Yes, in the past, we objected to the deployment of the army along the borders, not because we had suspicions about the army, may God forbid. This is a national army and for years we have been praising it, [...]. When we objected to, or had reservations about, this deployment, it was not out of fear of the army, because this national army can never be a source of fear for its people. The fact is that we objected out of fear for the army through its deployment along the international borders. The question is clear. Deploying a regular army along the international borders directly face to face with an enemy that might at any time transgress is like placing this army in the mouth of a dragon.⁹⁶

Despite this, Hezbollah eventually accepted the deployment of the LAF along with the international peacekeeping force.⁹⁷ Hezbollah was eventually being forced to progressively accept the authority of the state even within a territory over which it claimed control. It is hard to imagine that this would have happened without the imposition of a UNSC resolution demanding the recognition of state sovereignty by Hezbollah through the deployment of the LAF in the south.

Furthermore, Hezbollah accepted the deployment of UNIFIL, which is an even more crucial indicator of change since, thus far, opposition to foreign interference (especially on military grounds) has been among the central pillars of Hezbollah. The United Nations in general have always been considered an irremediably biased institution not to be trusted by Hezbollah as clearly stated in its 1985 *Open Letter*.⁹⁸ There are limitations to the confirmation of this last hypothesis. Indeed, the army was never capable of carrying out the disarmament of Hezbollah over which no political consensus was reached due to the staunch opposition of Hezbollah and its allies in the months following the war. In addition, the UNIFIL contingent had some tense phases during its operations in south Lebanon.

Nonetheless, the deployment of the army in south Lebanon with the approval of Hezbollah was a major step forward achieved through a UNSC resolution that progressively contributes to normalizing state-Hezbollah

relations by promoting state sovereignty. Although forced on to Hezbollah, the LAF deployment could be considered as socialization through “external inducement” according to which a political elite has been forced to accept a policy, but also adapts to it. In Ikenberry and Kupchan’s words: “the normative principles underlying the hegemon’s policies come to be embraced as rightful by the elites,” in this case by Hezbollah, which declared itself to be willing to cooperate with the deployment of UNIFIL and the LAF.

Conclusions

As observed in the previous cases with regard to international humanitarian law and human rights, Hezbollah’s interaction with international norms as UNSC resolutions brings about a modification of its political identity of Islamist movement and facilitates its international socialization.

This chapter has analyzed the events of 2005 and 2006 during which Hezbollah became part of the Lebanese government for the first time. At the time, Lebanon was under the scrutiny of international political actors and subject to two major UNSC resolutions based on fundamental international norms such as state sovereignty and maintenance of international peace. It was highlighted how Hezbollah “played all its cards” in the political process of negotiation and implementation of these resolutions to minimize their impact but in turn was also drawn into the international normative system.

Hezbollah’s inclusion in the government has produced the conditions for direct international accountability over its commitment to these resolutions. Furthermore, with its exposition to the international normative system, Hezbollah was forced to account for the legitimacy of its actions on the basis of international norms and not in terms of Islamist values, thus changing the founding paradigm over which its activity was based. Finally, it was observed how this process has also reshaped Hezbollah’s relations with the authority of the state imposing the presence of the LAF and the reinforced UNIFIL contingent in south Lebanon.

As in the previous cases, Hezbollah’s self-referential character and Islamist foundations are increasingly challenged by its socialization in international society. The phenomena described in this chapter compelled Hezbollah to revise its Islamist identity in a way that is increasingly receptive toward international norms and can be interpreted as a form of international socialization leading to a normative shift in the legitimacy paradigm on the basis of which it justifies its political action.

Community, Person, and International Norms in Hezbollah's Political Language: Comparing the 1985 Open Letter and the 2009 Political Document

Introduction

The previous chapters have highlighted the impact of international norms on Hezbollah's Islamist identity analyzing its interaction with international actors via process-tracing methodology. This chapter focuses on an analysis of the language of Hezbollah, in particular with regard to the kind of vocabulary used to refer to persons, sociopolitical groups and international norms. It carries out a comparison of the key terms between two fundamental documents for Hezbollah. The first is the 1985 *Open Letter to the Downtrodden* (OLD) which was already introduced before.¹ The second is the *Political Charter of Hezbollah* (PCH)², publicly announced by the Secretary General Nasrallah on Hezbollah's satellite channel al-Manar in October 2009.³ These documents (which are of comparable length) have been chosen for their central importance in the overall discourse of Hezbollah. The first, as already seen, is the founding declaration of the movement, while the second is the main programmatic political document that has been released by Hezbollah in 2009.

The analysis refers to the categories of person and community (presented in Chapter 4 and mentioned in the other chapters) as key terms for comparison between the two texts. One section of the chapter is dedicated to the concept of community and shows how Hezbollah at an earlier stage defined this concept in religious terms, especially referring

to the idea of *umma*, and then shifted toward an increasing use of the term nation (*waṭān*). Another section considers the concept of person and shows a transition in Hezbollah's political vocabulary from the identification of persons on the basis of religious parameters to their definition as members of a national political community, especially as "citizens" of the Lebanese nation-state. Finally, the chapter investigates how international norms influence the transition of Hezbollah's political language and how this is characterized by an increasing reference to key normative concepts, widely overlapping with international norms such as sovereignty, rights, development, and others.

International norms are influential in the way Hezbollah redefines Lebanese statehood. From the Islamic paradigm, sketchily outlined in the 1985 document, Hezbollah moves toward the idea of a modern state, which to an extent has a connotation that reflects the mainstream concept of statehood in international society. Hezbollah in the 2009 document depicts a national state with clear borders, based on an idea of citizenship and in which institutions deliver impartial justice, promote economic development, do not interfere with personal conceptions of moral righteousness, and rely on some form of democratic accountability. Although with a different methodological approach, this chapter integrates the analysis of the process of international socialization that has been highlighted in the previous chapters and illustrates how international norms have influenced certain aspects of Hezbollah's political identity with reference to its political language.

From *Umma* to Nation (*Waṭān*): Hezbollah's Shift in Terms of Collective Entities

As seen in Chapter 3, a fundamental concept in Islamic and Arabic vocabulary is that of *umma*. The term, which roughly corresponds to "community," is characterized by a remarkable semantic uncertainty rendering its definition and translation difficult in certain occasions.

To fully appreciate the relevance of this concept, it is necessary to elaborate on its meanings in more detail. The origins of the word are not confirmed: Bernard Lewis and Halliday argue that it is related to a similar term in Hebrew or Aramaic;⁴ Tamim al-Barghouti says that it comes from the Arabic root *umm* which means "to lead,"⁵ whereas Said Bensaid argues that it is possible to connect this term with the Arabic term for "mother."⁶ The term appears in the Qur'an at least 62 times⁷ and several other times in the *ḥadīth*, often with different meanings. In certain cases, it even refers to an individual rather than a group.⁸

More relevant than its origins are its different meanings. As it is widely accepted, the most important, but by no means the only one, is that of "community of believers." In particular when referring to the Islamic community, the *umma* is further qualified by the adjective "Islamic" that together forms the locution *al-umma al-islamiya*. In this case, *umma* refers to a group of persons sharing a religious belief in the message of Islam and, as a consequence, a shared commitment to its values and principles. Although there are many different interpretations of Islam, the *umma* entails a sense of unity among the believers, a sense that is further confirmed by the harsh condemnation of sectarian division in Islam epitomized by the abhorrence of strife among Muslims (*fitna*).⁹ As Halliday says:

The assertion of a Muslim community is intimately related to the strength of shared norms, that is *umma* entails not only a common Muslim community facing other non-Muslim people, but is dependent upon the espousal by that community of its internal values and faith, and the fulfilment of duty.¹⁰

al-Barghouti proposes a similar definition of *umma* when he says that "a physical existence of individuals is called an *umma* when these individuals have an image of themselves as a collective, and when this image is guiding them to do things in certain ways distinct from others."¹¹ A further aspect is how this concept becomes politically relevant as a source of legitimacy for political and judicial institutions. As Lewis says: "The polity or community over which this sovereign rules is the *umma*, the single universal community embracing all the lands in which Muslim rule is established and the Islamic law prevails."¹² Also, Halliday observes that

the very definition of an *umma* as a community of shared values, religious or not, has political implications: one is that it should, where possible, coincide with a political authority, as was the case of the Prophet in Medina and was to continue to be the case for his four immediate successors.¹³

The relationship between *umma* and political institutions, thus, is a close one, and will be further investigated below. In addition to its meaning of religious community, *umma* is associated with ethnic groups. In particular with the rise of Panarabism, the political discourse often resorted to the idea of an Arabic *umma* (*al-umma al-'arabiya*). In this case, the term is emptied of its religious connotation and redefined on the basis of a shared Arab identity corresponding to a set of values such as self-determination, the formation of a unified Arab state, and the revival of Arab culture and

inner strength¹⁴ as opposed to foreign domination. This meaning, however, is not of particular importance in the Islamist political vocabulary, which criticizes the ethnic conception as being in contradiction with the universalist aspirations of the Islamic *umma*.¹⁵ Throughout its universal call to belief in Islam (*d'awa*), the *umma* aims to become as widespread and inclusive as possible, inviting conversion to Islam in complete disregard of ethnic, national, or allegedly racial borders.

This is also attested in both the OLD and the PCH where the Arab nation as *al-umma al-'arabiya* is never mentioned.¹⁶ In the more recent PCH, the notion of an Arab political constituency is often referred to as "our Arab and Islamic world" (*'alamna al-'arabī wa al-islāmī*)¹⁷ but not as *umma*. This indicates how Hezbollah seems to attach a religious and universalist meaning to the concept of *umma* consistently with the more general Islamist trend.

Another interpretation of *umma* is put forward by Lewis who, in addition to its religious and ethnic meaning, identifies a moral meaning of *umma* which seems to apply to both the previous cases. According to Lewis, the *umma* "can be moral, since the Qur'an speaks of the *umma* of good people, as opposed to the *umma* of bad people."¹⁸ With reference to the case in question, this notion seems to become relevant if we consider the expression: "sons of Hezbollah's *umma*" (*abna' ummat hizbu Allāhi*) which is used only in the OLD. Qāsim reports that "*umma* of Hezbollah" was originally intended to be the name of the movement but eventually the name adopted was the shorter "Hezbollah." The meaning of *umma* in this case is that of a moral community that literally could be translated as: "the community of the partisans of God."¹⁹

In addition to these variations in meaning, a further and rather confusing factor is that *umma* has often been translated as "nation." A common example is that of the name of the United Nations, which in Arabic is *al-Ummam al-Muttaḥida*, literally the "united *ummas*."²⁰ As it has been pointed out, however, translating *umma* as nation is not always ideal, since it has been shown how different shades of meaning characterize this term, while the concept of nation itself (equally problematic to define) does not seem to correspond fully with the idea of *umma*. al-Barghouti observes that translating *umma* as nation necessitates forcing into the concept of *umma* an alien idea avulse from its more traditional meaning raising the suspicion of a neocolonial bias. He says that

in translating non-European terms into European languages the conceptual richness and thus the true operative meaning and function of political ideas are distorted and muted. The translation of "Umma" into "nation" and "Dawla" into "state" holds such biases.²¹

Whether this is the actual case or not, translating *umma* as “nation” in Hezbollah’s OLD²² is problematic because this translation does not actually describe what Hezbollah refers to when it refers to an *umma*. Translating the locution “Hezbollah’s *umma*” as “Hezbollah’s nation” is unconvincing.²³ The same problem applies to the translation of Qāsim’s *Hezbollah: the History from Within* in which *umma* is also translated as nation.²⁴

Nonetheless, al-Barghouti’s view quoted above advances a form of cultural essentialism which is not convincing. While certain uses of *umma* might be problematic to translate, the term *dawla* (as I will illustrate below) fully reflects the idea of a modern state, at least in Hezbollah’s PCH. On the basis of what has been observed then, it is reasonable to argue that Hezbollah refers to the concept of *umma* as a religious community of believers, universal in its extension (hence different from a nation) and with both moral and political implications.

Similar to the ambiguous translation of *umma* as nation is the translation of *ḥizba l-lahi* as “party of God.” The locution comes from the Qur’an (5. 56)²⁵ which was revealed to the Prophet in the seventh century, a time in which the idea of a “party” (*Ḥizb*) in the modern political sense suggested by the translation “party of God” would have been obviously anachronistic. Furthermore, in the OLD, Hezbollah itself did not accept the definition of “party” when it declares that “we in Lebanon are neither a closed organizational party [*Ḥizban*] nor a narrow political framework.”²⁶ The translation of Hezbollah as “party of God” does not seem to accurately capture the reality at least until 1992, when the movement also developed a political office becoming part of the political scenery of Lebanon.²⁷ In this case, the idea of Hezbollah as a party covers only part of a more complex reality including a military apparatus and a widespread social services network.

The translation of the term *dawla* is not as problematic as *umma* and is generally accepted as “state.” As Lewis observes, “By far the commonest term for the state and the polity, from the eighth century onwards, is *dawla*, which, with its phonetic variation in other Islamic languages, is now the almost universal word for the state.”²⁸ There are, nonetheless, some specifications to take into account. The first is that *dawla* is a term with a long history that refers to “any authoritative political arrangement. It is temporary not territorially fixed and usually associated with the ruling elite.”²⁹ In this more general sense, the term does not refer only to the state as it developed in the modern era but also to other polities such as the Caliphate or the *Wilāyat al-Faqīh*, in which sovereignty is only recognized to God and law making is not derived from the will of the people, but from the interpretation of the *shari’a*. Also, the temporality of the *dawla* is considered in contrast with the eternity of the rule of God. A common

saying in popular Islamist discourse is that Islam is “*dīn wa dawla*,” which means it is both religion (*dīn*) and administration of immanent power.³⁰ Furthermore, the concept of *dawla* is different from the term *balad* which is often translated as “country.” A further distinction regards the more general term *niẓām* which can be translated as “system” or “regime” and is used in the phrase *al-niẓām al-islāmī*, meaning “the Islamic system” to which many Islamist thinkers refer to and that is also mentioned in the OLD.³¹ The term is often a matter of discussion because it is not clear how an Islamic system would look in its institutional arrangements, while an Islamic *dawla* would be associated with the idea of an Islamic state.

Another term that needs to be introduced before coming to the analysis of the OLD and the PCH is *waṭān*, commonly associated with the idea of nation as it developed originally in the European context. Lewis introduces this term as follows:

In modern times a new word has entered the political vocabulary and is now in almost universal use. It is the Arabic term *waṭān* meaning “one’s place of birth or residence.” It is often used in the sense of “homeland” or “birthplace.” [...] In the course of the nineteenth century, the word *waṭān*, with its derivatives for “patriot” and “patriotism,” passed into common use as part of the new nationalist terminology.³²

Nonetheless, Lewis argues, the term nation was imported into the Middle East from an allegedly disconnected cultural context and its application is therefore difficult in these circumstances. As in the case of *umma*, the ambivalence of *waṭān* remains unsolved. al-Barghouti takes a more definite stance and reminds us that *waṭān* is also the term that indicates the concept of nationalism in its derived word *waṭāniyya*. He further refines the meaning making a distinction which will also be relevant for this analysis. He points out that *waṭān* refers to the idea of nation as the *local* nation, basically derived from the administrative partitions imposed at the end of the colonial period in the Middle East.

Differently, the term “*qawm*” refers more often to the pan-Arab sense of nation, which is an analogous form of nationalism but goes beyond the borders of Sykes-Picot’s map of the Middle East. As he observes:

Qawmiyya means to belong to a certain group of people, “*qawm*,” and is therefore usually associated with Arab nationalism; Arabs have the same origin, the same language, and the overwhelming majority of them have the same religion and the same collective memory.³³

Moreover, Bensaid observes that *waṭān* refers to localized nationality even though he points out that the same term, occasionally, refers to Arab

nation as (*al-waṭān al-‘arabī*) just like in the case of *umma*. The last term that needs to be mentioned is *sh‘ab* which corresponds simply to “people.” Different from *waṭān*, *sh‘ab* is not strictly related to patriotic values and, different from *umma*, does not necessarily entail ethical bonds between its members. As Halliday says, “the term *sh‘ab* (people) could be used interchangeably, depending on the preference of the speaker, to refer to all Arabs, or, if more wary of Panarabism to denote specific Arab people, such as the Egyptians, Yemenis, or Tunisians.”³⁴

On the basis of the vocabulary that has just been analyzed, it is now interesting to turn to a comparative analysis of its use in the OLD and the PCH.

Consideration of the term *umma* shows that Hezbollah has become keener in adopting a political language that more insistently refers to the Lebanese nation rather than only the Islamic community as its community of reference. In the OLD the term *umma* is frequently used with two main meanings. The first meaning was already mentioned and it refers to Hezbollah as a community of partisans of God. But the document makes clear that this community is part of a broader Islamic *umma* (that is its second meaning) as it says: “We, the sons of Hezbollah’s *umma*, consider ourselves a part of the Islamic *umma* in the world”³⁵ and further specifies that “we are a *umma* tied to the Muslims in every part of the world by a strong ideological-doctrinal and political bond, namely Islam.”³⁶

Indeed, the rest of the document refers to the concept of *umma* as a universal pan-Islamic religious community which aims to protect the “downtrodden people”³⁷ according to the principles of Islamism against the threats of “imperialism” and “Zionism.”³⁸ The main guides of the community are the ‘*ulamā*’ who have the duty of leading the religious community on the path of Islam.³⁹ This idea of *umma* is reiterated all across the document where it is mentioned 24 times and inevitably becomes a key definitional term for this early stage in Hezbollah’s political vocabulary. Quite differently in the PCH, 24 years later than the OLD, the term *umma* appears 11 times.⁴⁰ The locution “Hezbollah’s *umma*” is absent, but the concept of *umma*, whenever used, maintains its meaning of transnational religious community committed to Islam. To this moral conception of the community is linked the duty of the Islamic resistance to fight Zionism and imperialist domination⁴¹ and consideration of the United States and Israel as the main threats for the unity and well-being of the community. Nonetheless, although *umma* remains relevant, the idea of nation acquires prominence, being mentioned as *waṭān* in 23 occasions, all of them referring to Lebanon.⁴²

In the OLD, the term nation (*waṭān*) is absent, while in the PCH it is obviously of central importance. The second chapter of the PCH goes under the title “Lebanon” and its first section is “the nation,” thus giving

a clear indication of how Hezbollah's political identity has become concerned with the national dimension of the political process. While the reference to the idea of *umma* as the Islamic community is maintained in general terms, the concept of nation is reiterated on a number of occasions signaling a shift from the centrality of *umma* to the importance of *waṭān*. This phenomenon has been widely reported in the scholarship on Hezbollah and defined as the "Lebanonization" of the movement.⁴³ Considerations in terms of vocabulary analysis corroborate the more general observation of a nationalized Hezbollah.

As mentioned before, the term *waṭān* denotes an idea of nation in a clearer manner than *umma*. *Waṭān* is used with reference to the local Lebanese nation and not the Arab nation. In addition to the frequent use of *waṭān* (which is correlated to a decrease in the use of *umma*), it can be seen a more common use of "people" and "peoples" in the PCH. In different cases, the concept is used to indicate national peoples as subunits of a wider *umma*. For example the term is used to refer to the Palestinian or Lebanese people, while in other occasions it is clearly distinguished from the term *umma* when the text says: "Here lies the historical responsibility of the *umma* and its people[s]"⁴⁴ or "has not left choice to our *umma* and its peoples"⁴⁵ thus indicating how the two concepts are differentiated.

The term people (*sh'ab*) occurs in the OLD 11 times, and in most of the cases, it does not refer to a national people but is used in looser locutions such as the "oppressed people" or the Muslim "people." Differently, "people" is used as referring to a national population in almost all the 42 recurrences of the PCH, thus confirming the trend that was already clear with reference to the term *waṭān*. The first observation, then, is that this shift in Hezbollah's vocabulary clearly indicates how the political community to which it refers in more recent times is primarily the Lebanese nation. The *umma*, understood as the universal community of Muslims, maintains relevance but not as much as at the origins of the movement. The recurrent reference to *waṭān* and similarly the use of *sh'ab* in the PCH of Hezbollah is a clear break with the OLD, which almost exclusively refers to the *umma* as the main community of reference.

This fact also has some important political implications in the kind of institutional system that Hezbollah envisages and these are clearly reflected in another vocabulary shift between the OLD and the PCH. As already discussed above, the nature of the political community to which an actor refers inevitably influences the type of polity that the actor envisions as its political ideal. If we consider the OLD, Hezbollah does not endorse clearly an institutional system as part of its program of action. The word "state" (*dawla*) is used to refer to other states that are not Lebanon, and, on one occasion, to refer to the Islamic Republic of Iran.⁴⁶

Iran is referred to as the “nucleus of the world’s central Islamic state”⁴⁷; it is unclear what this means and whether Hezbollah imagines the establishment of a transnational Islamic state. The ambiguity continues when the term *dawla* is abandoned, and the text refers to the concept of the “Islamic system” (*al-niẓām al-islāmī*).⁴⁸

In these occasions Hezbollah clearly endorses the idea of promoting an Islamic system as the only system that can guarantee justice and dignity, a project that is central for most of the Islamist actors, especially at their early stage. In a sentence of the OLD, it declares that they aspire “to see Lebanon ruled by Islam and its just leadership,”⁴⁹ although the text then specifies that this will only happen with the consensus of the majority of the people. Nonetheless, Hezbollah does not specify what this means exactly, and the OLD reader is left with doubt about whether Hezbollah is thinking of a global Islamic state with a center in Teheran or something else. On a similar note, the *Wilāyat al-Faqīh* is mentioned in three instances in the OLD⁵⁰ but in none of these cases is proposed as an institutional arrangement to be applied to the Lebanese context; rather, it is considered the center of the spiritual/religious community.

Hezbollah’s undetermined political vision changes sharply in the more recent PCH, where the institutional system prefigured by the party is defined in more detail. The term *dawla* (to be understood as the concept of state in the modern sense) is used 32 times with reference to Lebanon. Entire sections of the document are dedicated to explaining which principles this state should rely on.⁵¹ It can be argued that the shift from *umma* to nation outlined above corresponds in terms of institutions to a shift from a vague reference to an Islamic system in the OLD, to a more precisely defined idea of state in the PCH. The idea of an Islamic system is never mentioned in the PCH, whereas reference to the Islamic Republic of Iran assumes a slightly different meaning. Although Iran maintains a privileged relationship in the foreign relations of Hezbollah, what was defined in the OLD as “the nucleus of the Islamic state in the world” in the PCH is defined as “a state of central importance in the world of Islam.”⁵²

From these observations it is possible to deduce a transition in Hezbollah’s political identity from a fundamental emphasis on a pan-Islamic conception of *umma* as its central community of reference toward the Lebanese nation. The *umma* maintains a degree of importance in the newer document as well, but the concept of nation acquires a comparable value. This shift has important consequences with regard to the polity that Hezbollah endorses. From a vague reference to the idea of an Islamic system in Lebanon, Hezbollah moves toward the affirmation of an accomplished form of statehood, widely overlapping with the principle proposed by international norms, as discussed in Chapter 8 (see Figure 9.1).⁵³

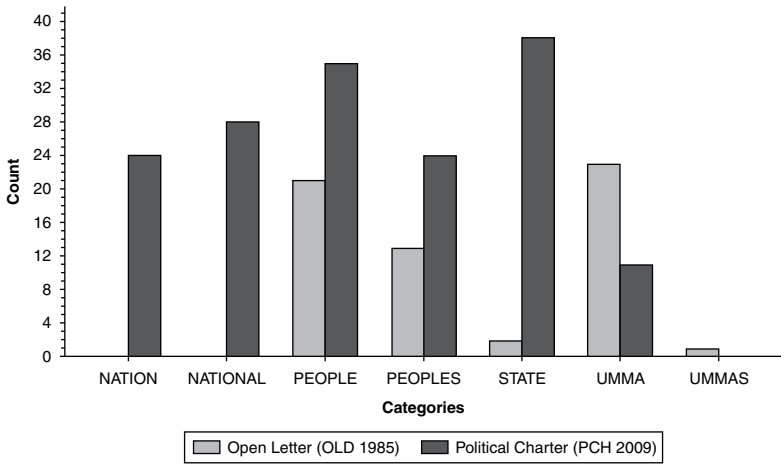


Figure 9.1 Compared frequency of terms referring to collective entities in the OLD and the PCH.

From the Person as Downtrodden (*Mustaḍ'af*) to Citizens (*Muwāṭin*)

Before discussing more specifically the role of international norms in the dynamics of change in Hezbollah's vocabulary, it shall be considered how persons are identified through different parameters in the OLD and the PCH. The shift highlighted in this section fully matches with the change that was described in the previous section with reference to collective entities as *umma* and nation.

As can be observed from its title, the OLD is addressed specifically to an audience that is the "downtrodden of Lebanon and the world." The term "downtrodden" is a translation for *mustaḍ'afin* (singular: *mustaḍ'af*), which is a key concept in Islamist rhetoric. The term is used usually in opposition to *mustakbārīn* indicating persons characterized by arrogance or abusing their power. These two concepts are also found in the Qur'an referring to the victims of injustice and those who abuse their powers.⁵⁴ According to Lewis:

The Arabic word *da'if*, with the primary meaning of "physically weak" or "deemed weak," has been used since ancient times to denote those who are socially weak, i.e. in a socially inferior position. A derived participle form, *mustaḍ'af*, "made weak" or "deemed weak," has acquired the meaning of "deprived" or "oppressed" and has been used from medieval times to the present day in revolutionary appeals.⁵⁵

The distinction between “the oppressed” and “the arrogant” became of central importance in Khomeini’s rhetoric, which is highly influential in Hezbollah’s discourse. As Halliday observes, “Khomeini divided societies into two categories of people—the *mostazafin* and the *mostakbarin* (literally those made weak and those made big)—two Qur’anic terms which began to be used in the populist sense of ‘oppressed’ and ‘oppressor.’”⁵⁶

The same dichotomy can be observed in Hezbollah’s OLD where *mustad’afin* recurs 31 times and *mustakbārīn* and other terms from the same semantic field are found 19 times, thus showing the centrality of these concepts. Olivier Carré observes how the term *mustad’afin* has a particular importance “because it is to them [the downtrodden] who especially have to be addressed with the Quran’s predicament since potentially they have, after all, a greater internal force.”⁵⁷ Indeed, it is also for this reason that Hezbollah’s OLD is specifically addressed to the downtrodden people in the attempt to mobilize them. Previous stages of the Shi’i mobilization in Lebanon referred to the “dispossessed,” as in the case of the Movement of the Dispossessed headed by Mūsā al-Ṣadr. But in that case, the term used was *maḥrumīn*. According to Mona Harb and Reinoud Leenders, the shift from *maḥrumīn* to *mustadh’afin* is important because “the latter invokes an opportunity for transformation and change, whereas the former involves stagnation.”⁵⁸

As in the case of the concept of *umma* the term is ambiguous in certain respects. For example, As’ad AbuKhalil observes how the reference to a category of oppressed and the call to rise and resist the oppressors echoes Leninist ideology in addition to its religious connotation.⁵⁹ The overlap between two ideological paradigms, on the one hand the religious call to social justice, on the other the Marxist theme of class struggle, was indeed common in the Islamist revolution in Iran which Hezbollah considers exemplar. Addressing this specific audience, Hezbollah not only positioned itself in the religious discourse of Khomeini but, as Ghorayeb points out, also embraced the wider “third-worldist” rhetoric of the *Wretched of the Earth*.⁶⁰

In 1985, Hezbollah’s political identity, as that of other Islamist groups, was in competition with socialist and nationalist competitors. The capacity of combining an appeal to social justice and conveying a message of communitarian affiliation within the framework of Islam was a powerful means of expanding its appeal to spheres in which Islamism did not yet have sway. The religious component nonetheless remains the priority. As Hamzeh says, “when Hizbullah’s ideology speaks of the downtrodden (*mustad’afin*) versus the arrogant (*mustakbirin*), the party does not call for one segment of the Shi’ite or Muslim community to engage in a class

conflict with another. Rather, the party calls for transcendence of all class differences to be archived by the Islamic just order.”⁶¹

The religious dimension of Hezbollah’s political identity also maintains its centrality when observing the other terms referring to persons in the OLD. A prominent role is attributed to the ‘*ulama*’, a term that appears nine times in the text. The OLD appeals repeatedly to religious scholars as “‘*ulama*’” asking them to assume the leadership of the community and lead the downtrodden on the path of Islam.⁶² Furthermore, the text refers more generally to Muslims on 25 occasions. They are asked to unite and take part by any means in the resistance struggle against the enemy. The insistent reference to persons as Muslims and the appeal to ‘*ulama*’ as their guides are indicative of a perspective in which religious parameters are the main criteria in identifying persons and their sociopolitical role.

Combining an understanding of the oppressed that stems mainly from a religious parameter (*mustaḍʿaf*) with the reference to Muslims and ‘*ulama*’, the vocabulary analysis of the OLD shows how Hezbollah identified persons, at that time, with reference to religious criteria, thus highlighting their moral duties as a result of their religious affiliation. Two more terms need to be mentioned before looking at the more recent PCH. Within the wider framework of the concept of *jihād* (which is mentioned five times in the OLD), two words referring to persons become relevant: *mujāhid* (a fighter for *jihād*) and martyr⁶³ (*shahīd*). The term *mujāhid* has been used on several occasions in Arabic political vocabulary to denote fighters, not only on a religious basis but also with regard to a struggle for national self-determination.

For example in the public discourse of the Algerian independence war, the term was constructed around an understanding of *jihād* that is not only religious but also nationalist.⁶⁴ In the case of the OLD, its religious connotation is obvious because to denote combatants without specific religious reference other terms are used such as *muḥārib*. *Mujāhid* appears eight times⁶⁵ and is also specified that all the members of Hezbollah are trained to take part in military *jihād*,⁶⁶ thus confirming the importance of being a *mujāhid* for Hezbollah.

The concept of martyr (*shahīd*) refers to the most morally valued idea of person by Hezbollah and Islam in general. A martyr in the Shiʿi tradition is the paramount virtuous person, who gave his or her life as a witness of faith in Islam.⁶⁷ The OLD itself is dedicated to a *shahīd* (Rāḡheb Ḥarb). The OLD mentions the term martyr and other terms in the same semantic field on nine occasions.

As previously seen, in the OLD Hezbollah identified its friends and allies as the “*mustaḍʿaf*in of the world” and then repeatedly identified persons throughout a religious paradigm; this also happens in the

categorization of its enemies. The enemies are primarily the Israelis along with their main ally the United States, and more generally “the West.” On the domestic front, the Phalangists (*katā’eb*) also have a preeminent role. From a regional perspective, the text critically elaborates against Arab regimes accused of collaborating with the enemy. Also in this case, the reference to the enemy combines religious and ideological aspects. The category of *mustakbārīn* works as the term identifying the promoters of imperialism and Zionism that are the United States, its allies in the region, and above all Israel. In certain instances, the reference is also strictly religious and disturbingly discriminating as in which a Qur’anic verse quoted identifies Jews and pagans as the bitterest enemy of the believer in Islam⁶⁸

A different case is that of the term “Christians” (*al-masihiun*) which recurs in the OLD eight times and one time is qualified with the term “Maronites”. The text differentiates between Christians in general and the Phalangists (*katā’eb*). The latter are considered allies of Israel in Lebanon. They are defined as “fundamentalist Christians” (*al-masihiun al-mut’aṣībūn*)⁶⁹ and identified as enemies pursuing political Maronism. Nonetheless, the OLD makes a distinction and claims that not all the Christians in Lebanon are considered enemies and calls for their collaboration in the struggle against the enemy. Toward the Christians, Hezbollah develops a minimalist and a maximalist approach in the OLD. In the minimalist case, it calls for a compromise and a pact of collaboration and coexistence whereas, in the maximalist case, it makes a *d’awa* appeal for them to join Islam as the true faith. The document makes clear that Hezbollah, though promoting Islam, does not intend to impose it by force to anyone under any circumstances.⁷⁰

Vocabulary analysis of the OLD reveals that Hezbollah widely relies on its own religious paradigm in identifying persons as both allies or enemies; this is not the case of the PCH, or at least not to the same extent. In the PCH of 2009, the dichotomy between oppressed and oppressor persists but is not as relevant as in the OLD. The distinction between *mustaḍ’afīn* and *mustakbārīn* among others becomes relevant when the document says:

In terms of Hizbullah’s perceptions and approach, the principles for conflict and divergence primarily rest on political-moral grounds, whereby divergence is between the arrogant (*mustakbar*) and the wretched (*mustadh’af*), the oppressor and oppressed, the haughty occupier and the pursuer of freedom and independence.⁷¹

Overall, the term *mustaḍ’afīn* and its derivatives occur only 3 times compared to 31 times in the OLD and its use is related to aspects of

secondary importance, such as Hezbollah's appreciation for the liberation movements in South America.

The term *mustakbārīn* and its related words such as arrogance (*istikbār*) recur in 11 cases, fewer than the 19 cases of the OLD, although not a sharp difference. What might be interesting to point out in this regard is that along with the term arrogance (which is used to refer to the foreign policies of United States and Israel) another term gains prominence in the text. Hegemony (*haymana*) occurs in the PCH 24 times compared to only two cases found in the OLD. Whereas *mustakbār* is a term with religious connotations, hegemony, to the knowledge of the author, does not bear a comparable religious connotation, and is more commonly associated with a strictly political and somewhat secular vocabulary.

A major indicator of change from the OLD is the emergence of a term that was virtually absent in the OLD⁷² and that is highly frequent in the PCH. The appearance of the concept of citizen (*muwāṭīn*) is a remarkable shift in how Hezbollah refers to persons in its political discourse. As Lewis observes, this term was not entirely part of the Arabic language until modern times, when the need to find a term that reflected its meaning in Western political culture emerged. As he says:

It was not until the general adoption of Western ideas of nationality and citizenship in the Islamic world that a term was needed and was found. It is now in common administrative usage in virtually all Muslim states. The choice that was made among the rich lexical resources of the Arabic language is significant. The Arabic term is *muwāṭīn* its Persian and Turkish equivalents are *hamvatan* and *vatandaş*. All three come from the Arabic *watan*.⁷³

Perhaps Lewis is not entirely convincing in describing this process as the "choice" of a term for a concept that was allegedly inexistent before. Languages develop through shared use by their users and rarely through choices. Nonetheless, the use of this term in the PCH was a choice of the author of the text. Considering the political significance that this term carries with it, its use is a relevant shift in Hezbollah's political vocabulary. From a political vocabulary in which persons were referred to on the basis of a traditional religious paradigm, the text adopts a term which characterizes persons as members of a national political community.

Citizen (*muwāṭīn*) appears six times in the PCH and only once in the OLD, where it is used with a rather derogatory tone. The appearance of this term is implicitly linked to the emergence of the concept of nation and state observed in the previous section. The term *muwāṭīn* stems from the same root of the word *waṭān* (nation) and in conceptual terms

is directly linked to the existence of a state which, as pointed out in the previous section, emerged as a central concept in Hezbollah's political vocabulary in the PCH. If the recurrence figure related to the term citizen is not particularly high, this trend is nonetheless confirmed by the fact that the term "Lebanese" referring to Lebanese citizens recurs in the PCH 12 times, whereas the same term does not appear as identifying persons in the OLD in any circumstances. More generally, the term Lebanese is used in 31 cases, thus confirming the emphasis of the PCH on the nationalized character of Hezbollah's political identity.

This confirms how the paradigm of nationality and citizenship became increasingly relevant in recent times for Hezbollah, although its religious dimension maintains a fundamental role (see Figure 9.2).⁷⁴ A further relevant aspect is related to the issue of Palestinian refugees.⁷⁵ Hezbollah declares that Palestinians should not become Lebanese citizens. This is a complicated matter of Lebanese politics, in which the possibility of naturalization⁷⁶ of Palestinian refugees has been a long-standing issue. The fact that Hezbollah opposes Palestinian naturalization in Lebanon

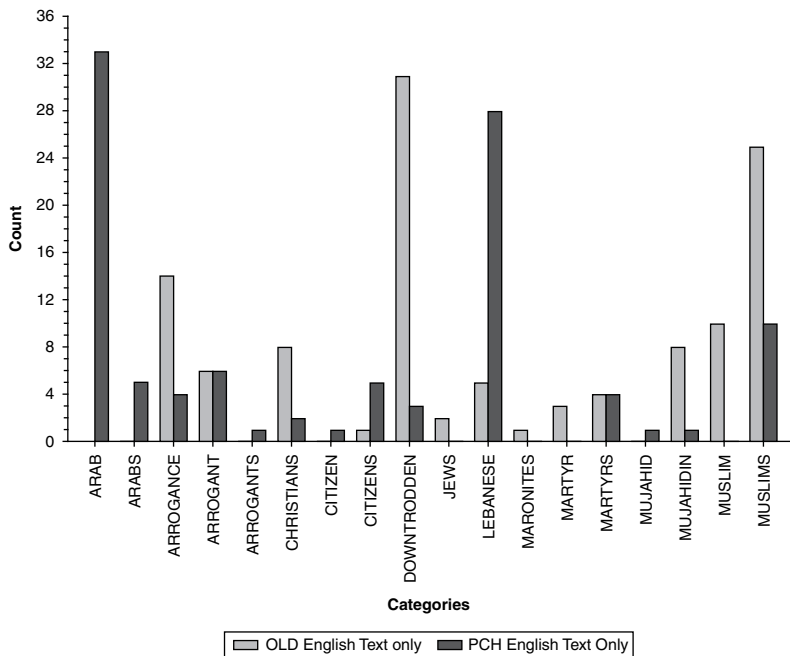


Figure 9.2 Compared frequency of terms referring to individuals in the OLD and the PCH.

further confirms the importance that it attaches to the idea of citizenship.⁷⁷ The decline of merely traditional and strictly religious criteria in identifying persons also appears from the less regular references to “Christians.” The term appears only four times and in none of these cases it refers to persons. It is used along with the term “Islamic” to describe the holy places in Palestine and Jerusalem in particular.⁷⁸ A final observation that further distinguishes the PCH from the OLD is the fact that also the term “Muslims” does not appear as prominently as in the OLD: where the OLD refers to Muslims on 26 occasions, the PCH does so only 9 times.

The observations above, then, should be enough to conclude that a vocabulary analysis of these two documents reveals a change in Hezbollah’s political identity (Figure 9.3). None of the paradigms of reference, whether religious or ideological, are completely abandoned from an early stage to the latter, but the extent to which Hezbollah resorts to terms such as “arrogant” (*mustakbārīn*) and “downtrodden” (*mustaḍʿaf*) and the emergence of other terms such as “citizen” (*muwāṭīn*) or “Lebanese” are indicators of a shift in its vocabulary. What was noticed in the previous section with reference to a shift from *umma* (religious community) to *waṭān* (nation) and then *dawla* (state) is similarly reproduced in the terms referring to persons. The primarily religious character of these terms is subsituted by more secular and national terms such as “citizen.”

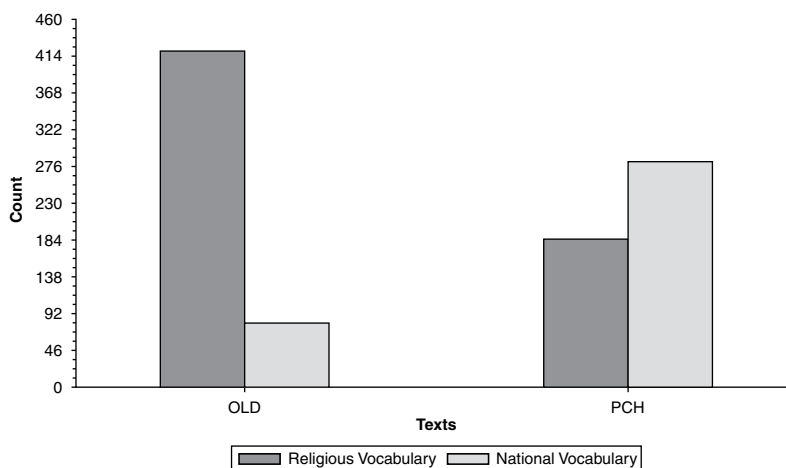


Figure 9.3 Compared aggregated frequency of religious and nonreligious/nationalized vocabulary in the OLD and the PCH.

This modification inevitably reflects a change in Hezbollah's political identity. Reference to imperialism and enmity toward Israel remains substantially unvaried but the approach to internal Lebanese politics changes. In a way, this is consistent with what has been observed about collective denominations in the previous section. Hezbollah assimilates a vocabulary apt to a national political organization that sees values in a nation and a state to be preserved and politically promoted.⁷⁹ From a vocabulary mainly derived from a distinction between imperialists and downtrodden people, in its more recent document Hezbollah goes as far as to say that among its aims there is the achievement of a society in which "the citizen represents a value in and of himself."⁸⁰ The change from *umma* to *waṭān* matches with a shift of focus from downtrodden (*mustaq'afīn*) to citizens (*muwāṭīnin*).

The Role of International Norms: Redefining Statehood

To what extent did international norms influence Hezbollah's transition outlined in the previous sections? If we look at the 1985 OLD text, the dynamics of change that could have been reasonably expected are certainly different from the kind of mutation described in the previous sections. The Islamist hard-line movement of the mid-1980s advocating the establishment of an Islamic system, justifying and legitimizing its actions through a constant reference to Islamic principles, could have hardly been expected launching a political manifesto such as the PCH of 2009, characterized by several references to modern conceptions of statehood, mentioning ideas as rights, democracy, freedom, justice, and state building. The explanation of this shift in the political vocabulary therefore should be found elsewhere rather than the Islamist tradition; external influences whether mediated by the influence of Lebanese civil society or through interaction with international actors remain the only options explaining why Hezbollah's political language and therefore identity have changed.

In a discussion of the concepts of causation and constitution, Wendt has observed that "the answers to constitutive questions must support a counterfactual claim of necessity, namely that in the absence of the structures to which we are appealing the properties in question would not exist."⁸¹ The counterfactual claim in this case is that we cannot explain the emergence of the international norms vocabulary within Hezbollah's political language if not on the basis of the "structure" of international norms which become influential in shaping its political identity.

The comparative text analysis of the OLD and the PCH is indicative of the possibility that Hezbollah has assimilated a set of norms previously

absent from its identity as a result of the influence of a broader process of norms diffusion generally inspired by liberal principles of international society as seen in Chapter 2. The process therefore confirms a trend of socialization within international society.

In different parts of the OLD, Hezbollah (as also seen in the previous chapters) asserts that its sources are exclusively Islamic. It makes clear that it is committed to the leadership of the *Walī al-Faqīh* of Iran,⁸² it states that it is bound to the precepts of the Islamic community,⁸³ and declares that

the main sources of our culture are the venerable Qur'an, the infallible Sunna, and the ruled and religious edicts [*fatwas*] made by the jurist [*faqih*] the authority of emulation [*marj'a al-taqlid*]. These sources are clear, uncomplicated, and accessible to all without exception and they need no theorization or philosophy. All they need is abidance and application.⁸⁴

This kind of stance is a clear delimitation of its sources of political and military legitimacy. They confirm the idea that Hezbollah, at least in its early stage, saw itself as a self-referential entity relying on its hierarchies and traditions when defining its identity and justifying the legitimacy of its political actions. This is particularly clear in the following statement, which is a reference to Qutb's concept of *jāhiliyya*.⁸⁵

The time has come to be cognizant of the fact that all foreign ideas, concerning the origin of man and his instinct, are incapable of answering his ambitions or saving him from the darkness of ignorance [*jāhiliyya*] (ignorance). Only Islam leads to man's reform, progress, and creativity.⁸⁶

This kind of declaration, as a matter of fact, eliminates any possible space for the inclusion of principles considered external to the ethical perimeter of Islam. The overall document relies on the contraposition between a "world of downtrodden" and a "world of arrogance" led by the United States and its regional proxy, Israel. International organizations and the kind of norms on which they rely

do not constitute a podium for the oppressed nations (*umma*), and in general, they remain ineffective and inefficient due to the procedural hegemony and domination of the world oppressors on its decisions... The veto right, which is accorded to some countries is a testimony to what we say.⁸⁷

This view was profoundly critical of international norms and perceived these as manipulated by the interests of hegemonic powers. This is

further confirmed by the kind of political institutions which Hezbollah envisions in the OLD and by the religious perspective that it adopts referring to groups and individuals. This kind of self-referentiality renders unlikely the influence of international norms on the political identity of Hezbollah, since these norms are deemed external to the ethical boundaries of Islam.

But the text analysis presented in this chapter shows the contrary. Hezbollah in the PCH has assimilated many elements of the vocabulary of international norms. Although at its inception Hezbollah relied exclusively on sources of legitimacy stemming from its interpretations of the Islamic tradition, looking at its more recent documents such as the 2009 PCH it is possible to notice the assimilation of a vocabulary increasingly inclusive of the key concepts of international norms. A comparison of the OLD and the PCH shows how the latter document is punctuated by terms typical of the international normative language absent in the OLD⁸⁸ (see Figure 9.4).

Among the most evident cases there is the term sovereignty (*syāda*), which refers to the international norm *par excellence* whose adoption is consistent with Hezbollah's endorsement of a modern form of statehood and the principle of self-determination. This term in the PCH recurs nine times whereas in the OLD is absent. Hezbollah reiterates the message that a solid institutional system needs to benefit from a degree of internationally recognized sovereignty which protects it from foreign interference within the affairs of the state.

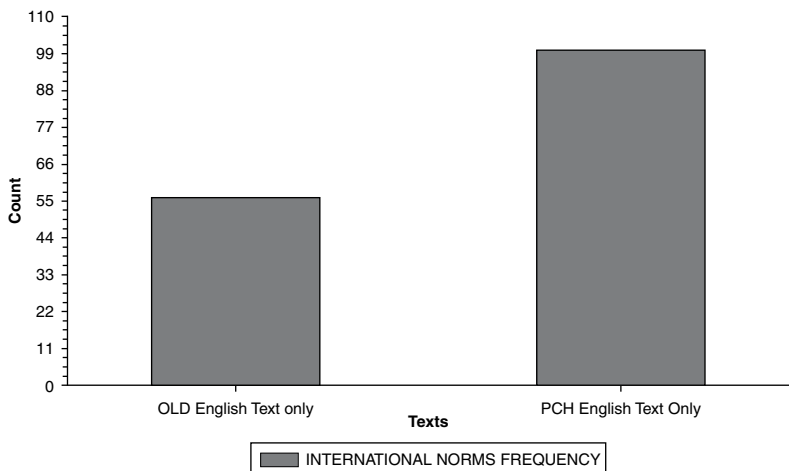


Figure 9.4 Compared aggregated frequency of international norms vocabulary in the OLD and the PCH.

Another term, which stands out for the frequency of its use in the PCH and is virtually absent from the OLD, is that of “rights” (*huqūq* singular *haqq*). The term occurs on 15 occasions. The concept is mentioned in different circumstances, for example, it is applied to the case of Palestinians with reference to their civil and social rights in Lebanon, but also asserting their “right to return” to their homeland.⁸⁹ An interesting reference regards the idea of a “right to resistance.” Hezbollah in the PCH complains that its definition as a terrorist organization is a political manipulation aiming at delegitimizing the cause of the Islamic resistance.⁹⁰ It then subsequently claims that resistance is legitimate from an international normative perspective (literally “humanitarian and rights-based legitimacy”)⁹¹ and that George W. Bush’s equation of terrorism with resistance is an arbitrary justification of the “war on terror.”⁹²

The document goes as far as to mention the case of the Guantanamo Bay detention facilities arguing that such detention conditions and other cases are a violation of the rights of prisoners who are arbitrarily detained, unfairly tried, or simply under detention without trial. Although no explicit mention of the locution of “human rights” (*huqūq al-insān*) is made, this part of the PCH is obviously referring to human rights principles such as right to fair trial, prohibition of arbitrary detention and torture and widely echoes similar concerns raised by many human rights organizations⁹³ and the international civil society. Another example refers to the question of crimes of war. In the OLD Hezbollah denounces the indifference and the responsibility of the international public toward the massacre of Šabrā and Šātīlā in Beirut in September 1982.⁹⁴ But, differently from the PCH, rather than pointing out the crime in terms of human rights violation the text then refers to a verse of the Qur’an which asserts the enmity between Muslims, Jews, and unbelievers.⁹⁵ This is an indicator of how the ethical paradigm throughout which Hezbollah judges crimes is changed, while originally reference was made exclusively to principles of Islam; at a later stage Hezbollah has assimilated a vocabulary that refers also to the international normative framework.

In a similar case, the impact of international norms on Hezbollah’s vocabulary also appears in the use of the locution “crime against humanity” which is used with reference to “the West.”⁹⁶ The term crime is recurrent also in the OLD, but is not defined as “against humanity” (*dud al-insaniyya*) which is a phrase clearly derived from the international normative vocabulary. A further indicator, relevant from the point of view of international norms, is the qualification of Palestinians in Lebanon as “refugees” (*lāja’in*). The term recurs three times in the PCH and although the problem of Palestinian refugees represented a dramatic reality also at the time of the OLD, this term is not used in such context,

confirming how the adoption of an international norms-specific vocabulary is relevant at a later stage of Hezbollah's history. In a similar way, Palestinians are described as "asylum seekers" and as entitled to minimum standards of living. Also in these cases the terminology is derived from international norms principles being the concept of asylum seeking an international norm itself, and the principle of adequate standard of living a human rights principle guaranteed in international human rights law.

The influence of international norms is not limited to matters of international nature but affects also the way Hezbollah envisions the Lebanese state in the PCH. The kind of statehood which Hezbollah delineates in the new charter is widely overlapping with international norms standards. Among other aspects, for example, Hezbollah declares its commitment to safeguarding freedom, sovereignty, and self-determination. Its conception of Lebanese statehood includes the promotion of principles of non-discrimination on religious and territorial ground. Hezbollah then voices support for a parliamentary representative system, independence of the judicial power, implementation of the rule of law, commitment to equal development, provision of education, health, and housing, fight against corruption and other principles.

All of the above are constitutive elements of modern liberal statehood widely overlapping with the standards of statehood in international society, a long section⁹⁷ of the PCH is dedicated to these—differently from the OLD that does not contain such references. It is safe to argue that the process of Lebanonization of Hezbollah brought about the assimilation of national values; but the way statehood is conceived: its qualities, principles and aims, are defined not through particularist national or Islamist parameters (such as *shari'a*, *Wilāyat al-Faqīh*), but consistently with principles which enjoy widespread legitimacy in international society (democracy, rights, justice, nondiscrimination, and so on). Although national traditional forms of statehood in Lebanon have always relied on political confessionalism, Hezbollah criticizes this system. In the OLD the form of state prefigured is mainly inspired to a vague idea of Islamic state (*al-niẓām al-islāmī*); however, this concept is *completely* absent in the 2009 document. Hezbollah's adoption of a political language that assimilates international norms terminology brings about a conception of statehood that widely reflects international normative and liberal parameters, and significantly softens the Islamist stance. The impact of international norms becomes particularly relevant not as a *cause* of the transition of Hezbollah's political identity, but rather as the factor that directs Hezbollah's political transformation toward international normative standards.

Another example is the principle of democracy mentioned on five occasions in the PCH text, although with various limitations. Hezbollah, also in the OLD, made clear that it did not intend to impose political choices that are not approved by a majority of the population, although the term democracy is never mentioned. The PCH seems to assimilate the concept with a stronger commitment but also specifies that, until when political sectarianism is abolished (an aim for which Hezbollah is longing for), democracy in the country can only be “*consociational* democracy.”⁹⁸ Hamzeh argues that the concept of democracy seems to be reduced by Hezbollah to a minimal conception corresponding to a principle of majority rule over the minority.⁹⁹ Nonetheless in an interview with the author, Hezbollah’s MP Fayyād has specified that Hezbollah considers as a possibility the model of consociational democracy with mutual veto described by Arend Lijphart, thus making clear that Hezbollah’s democratic commitment has become increasingly more sophisticated.¹⁰⁰

There are important areas, however, where Hezbollah’s discourse clashes with the ethical underpinnings of international norms. For example, the principle of nondiscrimination toward women is mentioned in a qualified manner in the PCH.¹⁰¹ Moreover, fundamental aspects of the domestic and international political debate are left unaddressed. Hezbollah, for example, does not mention secularism as a principle informing its conception of statehood, and does not address the issue of personal status law reform which is under the control of religious authorities and represents a major limitation from a human rights perspective.¹⁰² These are not problems without solutions, but the silence of Hezbollah on such issues leaves several questions unanswered about its political agenda.¹⁰³

International norms vocabulary does not appear in the more recent Hezbollah document as the sharp increase of one single term replacing another (as in the previous cases), but can be observed as a diffused assimilation of terms punctuating the entire document and its language differently from the OLD in which this vocabulary is absent. None, of the previous paradigms of reference of Hezbollah’s identity, whether Islamism or its Lebanese affiliation is dropped or completely neglected, but all of them are reinterpreted with reference to a terminology that is influenced by the vocabulary of international norms.

The adversarial Islamist political identity of the movement presented in the 1985 document is moderated in the 2009 declaration by the adoption of concepts and terms borrowed by the international normative framework. The shift in vocabulary presented in this section is therefore considered indicative of a progressive internalization of international norms in the political language of Hezbollah.

Conclusions

The observations proposed in this chapter constitute further indication of the process of socialization that this study has described also in the previous chapters with regard to the influence of international norms on Hezbollah. I have outlined a comparative analysis of two milestones of Hezbollah's political discourse which shows the evolution of the concepts of community and person and how the vocabulary of international norms is a significant variable in this comparison.

The chapter has begun by showing that Hezbollah has increasingly shifted toward a consideration of the national community as the main reference of its political project, revising the religiously based concept of *umma* although not abandoning it completely. Then it has been shown an analogous transition with reference to the concept of person, which shifted from its primarily religious identification in the OLD to the acknowledgment of the status of Lebanese citizens in the PCH. The role of international norms in this process has been traced with regard to the consistent emergence of a vocabulary that, rather than drawing on traditional Islamic notions, is receptive toward concepts and principles widely overlapping with the norms of international society. The transition from *umma* to nation and the emergence of the concept of citizen are matched with the development of a political project and a form of statehood for Lebanon inclusive of principles that can hardly result from a traditionalist interpretation of Islam as proposed in Islamism.

Although reference to Islam is still present and antagonism with certain international actors remains central, Hezbollah envisions a political project and a form of statehood that has partly adapted to more liberal parameters in contrast with the older concept that was highly self-referential and exclusively Islamist. Consistently with what has been discussed in the previous chapters, the analysis proposed herein adds credibility to the claim that Hezbollah is involved in a process of progressive socialization within the international normative system.

The comparative analysis of these texts has also more clearly shown how the communitarian assumptions of person and community typical of Islamism are challenged by the rising influence of international norms inspired by liberal principles. Hezbollah does not rely exclusively on Islamic principles in founding the legitimacy of its political project but expanded its vocabulary to include concepts that are also found in the international ethical system. Analogously, the person is not seen only as part of a religious community anymore but is also conceived as part of a national political community. Both of these shifts in Hezbollah's

language mark a departure from the more radical and conservative communitarian views of Islamism as they were conceptualized in Chapter 4, and open the space for a less confrontational approach to liberal norms. The next chapter will provide an overall assessment of this process of change in Hezbollah's political identity.

Conclusions: The Impact of International Norms on Islamist Politics

Recapitulation

Before presenting the concluding observation of this study, it may be useful to recapitulate briefly its overall argument. Chapters 2 and 3 examined the communitarian and Islamist critiques of the diffusion of liberal norms, principles, and institutions, both internationally and within the realm of domestic politics and societies. Chapter 4 has shown that communitarianism and Islamism are critical of liberalism in similar ways not by coincidence, but because they rely on analogous conceptions of community and person. The comparative analysis of these conceptions highlighted their commonalities and concluded that Islamism can be understood as part of the wider tradition of communitarian political theory.

I have shown how community is conceived as constitutive of the moral identity of the person, how it acts as the source of legitimacy for norms and institutions, and how it is characterized by self-referentiality. This conception influences how communitarians and Islamist thinkers conceptualize the person. I highlighted the deep sense of communal affiliation the person has in communitarian and Islamist theory. The realization of persons and their freedom is accomplished, in this conception, through assimilation within the ethical community, rather than through individual emancipation. Following this, the person is primarily understood as responsible toward the moral integrity of the community. Based on these assumptions (more of a metatheoretical rather than a theoretical nature), Islamism and communitarianism built their critical stances against liberalism.

After this, the study turned to an empirical approach in order to assess how liberalism and international liberal norms have in fact influenced Islamist politics. It asked to what extent the theoretical assumptions of Islamist communitarianism are tenable in light of the influence and expansion of international norms such as the protection of noncombatants in war, the diffusion of international human rights standards, the implementation of directories of the UNSC, and, more generally, the diffusion of a political language that increasingly resonates with the principles, norms, and concepts typical of Liberalism and that serve the purpose of legitimizing political action also within the Middle Eastern political context.

Chapter 5 bridged the theoretical discussion of Islamism with the empirical analysis of Islamist politics, introducing Shi'i Islamism and then focusing on the case of Hezbollah. Four instances representative of interaction between Hezbollah and international norms were then discussed. Chapter 6 referred to noncombatant immunity, Chapter 7 considered Hezbollah's approach to human rights legislation, Chapter 8 looked at UNSC resolutions (especially with regard to state sovereignty and international peace), and Chapter 9 proposed a comparative analysis of the transformation of Hezbollah's political language.

Contrary to what might have been expected from a hard-line Islamist movement with a political theory which relies on communitarian assumptions, the case studies in the four empirical chapters have shown that liberally inspired international norms have had an impact on Hezbollah's political identity and have challenged some of its assumptions with regard to the idea of person and the idea of community.

The following pages will present two kinds of conclusions. First, I will highlight what kind of concept, from an International Relations theory perspective, explains the process by which Hezbollah has become subject to international norms, especially focusing on the idea of international socialization. Second, I will discuss what, in substance, has changed in the Islamist politics of Hezbollah as the outcome of this process of socialization. I will do so with special reference to the concepts of community and person as they were discussed in Chapter 4 with regard to the interpretation of Islamism as communitarianism.

A Process of International Socialization

This study has highlighted a modification, not only on the surface, but also in the underlying assumptions, of Islamist politics. With reference to several examples relating to a "least-likely" case (Hezbollah).¹ I have

shown that international norms influenced the transition of the political identity of an Islamist movement from a communitarian paradigm to a hybrid form of Islamism partly adapted to the influence of international liberal norms. There have already been occasions to point out that this transformation can be understood as a process of international socialization.²

The International Relations debate on socialization has produced several interpretations of this concept. Virtually, all International Relations theories propose a different conceptualization. Realists such as Kenneth Waltz have considered socialization as a mode of integration of state actors in the system of international politics producing the "acceptance of international norms."³ English School theory has described in one of its classic texts⁴ the process of expansion of the European international society to the rest of the world and, even though the concept of socialization is explicitly mentioned only once,⁵ the overall discussion of the expansion of international society clearly resonates with the idea of international socialization. In this process, actors originally external to a social context are progressively drawn into its normative structures and adapt their behavior to the institutions of international society by interacting socially with the core members of European international society.

In a more recent investigation of the concept, Ikenberry and Kupchan explain socialization with reference to the Gramscian theory of hegemony whereby "national leaders internalize the norms and value orientations espoused by the hegemon and, as a consequence, become socialized into the community formed by the hegemon and other nations accepting its leadership position."⁶ According to them, this process takes place in three main ways: normative persuasion, external inducement, and internal reconstruction. In the first case, the hegemon produces socialization via diplomatic and noncoercive methods that cause rethinking and learning and then the socialization of the actor within the hegemonic normative structures. The second case—external inducement—relies on the use of force, at least at the initial stage, to progressively produce the assimilation of the norms of the hegemon into the political elite of the socialized entity. Internal reconstruction, however, features the direct intervention of the hegemonic power into the domestic affairs of a political actor, for example, in post-conflict situations, and in this way the local political elite are socialized into the normative structures of the hegemon.⁷

With the advent of constructivist International Relations theory, international socialization has been further developed as a key concept in a multiplicity of ways. Theorists, such as Thomas Risse and Martha Finnemore, have shown that socialization can be understood as a process of "learning" whereby actors (above all states) internalize the norms

and institutional practices of international society as a result of moral discursive interaction with international institutions. Practices of persuasion, enacted by "norm entrepreneurs" and international institutions progressively modify state behavior by producing the internalization of international norms within their identity.⁸ According to this conception, international socialization fully unfolds as a result of moral reasoning and by raising the moral awareness of international actors, therefore producing a political behavior that conforms to the norms of international society. Ultimately, this process can even produce the *internalization* of a norm within the political identity of an international political actor, whereby acting according to international norms becomes the regular practice of the socialized entity.

The debate on socialization inevitably turned to the question of which kind of rationality drives the decision of political actors to refer to international norms in their decision making. The primary distinction is between forms of moral reasoning and instrumental rationality. In the case of the former, commitment to norms is the result of persuasion and learning and therefore the actor acts out of genuine commitment to ethical principles. In the case of utility maximizing rationality, the maximization of interests constitutes the driving factor of political behavior and therefore pro-norm behavior is determined by the assessment of interests instead of consideration of moral principles.

Frank Schimmelfennig has persuasively argued how this dualism between instrumental rationality and moral reasoning is not necessarily mutually exclusive. Actors may become involved in a process of international socialization not only because moral reasoning may have determined norm conformist behavior, but also because instrumental rationality can justify the same course of action. As he observes, rationality and morality may overlap and respecting international norms can be the most rational decision for an international actor.⁹

Finally, Iain Johnston has added further detail to the concept and modes of international socialization describing it as a mechanism of social influence, whereby remunerations and sanctions induce political actors to adopt behaviors deemed appropriate within international society.¹⁰ Johnston claims that, whereas persuasion may constitute a key aspect of international socialization, also social influence may be an important avenue for international socialization to come about.¹¹ But differently from processes of persuasion, patterns of social influence do not necessarily lead to norms internalization as an outcome of socialization.¹²

The cases that have been discussed in the previous chapters with regard to Hezbollah's political and military activity may be read in a number of different ways through the lenses of international socialization. I think

that the most persuasive interpretation would take into consideration both the theory of hegemonic socialization as prospected by Ikenberry and Kupchan as well as the constructivist interpretations.

The conceptualization of international socialization by Ikenberry and Kupchan seems to fit the reality of war in which Hezbollah was embedded in the cases of Chapter 6—with regard to noncombatant immunity—and Chapter 8 with regard to UNSC Resolutions 1559 and 1701. Within these circumstances, crises, conflicts, and power politics are factors that imposed the acceptance of restraints on Hezbollah's military activity, and in particular the acceptance of the distinction between combatants and noncombatants in Israel, the deployment of the Lebanese Armed Forces and the United Nations Interim Force in Lebanon.

Under the pressure of war and by paying a high price in civilian lives, Hezbollah eventually accepted, at least to an extent, the restraints imposed by international norms mediated by processes of interaction between political elites on both sides. By no means, this entails the conclusion that force and war are neither the only ways nor the most effective ways by which Hezbollah could have been socialized in international society.

Hegemonic socialization seems to rely on a conception that, to some extent, neglects the effective agency of Hezbollah and its capacity to shape events and pursue courses of action in international politics using its own power. However, in the previous chapters I made an effort to show that the processes of interaction between international normative actors and Hezbollah were not unidirectional. This is an aspect that is hardly captured by Ikenberry and Kupchan's interpretation of socialization as a mere exercise of hegemonic power and is where the constructivist perspective shows heuristic value.

Johnston's interpretation of socialization via "social influence" can be used to identify the dynamics of "punishment and reward" that interactions with the UNSC (Chapter 9) and with international mediators (Chapter 5) have set up. Johnston defines social influence as a "number of subprocesses—backpatting, opprobrium or shaming, social liking, status maximization, etc.—where pro-norm behavior is rewarded with social and psychological markers from a reference group with which the actor believes it shares some level of identification."¹³ By interacting with international actors Hezbollah became part of a social environment with incentive and disincentive structures where its behavior was progressively modeled along the lines of the norms of international society as a "reference group." Its status of "resistance movement" was maximized by reference to international norms as sources of legitimacy and shaming or opprobrium was minimized by subscribing to a form of warfare that was increasingly appreciative of the distinction between combatants and noncombatants.

Another fundamental factor highlighted in the study was Hezbollah's inclusion in the government since 2005. Integration in state institutions not only enabled it to advance its political stances, but also exposed Hezbollah to a degree of accountability in relation to the UNSC resolutions to which it committed as part of the Lebanese cabinet. As noted with regard to the April Understanding and UNSC Resolution 1701, the inclusion of Hezbollah in these international agreements increased its exposure to the influence of international norms by becoming part of a social environment in which respect for norms was incentivized by the "reward" of an increased stability, the maintenance of the ceasefire with Israel, and increased credibility with the Lebanese and regional public. On the other hand, breaching the norms established by interacting with other international actors would have possibly caused another outbreak of violence, increased the human costs of the conflict among the population, and decreased the credibility of the movement as legitimate political and military actor in the eyes of Hezbollah's supporters. Participation in state institutions and therefore in international society has "locked in" the movement in a structure of incentives and disincentives favorable to pro-norm behavior primarily constituted by international norms.

But the cases in which the use of force and conflict constituted a social environment for socialization were only part of the story that has been told in this study. If war and crisis, along with integration in the political process, are among the determinants for socialization in the cases analyzed in Chapters 6 and 8, the cases of human rights legislation and the adoption of a more liberally oriented political document presented in Chapters 7 and 9 are better understood with reference to socialization via persuasion and moral reasoning.

Chapter 7 has shown how Hezbollah engaged in a dialogical process both within its organization and, more importantly, with Lebanese institutions, leading it to the development of a moral reasoning that justifies interaction with norms and institutions not based on Islamic principles. The participation in state institutions and the related political processes brought an Islamist movement (previously critical of non-Islamic, and above all liberal, norms) to the ground of more secularized politics.

We have discussed the reasoning and the internal arrangements adopted to justify Hezbollah's participation to parliamentary activity. It was shown that (although problems of assimilation remain in various respects) the moral reasoning developed from the parliamentary experience of the movement has produced a generally neutral and sometimes even proactive attitude toward the majority of human rights legislation approved in the parliament.

The analysis that has been proposed in Chapter 9 with regard to the 2009 political document of Hezbollah further confirms the process of Hezbollah's socialization within international normative principles. The fact that an Islamist movement has begun to articulate its political stances with a vocabulary characterized more by reference to terms such as democracy, rights, sovereignty, development, and justice among others—rather than through exclusive reference to religious norms—is indicative of a level of socialization within international society. The need to resort to these concepts is symptomatic of the acquisition of a logic and becoming part of a discourse in which this vocabulary, and its related norms, become sources of legitimacy for political action. This aspect is indicative of a degree of internalization of international norms for Hezbollah, since these have become part of the political language of the movement and signals how it sees itself as part of a broader social context which goes beyond the borders of its traditional community in which the Islamic vocabulary would have been sufficient as source of legitimacy.

A question remains on whether Hezbollah's socialization is the outcome of mere instrumental rationality or genuine moral reasoning. During many of my interviews in Lebanon, my interviewees have shown skepticism with regard to the argument that Hezbollah is—to an extent—subject to the influence of international norms. Most of them claimed that strategic interests and opportunism were decisive factors that may have shaped Hezbollah's behavior in the cases I have analyzed.

As shown above, however, the issues that Hezbollah has raised with regard to political participation, for example, were also of a moral nature and amount to attempts to reconcile the Islamist identity of the movement with dominant liberal norms. As per Schimmelfennig's analysis of socialization, instrumental rationality and moral reasoning are not necessarily mutually exclusive. From the cases that were mentioned above, it could be inferred that both strategic assessment and moral thinking may play simultaneously a role in the decision of engaging with international norms without being mutually exclusive. Endorsing an international norm can be optimal from a utility maximizing perspective and also justifiable from an Islamic moral perspective and this facilitates socialization because it means that this international norm can become constitutive of the identity of a political actor.

It remains nonetheless problematic to come to the conclusion of an irreversible pattern of socialization of Hezbollah from "talking the talk" to "walking the walk" of international norms.¹⁴ Although supported by a vast constructivist scholarship, this is a deterministic way of looking at socialization, which may not necessarily apply to this case. At this stage, the considerations and examples discussed in previous chapters are

significant indicators of a process that is only in its initial phase. This process is embedded in a regional environment characterized by instability and unsolved conflicts that can easily reverse this pattern.

Nonetheless, it is important to reiterate that the criterion for the choice of Hezbollah as a case study was its unlikeliness of being subject to the influence of international norms.¹⁵ This means that, having shown how international norms affect Hezbollah's political identity, and even though Hezbollah's socialization in international society may seem precarious, the socialization of Islamist actors with less hostile profiles, more easily integrated in state institutions, and not "armed to the teeth" as Hezbollah, can be expected to take place more easily. These cases (consider al-Nahḍa in Tunisia, the Islamic Action Front in Jordan, and perhaps the Muslim Brotherhood in Egypt), by being integrated into the international political framework, are likely to display a higher degree of permeability to international norms than the case of Hezbollah.

The concept of international socialization in conclusion captures the dynamics of identity transition that Hezbollah has experienced by interacting with international norms and actors in international society. The next two sections will conclude by discussing what the substantial outcomes of this process are with regard to the concepts of person and community.

The Impact on Personhood: Universalized Sense of Humanity

We have seen that Islamism can be interpreted as sharing with communitarianism an idea of the person as profoundly interconnected with the community; specifically, in the case of Hezbollah, the relevant community would be the Shi'i community. If we consider the declarations of Hezbollah in the *Open Letter*, we will find extensive reference to persons as Muslims or anyway identified through the lenses of religious communitarian affiliation. We can also find various occasions in which Hezbollah calls for a sense of moral responsibility toward the community, which becomes even a duty to fight in its defense. The study also highlighted how, on the same basis, the only just institutions that can be established are those based on the principles of the Islamic community. Hezbollah, for example, declared how an Islamic political system was its political ideal in this early stage of its activity, and how international organizations as well as foreign states should interfere within the realm of its community.

Notwithstanding this robust Islamist communitarian stance, the examples of interaction with international norms presented in the previous chapters have shown a significant impact on this conception. Although,

at an earlier stage, Hezbollah's political profile was entirely aligned with the more general Islamist discourse presented in Chapter 3 and then conceptualized as a form of communitarianism in Chapter 4, the cases of the April Understanding, its approach to human rights legislation, and the political vocabulary used in the 2009 declaration were symptomatic of a change in the way it conceives persons as moral and political subjects.

The case of the April Understanding has shown how Hezbollah has become receptive to the noncombatant immunity principle also toward Israeli noncombatants—a distinction previously absent in its ideas about warfare. This turn is indicative of how it became amenable to an idea of person not exclusively defined by its communal affiliation. What has been defined as the constitutive role of the community in Chapter 4 does not seem to apply anymore (or, at least, not in an equal measure) in this context, as a result of the influence of an international normative principle.

Although in the past Hezbollah identified Israelis and Zionists as enemies and fundamentally de-humanized them, by applying the principle of noncombatant immunity, it began to acknowledge (deliberately or not) the equal moral value of the person *qua* human being, independently from their communal affiliation whether Muslim, Christian, Lebanese, Jew, or Zionist. It is worth considering Slim's reflection with regard to the idea of the person that underlies the principle of noncombatant immunity. According to Slim:

The civilian idea argues for what social psychologists call a “super-ordinate identity”—a belief that all of us, no matter what side we are on, have a greater common identity as human beings than the particular identities that war bestows on us as “enemies” or “allies.” Belief in the idea of the civilian turns, therefore, on issues of personal identity and social relationship. It requires us to allow people a fundamental and vulnerable human identity that is not determined by their immediate relationship with politics, economics or social structure of war. Their human value transcends their social connections with the war.¹⁶

The events described in Chapter 6 relate to a dynamic of change in which international norms changed the conception of person that underlies the Islamist stance against their enemies.

The idea of the emergence of a “humanity's law” as developed by Ruti Teitel goes along lines that seem to be relevant for this discussion. Teitel claims that according to humanity's law,

the protection of humanity is predicated on the protection of individuals in light of their peoplehood. This provides a different ground for a concern with the survival and protective treatment of peoples, for it does not

attribute any intrinsic value to the status of particular peoples (unlike, for instance, the communitarianism of Charles Taylor) and thus, it takes us beyond the entrenched and often polarizing liberal/communitarian debate, by understanding the distinctive value of peoplehood in a manner that is more compatible with moral cosmopolitanism.¹⁷

Somewhat consistently with Teitel's idea of the emergence of a humanity's law, Hezbollah has progressively internalized an idea of person that is closer to the liberal conception, which puts less emphasis on communal affiliation and rather values the person individually and universally as a human being as a result of interaction with international normative actors.

Chapter 7 suggested a similar transition from a communitarian conception of person, as presented in Chapter 3, to a conception that more closely resembles the liberal idea with regard to a process of integration of Hezbollah in the law-making process of the Lebanese Republic. Human rights are norms fully representative of the liberal tradition and were used as examples of legislation that show an interaction between Hezbollah and international norms. There was nonetheless occasion to point out how this universality and their possible application beyond the borders of liberal societies is problematic for communitarians as well as for Islamists, since they only acknowledge the legitimacy of institutions that are part of their own specific tradition.

The analysis of Hezbollah's approach to human rights has revealed that Hezbollah did not raise significant objections to the parliamentary approval of this legislation, although its Islamist ideological matrix has traditionally developed a strong criticism of such principles. It has remained neutral toward the domestic legal implementation of much of this legislation and, in a few cases, has even proactively promoted the implementation of certain human rights. Admittedly, the same case highlighted instances in which Hezbollah opposed human rights measures allegedly disruptive of traditional moral institutions and in contradiction with the authority of the moral community.¹⁸

Notwithstanding the resilience of certain Islamist-communitarian stances, it is clear that Hezbollah was fundamentally receptive toward this legislation. This permeability to international norms contrasts with the traditional Islamist stance, which would have naturally posed objections to human rights as "non-Islamic" individualist norms endangering the integrity of the ethical community and incompatible with the purely Islamic inspiration of its political project. Nonetheless, Hezbollah's participation in the parliament has produced a rethinking of its approach to secular legislation in general, including to human rights legislation.

Acquiescence to human rights legislation entails recognition of rights to persons regardless of their communal affiliation, gender, age, or political views.¹⁹ As in the case of noncombatant immunity, human rights are international norms that facilitate the affirmation of a conception of the person where moral value, and then entitlement to rights, does not originate from communal affiliation, but from a broader sense of shared humanity.

The shift in Hezbollah's way of thinking of persons was also visible in the comparative analysis proposed in Chapter 9 with regard to the 1985 and 2009 declarations. I have highlighted how Hezbollah has become keener to identify persons less with reference to a religious paradigm, as in the case of 1985, but with increasing reference to the idea of citizenship. The comparative analysis of Chapter 9 has documented how the idea of statehood and consequently of citizenship that Hezbollah has proposed in its more recent document is not informed by an Islamic model of statehood but rather approaches international normative standards. Hezbollah's 2009 *Political Document* refers to principles such as democracy, equal access to justice, development, and many others. It describes a form of citizenship according to which persons are entitled to rights and to participate to political and social life as citizens of a modern state.

In a sense, this transition from an exclusive focus on "Shi'i Muslim" to a more comprehensive view on the "national citizen" is not a departure from a certain communitarian perspective. As it was indicated in Chapter 2, nationalism and the identification of the political community as the national community is indeed one of the ways in which communitarian political theory (consider, for example, Miller) has recently articulated its claims.²⁰ But what marks a significant turn is the fact that, along with embracing a broader national political perspective, Hezbollah has also internalized the kind of institutions and norms that overlap with the idea of statehood in international society. The idea of an Islamic system—or a *Wilāyat al-Faqīh*—in Lebanon is replaced by or adapted to an idea of statehood that widely overlaps with international normative standards.

Hezbollah has often reiterated the fact that the social composition of Lebanon does not allow for the establishment of a strictly Islamic model of statehood in the country. Its endorsement of an idea of citizenship and statehood that converge with the principles of international society may have been dictated by the social circumstances of Lebanon and its pluralism, but international norms constituted the trajectory, which marked Hezbollah's transition from a *Wilāyat al-Faqīh* model to a quasi-liberal project.

Bayat's explanation of a transition from more traditional forms of Islamism to a form of post-Islamism refers to a process that seems to apply to the developments in Hezbollah's political identity that have been described herein. Notice how Bayat considers traditional Islamism as placing "more emphasis on people's *obligations* than on their *rights*; in this frame, people are perceived more as dutiful subjects than as rightful citizens"²¹ and then he observes that "whereas Islamism is defined by the fusion of religion and responsibility, post-Islamism emphasizes religiosity and rights."²² Bayat's analysis therefore corroborates the idea according to which, from an Islamist-communitarian conception, Hezbollah has—at least in part—evolved toward a political identity whereby persons are increasingly valued as citizen of a broader political community, are entitled to rights, and share a more direct connection with a universal humanity rather than being bound to a particular communal affiliation.²³

By becoming aware of the fact that the Lebanese political community extends beyond the borders of the Shi'i Lebanese community, Hezbollah recognized that its political body cannot be identified only as the Shi'i Muslim. It had to realize that the person has a moral and then political value that goes beyond particular communal affiliations and includes membership to a broader national political community, which is, in turn, part of international society. In one part of its 2009 document, Hezbollah declared that it supports a state that is characterized by "the effective exercise of democracy, where the citizen represents a value in and of himself."²⁴

International norms play a significant role in the process of Hezbollah's political identity transition modifying its conception of person; I think this has been clearly shown in the previous chapters. Human rights, humanitarian law, and a more liberal discourse on citizenship and statehood, all contributed to a revision of a narrowly communitarian view of the person in Hezbollah's Islamist ideology. These norms have not necessarily had the most prominent and influential role compared to other internal influences in Hezbollah's metamorphosis, but deserve to be taken into account as a factor that impacted on its conception of person. The communitarian assumptions of Islamism about the person do not hold in the circumstances of an increasingly interconnected global political sphere regulated by international norms, which influences the social and political realm in which Islamist politics operate and then inform a conception of person that is increasingly universalized rather than "embedded" in a closed communitarian context.

As it was mentioned at the beginning of this study, norms not only are rules producing expectations of *normal* behavior of a political actor, but also have a constitutive value, in the sense that they increasingly become a definitional aspect of the identity of a political actor. As Wendt notices,

“social structures also *constitute* actors with certain identities and interests”²⁵ and this is the case of international norms becoming constitutive of Hezbollah’s political identity, therefore making it an international political actor more responsive to international normative principles and conceiving persons not only as member of ethical communities but also as connected to a broader sense of shared humanity.

The Impact on Community: A Community Situated in International Society

If international norms influence how an Islamist political actor conceptualizes persons, then they also have consequences on how it conceives the community because—as we have seen—community and person are tightly knit concepts in Islamist communitarianism. Chapter 4 highlighted how self-referentiality is a distinguishing feature of Islamist and communitarian political theory. However, the previous chapters, from the case of the Qānā Massacre and beyond, highlighted how Hezbollah’s self-referentiality has serious limits in legitimizing its actions as an Islamist political and military actor. Hezbollah has progressively incorporated elements exogenous to its authentic ideology to adapt and fit into both Lebanese society as well as international society at large.

The case of the April Understanding was an instance showing how Hezbollah modified its principles of Islamic warfare in a way that was increasingly (although not fully) appreciative of the principle of noncombatant immunity and also incorporating Israelis. Chapter 7 discussed Hezbollah’s integration in the Lebanese parliamentary system and has shown how this process prompted a rethinking of Hezbollah’s role as Islamist actor, so that it could justify its inclusion in a secular institutional system.

In this latter case, Hezbollah had to find a way to harmonize its Islamic thinking with the secularized law-making process of the Lebanese state.²⁶ Even more relevant was the connection established between Hezbollah’s participation in the Lebanese parliament and the implementation of international norms as human rights. This issue raised internal debate within Hezbollah. It required a judgment from the *Walī al-Faqīh* and even caused splits within its hierarchy as in the case of former secretary general al-Ṭufaylī. At stake in this process was the identity of Hezbollah as an Islamist movement—in the sense that its political decisions would have not been exclusively based on the Islamic traditional way of thinking anymore, but would have opened it up to the influence of more liberal and secular procedures and norms. In other words, the constitutive

principles of its political identity would have included also nonreligiously sanctioned norms as the international norms with which the movement began to interact in the instances discussed above.

The Islamic community, its tradition, and hierarchical structures have ceased to be the *exclusive* source of legitimacy for Hezbollah's political action, although they maintain a cardinal role. The Islamist movement found itself in a condition in which it had to justify its practices with reference to norms that were no longer exclusively Islamic. Chapter 3 highlighted how Islamism derives legitimacy in particular from concepts such as the "sovereignty of God." But, to mention one of the examples studied in this research, by becoming part of a parliamentary and quasi-democratic system, Hezbollah has fundamentally accepted the sovereignty of the Lebanese parliament, hence of the Lebanese people.

The fact that Hezbollah's political and military decisions began to incorporate aspects determined by the requirements of international norms affected its self-referential political identity according to which only Islamic traditional values and its hierarchical structures legitimately rule over the Islamic community. In the case of the April Understanding, Hezbollah was directly exposed to an international norm by becoming part of an international agreement.²⁷ In the case presented in Chapter 7, integration within state institutions was the main factor exposing it to the influence of international norms such as human rights and international treaties. The conception according to which only Islamic norms can legitimize the actions of an Islamist actor was complemented by a progressive internalization of heteronomous principles harmonized with the Islamic tradition throughout concepts such as *maṣlaḥa* or *tazāḥum*.²⁸

One of the most telling cases in this respect was the analysis of how Hezbollah interacted with the process of the drafting and implementation of UNSC resolutions as part of the Lebanese government presented in Chapter 8. Under the pressure of international actors and in the context of a military attack, Hezbollah fended off accusations of being a "militia" and justified its military operations during the 2006 war not only by referring to Islamic principles such as defensive *jihād*, but with reference to principles of international law such as self-defense, self-determination, and the right to liberate an occupied territory. This marks a significant shift in the paradigm throughout which Hezbollah builds its legitimacy as a political and military actor.

Becoming entangled in a process of obvious regional and international relevance—and being identified as a threat to international peace²⁹—Hezbollah was drawn on the ground of international society where exclusive reference to Islamic norms could have not been sufficient

to legitimize its actions and where international norms are the relevant ethical framework regulating international social practices.

Participation in the government did allow Hezbollah to influence the decision-making process, but also brought it into a political context in which international norms became an essential source of legitimacy. From as a non-state actor entity, Hezbollah was progressively integrated within the state and, as such, needed to abide by the restraints that the norms of international society impose on states. Operating outside the limits imposed by the principles of international norms (e.g., not being recognized as a legitimate resistance movement), or not justifying its military operations in 2006 as a legitimate act of self-defense within the parameters established by international law, would have meant being labeled as a "rogue" actor, exactly the kind of vilification that Hezbollah was trying to avoid.

Teitel notices a similar and broader phenomenon when she observes that "other movements, too, such as Hamas and Hezbollah derive their popular support from their self-identification in similar humanitarian terms—that is, in terms of their relative capacities, vis-à-vis state actors, in provision of human security."³⁰

In order to rely on these sources of international legitimacy, nonetheless, it would have been obviously insufficient to appeal to the Islamic norms which were the constitutive principles of its traditional community, and it was necessary to make broader reference to the normative principles of international society. By declaring its commitment to UNSC Resolution 1701, Hezbollah was committing to the norm of international peace and state sovereignty on which this resolution is based.³¹ By criticizing its identification as a "militia," rather than resistance movement, Hezbollah was appealing to the principles of self-defense and the fighting of occupying forces as sources of legitimacy for its actions and as constitutive elements of its political identity.³²

There is no dispute that this reference to international norms was only partially legitimate for Hezbollah, and that its claims of legitimacy in terms of international norms can be criticized in many respects. The relevant aspect, nonetheless, is how Hezbollah has begun to see itself as an actor part of the broader framework of international society rather than remaining accountable only to the Shi'i Islamist tradition. One crucial parameter that defines the communitarian and Islamist conception of community is therefore challenged by the influence of international norms on Hezbollah: its self-referentiality and therefore its reference to Islamic norms as the exclusive source of legitimacy for political and military action.³³

Its self-referential character of Islamist movement was modified to integrate norms that would have allowed wider international recognition but, at the same time, would have also bound Hezbollah to the limits imposed by these norms (not bombing Israeli civilians indiscriminately, implementing human rights legislation, going along with UNSC resolutions, and proposing a more liberal political project). Islamic principles were, at least in part, replaced or integrated with international norms as sources of legitimacy, and the moral and legal obligations that rose from commitment to these norms were not exclusively toward the Shi'i community anymore, but generally toward the Lebanese state and international society. International norms have produced an idea of community in Hezbollah's political identity that is not exclusively based on particularistic Islamic views, but is increasingly socialized within the international normative framework. Its political identity is not that of an actor accountable only to the Shi'i community but refers more broadly to its involvement with international society.

This is also reflected in the transition that was shown in the previous chapter from the idea of community as *umma* to community as "nation" (*waṭān*).³⁴ It must be conceded that this amounts more to a process of nationalization rather than internationalization and it may seem appropriate to conclude that international norms do not play a role in this process. However, this is not entirely the case because, as it was observed in the section above, this form of nationalization brings about the endorsement of a form of statehood that widely reflects international normative standards rather than justifying claims of "authenticity" or particularity.

By expanding its reference from the more strictly religious community to a national political community, Hezbollah in the 2009 document adjusts its political ideal to a form of statehood which is inclusive of the standards of international norms rather than alternative Islamic models. By entering parliamentary politics (Chapter 7), and then the government (Chapter 8), Hezbollah eventually appealed to the national political community and became subject to the ethical norms that regulate international society rather than maintaining exclusive reference to traditional communitarian values.

This has important consequences for a second parameter that was identified as characteristic of the Islamist communitarian conception that is the constitutive function of the moral community. The fact that heteronomous norms such as those of international society and less self-referentiality influence Hezbollah's agency entails that the community that plays a constitutive role for its members is not exclusively the traditional Islamic community but also principles such as nationality, citizenships, rights, or

more broadly a universal sense of human belonging become increasingly relevant in defining the identity of individual political actors.

Reference to international norms, then, has served Hezbollah's purposes of legitimizing both its political project as planned in the 2009 *Political Document* and its military activity as in the events of 2006. The self-referential conception of community and the exclusive source of legitimacy of Islamic norms have been expanded to include also international norms and therefore embed Hezbollah in the wider normative context of international society where noncombatant immunity, human rights, state sovereignty, self-defense, and international peace are widely acknowledged as fundamental principles.

I think that this conclusion of the study also has implication for considerations of the kind proposed by Dennis Ross and David Makovsky. Ross and Makovsky claim that "the Lebanese arena requires understanding that Hizbollah is driven more by ideology and its ties to Iran than any accountability to either the Lebanese government or public sentiment."³⁵ Based on this, they infer that engagement with non-state actors such as Hamas and Hezbollah is bound to fail, because this will empower their legitimacy whereas their ideological stances remain unvaried and their political role is cynically self-interested. This study has shown that interaction with international norms, however, may indeed be manipulated to obtain legitimacy but conversely influences Hezbollah's political identity—socializing a previously alienated political actor into international society, and therefore increasing its accountability and modifying its political identity.

Studies such as Olivier Roy's *Globalized Islam* and Peter Mandaville's *Transnational Muslim Politics* have shown from different perspectives how various forms of embedment of the Muslim community into globalized networks have modified the idea itself of a Muslim community.³⁶ This study has looked into a strand of this process by focusing on the role of international norms and highlighting their role in shaping a sense of political community within Islamism that is not a self-enclosed entity but is rather increasingly situated in the normative structures of international society.

International Norms and Islamist Politics in a Changing Middle East

This study has assessed the impact of international norms on Islamist politics with reference to the case of Hezbollah. It has claimed that Islamism, interpreted as a form of communitarianism, is subject to the

influence of international norms and this influences in particular the way persons and community are conceptualized in Islamist politics. I have claimed that this process can be understood as a form of international socialization.

It shall be clarified that neither simple causality nor deterministic conclusions shall be inferred from this analysis; as it was pointed out in the introduction, the idea of causality that is adopted in this study is more related to the concept of identity constitution instead of “scientific” positivist acceptance.³⁷

Finally, as specified at the beginning, at the time of writing the unforeseen events that have taken place in the entire region since 2011 were still unfolding. Also Hezbollah’s intervention in Syria was still in its early stages and it was neither possible nor advisable to provide considerations of this momentous turn in Hezbollah’s history. I hope, nonetheless, that the contribution of this study to the understanding of international norms dynamics and their impact on Islamist politics may constitute a useful source for further academic research on Islamist politics and International Relations in light of—and perhaps even in response to—the recent events that have taken place in the Middle East.

Notes

1 Introduction: Studying the Impact of International Norms on Islamist Politics

1. John Charvet and Elisa Kaczynska-Nay, *The liberal project and human rights: the theory and practice of a new world order* (Cambridge, UK; New York: Cambridge University Press, 2008).
2. Fred Halliday, *Islam and the myth of confrontation: religion and politics in the Middle East*, New ed. (London; New York: I.B. Tauris; In U.S. and Canada distributed by Palgrave Macmillan, 2003), p. 15.
3. Referring to Hollis and Smith's categories of "explaining" and "understanding," the aim of this research is more concerned with *understanding* the impact of international norms on Islamist politics rather than explaining it. See Martin Hollis and Steve M. Smith, *Explaining and understanding international relations* (Oxford: Clarendon, 1990), pp. 68–91.
4. In presenting the methodology of this study, I primarily rely on Alexander L. George and Andrew Bennett, *Case studies and theory development in the social sciences*, BCSIA studies in international security (Cambridge, MA: MIT Press, 2005), pp. 73–89.
5. *Ibid.*, pp. 120–3.
6. This is a point that will be discussed in Chapters 3 and 4.
7. Hezbollah's Lebanonization has been discussed extensively by many scholars. See, for example, Magnus Ranstorp, "The strategy and tactics of Hizballah's current 'Lebanonization' process," *Mediterranean Politics* 3, no. 1 (1998). Amal Saad-Ghorayeb, *Hizbu'llah: politics and religion*, Critical studies on Islam (London; Sterling, VA: Pluto Press, 2002), pp. 82–3.
8. Mervyn Frost, *Global ethics: anarchy, freedom and international relations*, Critical issues in global politics (London; New York: Routledge, 2009), p. 19.
9. Alexander Wendt, "On constitution and causation in international relations," *Review of International Studies* 24, no. 5 (1998): p. 106.
10. On the concept of causality in International Relations and the problematic dichotomy between scientific causality and constitutiveness, see also Milja Kurki, "Causes of a divided discipline: rethinking the concept of cause in International Relations theory," *Review of International Studies* 32, no. 2 (2006).

11. Kenneth Neal Waltz, *Theory of international politics*, Addison-Wesley series in political science (Reading, MA: Addison-Wesley Pub. Co, 1979), p. 76.
12. G. John Ikenberry and Charles A. Kupchan, "Socialization and hegemonic power," *International Organization* 44, no. 3 (1990): p. 283.
13. *Ibid.*, pp. 290–2.
14. With regard to the concept of socialization in constructivist theories of norms diffusion, see, for example, Thomas Risse-Kappen and Kathryn Sikkink, "The socialisation of international human rights norms into domestic practices: introduction," in *The power of human rights: international norms and domestic change*, ed. Thomas Risse-Kappen, Steve C. Ropp, and Kathryn Sikkink (Cambridge: Cambridge University Press, 1999), pp. 1–38. As regard "norms entrepreneurs" a definition can be found in Martha Finnemore and Kathryn Sikkink, "International norm dynamics and political change," *International Organization* 52, no. 4 (1998): p. 896.
15. Risse-Kappen and Sikkink, "Socialisation of international human rights," pp. 17–35.
16. *Ibid.*, p. 12.
17. *Ibid.*, p. 16.
18. Another conceptualization of international socialization influential in this study has been developed by Iain Johnston in Alastair Iain Johnston, "Treating international institutions as social environments," *International Studies Quarterly* 45, no. 4 (2001). There will be opportunity to further refer to this interpretation in the following chapters and the conclusions. For the scholarly debate on international socialization, see also Kai Alderson, "Making sense of state socialization," *Review of International Studies* 27, no. 03 (2001); Cameron G Thies, "Sense and sensibility in the study of state socialisation: a reply to Kai Alderson," *Review of International Studies* 29, no. 04 (2003). The reader can also refer to a re-elaboration of one of the cases studied in this book available in Filippo Dionigi, "UN security council resolutions as factors of international socialisation: the case of Hezbollah," *International Peacekeeping* 21, no. 3 (2014).
19. Alexander Wendt, *Social theory of international politics* (Cambridge: Cambridge University Press, 1999), p. 135.
20. Jeffrey T. Checkel, "The constructivist turn in International Relations theory," *World Politics* 50, no. 2 (1998): p. 326.
21. Mervyn Frost, *Ethics in international relations: a constitutive theory*, Cambridge studies in international relations (Cambridge: Cambridge University Press, 1996), p. 105.
22. In Frost's account this falls under category L3 *ibid.*, p. 110.
23. These go under category D2 in Frost account, rather peculiarly they are considered 'domestic norms' something for which he will be criticised, see Chapter 2. *Ibid.*, p. 111.
24. State sovereignty goes under the category "S" in Frost and international peace is mentioned in particular under "L2" *ibid.*, pp. 106–9.
25. *Ibid.*, pp. 110–1.

26. See, for example, Hedley Bull, *The anarchical society: a study of order in world politics*, 2nd ed. (New York: Columbia University Press, 1995), p. 102. Also relevant is Hedley Bull and Adam Watson, *The expansion of international society* (Oxford: Clarendon, 1984).
27. For a more thorough discussion of constructivism and the diffusion of international norms as understood by the author, see Filippo Dionigi and Gregorio Bettiza "How do religious norms diffuse? Institutional translation and international change in a post-secular world society," *European Journal of International Relations*, published online August 8, 2014, DOI: 10.1177/1354066114542663.
28. Edward W. Said, *Covering Islam: how the media and the experts determine how we see the rest of the world*, Rev. ed. (New York: Vintage Books, 1997), pp. XVI–XIX.
29. Ferdinand Tönnies, *Community and association (Gemeinschaft und Gesellschaft)*, International library of sociology and social reconstruction (London) (London: Routledge & Paul, 1955). For an application of this distinction within the international relations theory debate and the English School in particular, see Barry Buzan, "From international system to international society: structural realism and regime theory meet the English school," *International Organization* 47, no. 3 (1993): p. 333.
30. John Rawls, *A theory of justice*, Rev. ed. (Cambridge, MA: Belknap Press of Harvard University Press, 1999), p. 109.
31. As Conor Gearty wrote: "'terror' and 'terrorism' have come to be regarded as such powerful condemnations that all those looking for a suitable insult have wanted to appropriate them." C. A. Gearty, *Terror* (London: Faber, 1991), p. 4.
32. I elaborate in more detail in this respect in Dionigi, "UN Security Council Resolutions as Factors of International Socialisation."
33. English school theorists themselves often refer to international community rather than society, especially in the early stage of English School literature. As Halliday notes, English School theorists such as Hedley Bull do not seem to value this distinction between society and community. Fred Halliday, "International society as homogeneity," in *Rethinking international relations* (Basingstoke: Macmillan, 1994), p. 99.
34. A useful definition of ideal type is "pure conceptual model of types of social actions," Hollis and Smith, *Explaining and understanding*, p. 80. For a discussion of Weber's ideal type, see Susan J. Hekman, *Weber, the ideal type, and contemporary social theory* (Notre Dame, IN: University of Notre Dame Press, 1983), pp. 18–38.
35. The software instruments used for the analysis are QDA Miner and Word Stat.
36. A note on transliterations: In the book I have generally adopted the Arabic transliteration standards provided by the *International Journal of Middle Eastern Studies*, for the most obvious and common names such as Hezbollah or Nasrallah. I have used the generally accepted spelling. Differently from IJMES general rule, names of persons, places, and institutions have also been transliterated with diacriticals. *International Journal of Middle Eastern Studies*. http://ijmes.chass.ncsu.edu/IJMES_Translation_and_Transliteration_Guide.htm.

2 The Western Critique of Liberalism: Communitarianism

1. An important study developing on the relevance of the liberal communitarian distinction in International Relations and to which this chapter is greatly indebted is Chris Brown, *International Relations theory: new normative approaches* (New York: Columbia University Press, 1992).
2. Paul Kelly, *Liberalism*, Key concepts (Cambridge; Malden, MA: Polity, 2005), p. 10. More generally, Kelly's discussion of the concept of liberalism is the main working reference for the account of liberalism presented in the next pages along with John Charvet and Elisa Kaczynska-Nay, *The liberal project and human rights: the theory and practice of a new world order* (Cambridge; New York: Cambridge University Press, 2008).
3. For a useful account of Hegel's influence on communitarian political theory, the reader can refer to Andrew Linklater, *The transformation of political community: ethical foundations of the post-Westphalian era* (Oxford: Polity, 1998), pp. 52–5.
4. Brown, *International relations*, p. 55.
5. Charles Taylor, "Atomism," in *Philosophical papers: philosophy and the human sciences* (Cambridge: Cambridge University Press, 1985).
6. For a definition of constitutive community, see, for example, Michael J. Sandel, *Liberalism and the limits of justice*, 2nd ed. (Cambridge; New York: Cambridge University Press, 1998), p. 150.
7. James Griffin, *On human rights* (Oxford; New York: Oxford University Press, 2008), p. 13.
8. Jeremy Waldron, "Nonsense upon stilts": *Bentham, Burke and Marx on the rights of man* (London: Methuen, 1987), p. 3.
9. David Boucher, *Political theories of international relations: from Thucydides to the present* (Oxford; New York: Oxford University Press, 1998), pp. 314–6.
10. Edmund Burke, Francis Canavan, and Edward John Payne, *Select works of Edmund Burke: a new imprint of the Payne edition*, 4 vols. (Indianapolis, IN: Liberty Fund, 1999), p. 100.
11. Brown, *International relations*, p. 58.
12. As the next section will show, this kind of criticism is to be found also among contemporary communitarian critics of human rights universality.
13. Burke, Canavan, and Payne, *Select works*, p. 98.
14. R. J. Vincent, *Human rights and international relations* (Cambridge Cambridgeshire; New York: Cambridge University Press, 1986), p. 28.
15. Edmund Burke, David P. Fidler, and Jennifer M. Welsh, *Empire and community: Edmund Burke's writings and speeches on international relations* (Boulder, CO: Westview Press, 1999), p. 54.
16. Michael Walzer, "The communitarian critique of liberalism," *Political Theory* 18, no. 1 (1990): p. 8.
17. Waldron, "Nonsense upon stilts," pp. 126–9.
18. *Ibid.*, p. 129.
19. Karl Marx, "On the Jewish question," in *Karl Marx: selected writings*, ed. David McLellan (Oxford: Oxford University Press, 2000), pp. 60–1.

20. Ibid.
21. Martti Koskenniemi, "What should international lawyers learn from Karl Marx?," *Leiden Journal of International Law* 17, no. 2 (2004).
22. Charvet and Kaczynska-Nay, *Liberal project*, p. 310.
23. Marx, "Marx: selected writings," p. 53.
24. Ibid., p. 59. For a different interpretation of Marx's view on the idea of rights and justice, see Allen E. Buchanan, *Marx and justice: the radical critique of liberalism* (London: Methuen, 1982).
25. See among others an account of Hegel's influence in international political theory in Chris Brown, *Sovereignty, rights, and justice: international political theory today* (Malden, MA: Polity, 2002), pp. 49–51.
26. Charvet and Kaczynska-Nay, *liberal project*, p. 121. For a modern reinterpretation from a communitarian perspective of the concept of nation and its moral implications, see David Miller, *On nationality*, Oxford political theory (Oxford: Oxford University Press, 1995).
27. Benedict R. Anderson, *Imagined communities: reflections on the origin and spread of nationalism*, Rev. ed. (London; New York: Verso, 2006).
28. In fact, for thinkers such as Hegel and Mazzini, the idea of nation was not in contradiction with cosmopolitanism. As we shall see below also in the most recent liberal/communitarian debate, there have been attempts to produce a theoretical synthesis between these theories.
29. Miller, *On nationality*, p. 50.
30. Immanuel Kant, *Political writing*, 2nd ed. Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 1991).
31. Brown, *Sovereignty, rights, and justice: international political theory today*, pp. 62–4.
32. Stanley Hoffmann, "An American social science: international relations," *Daedalus* 106, no. 3 (1977).
33. Edward Hallett Carr and Michael Cox, *The twenty years' crisis, 1919–1939: an introduction to the study of international relations* (Basingstoke: Palgrave, 2001), p. 30.
34. Ibid., p. 147.
35. For a discussion of this aspect see among others: Stanley H. Hoffmann, "International Relations: The Long Road to Theory," *World Politics* 11, No. 3 (April 1959).
36. The next section will refer to the revised edition. See John Rawls, *A theory of justice*, Rev. ed. (Cambridge, MA: Belknap Press of Harvard University Press, 1999).
37. Michael Walzer, *Spheres of justice: a defense of pluralism and equality* (New York: Basic Books, 1983), p. XVIII.
38. Rawls, *Theory of justice*, pp. 3–6.
39. Ibid., pp. 118–23.
40. Ibid., pp. 109–12.
41. Ibid., pp. 47–101.
42. The following paragraphs will refer to the second edition. Sandel, *Liberalism*.
43. Ibid., p. 17.

44. Ibid., p. 22.
45. Ibid., p. 150.
46. Ibid., pp. 28–46.
47. Ibid., pp. 54–9.
48. “The Procedural Republic and the Unencumbered Self,” *Political Theory* 12, no. 1 (1984): pp. 18–20.
49. *Liberalism*, p. 64.
50. Ibid., p. 65.
51. Ibid., pp. 122–32.
52. Ibid., p. 132.
53. Robert Nozick, *Anarchy, state, and utopia* (Oxford: Blackwell, 1975).
54. The next paragraphs refers to Taylor, “Atomism,” pp. 187–210.
55. Ibid., p. 209.
56. Ibid., p. 205.
57. Alasdair C. MacIntyre, *After virtue: a study in moral theory*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984). Especially Chapter 17.
58. Ibid., p. 249.
59. Ibid., p. 251.
60. Ibid., p. 250.
61. Common way of paraphrasing this idea of the priority of rights is Ronald Dworkin’s conception of “rights as trumps.” Ronald Dworkin, “Rights as trumps,” in *Theories of rights*, ed. Jeremy Waldron (Oxford; New York: Oxford University Press, 1984).
62. Alasdair C. MacIntyre, *Whose justice? Which rationality?* (Notre Dame, IN: University of Notre Dame Press, 1988), p. 334.
63. Ibid., p. 337.
64. Brown, *International relations*, p. 100.
65. MacIntyre, *After virtue*, p. 69.
66. Taylor, “Atomism,” p. 189.
67. Chris Brown, “Universal human rights: a critique,” *The International Journal of Human Rights* 1, no. 2 (1997): p. 49.
68. Emanuel Adler, *Communitarian international relations: the epistemic foundations of international relations*, *The new International Relations* (London; New York: Routledge, 2005), p. 8. There are many examples of conciliatory accounts between liberal and communitarian conceptions in international political theory. The present analysis only considers a few. One interesting contribution that cannot be discussed herein but deserves to be mentioned is Amitai Etzioni, *From empire to community: a new approach to international relations*, 1st ed. (New York: Palgrave Macmillan, 2004).
69. Linklater, *political community*, p. 60.
70. See, for example, *ibid.*, pp. 34–45.
71. Ibid., pp. 85–100.
72. Ibid., p. 108.
73. Mervyn Frost, *Ethics in international relations: a constitutive theory*, *Cambridge studies in International Relations* (Cambridge: Cambridge University Press, 1996), p. 141.

74. Notice that Frost conceives civil society extensively and therefore expanding beyond the borders of the state, differently from the more traditional Hegelian conception. "Mervyn Frost replies to Peter Sutch's 'Human rights as settled norms: Mervyn Frost and the limits of Hegelian human rights theory,'" *Review of International Studies* 26, no. 03 (2000): p. 478.
75. Mervyn Frost, *Ethics in international relations*, pp. 141–50.
76. *Ibid.*, pp. 150–5.
77. Peter Sutch, "Human rights as settled norms: Mervyn Frost and the limits of Hegelian human rights theory," *Review of International Studies* 26, no. 02 (2000): p. 223.
78. Frost, *Ethics in international relations*, p. 111.
79. "Mervyn Frost replies to Peter Sutch," p. 478.
80. Timothy Dunne and Nicholas J. Wheeler, *Human rights in global politics* (Cambridge; New York: Cambridge University Press, 1999). pp. 1–28.
81. Charles Taylor, "Conditions of an unforced consensus on human rights," in *The East Asian challenge for human rights*, ed. Joanne R. Bauer and Daniel Bell, *Conditions of an Unforced Consensus* (Cambridge; New York: Cambridge University Press, 1999), p. 124.
82. Richard Rorty, "Human rights, rationality and sentimentality," in *On human rights: the Oxford amnesty lectures*, ed. Stephen Shute and S. L. Hurley (New York: BasicBooks, 1993), p. 119.
83. *Ibid.*, pp. 112–34.
84. Miller, *On nationality*.
85. According to Rawls: "A decent people must honour the laws of peace, its system of law must be such as to respect human rights and to impose duties and obligations on all persons in its territory." John Rawls, *The Law of peoples* (Cambridge, MA: Harvard University Press, 1999), p. 67. Note that Rawls theorizes a minimalist conception of human rights, see note 86 below.
86. *Ibid.*, p. 70 (emphasis added).
87. It has to be noticed that the limitation of the extension of liberal principles is also due to the commitment of liberal peoples to the principle of tolerance. *Ibid.*, pp. 59–60.
88. Human rights according to Rawls are different from those rights that liberal states guarantee. "Human rights in the Law of Peoples [...] express a special class of urgent rights, such as freedom from slavery and serfdom, liberty (but not equal liberty) of conscience, and security of ethnic groups from mass murder and genocide." *Ibid.*, pp. 78–9.
89. David Miller, "The ethical significance of nationality," *Ethics* 98, no. 4 (1988): p. 647.
90. Michael Walzer, *Thick and thin: moral argument at home and abroad* (Notre Dame: University of Notre Dame Press, 1994).
91. *Just and unjust wars: a moral argument with historical illustrations*, 2nd ed. (New York: Basic Books, 1992).
92. *Ibid.*, pp. 53–5.
93. Walzer problematically links this assertion to the case of the Israeli Six-Days War. *Ibid.*, pp. 80–5.

94. Ibid., p. 89.
95. Ibid., p. 90. Notice that this third proviso is still different from the emerging norm of the “responsibility to protect” which would allow to intervene on the basis of a threat of crimes against humanity, whereas Walzer seems to refer to ascertained cases of crimes against humanity.
96. Charles R. Beitz, *Political theory and international relations* (Princeton, NJ: Princeton University Press, 1979), p. 69.
97. Ibid., pp. 121–3.
98. Rawls, *Law of peoples*.
99. Walzer, *Spheres of justice*.
100. Rawls, *Law of peoples*, p. 81.
101. See also Michael Doyle’s discussion of the differences between cosmopolitan and communitarian views on international intervention. Michael W. Doyle, “International ethics and the responsibility to protect,” *International Studies Review* 13, no. 1 (2011).
102. Walzer, “Communitarian critique,” p. 22.
103. In Chapter 4, this conception will be defined in further detail along with the conception of community.

3 Islamist Critiques of Liberalism: ‘Abduh, Quṭb, al-Ṣadr, and Khomeini

1. Roxanne Euben’s *Enemy in the mirror* is particularly relevant for this analysis. Euben consistently shows how Quṭb’s view of modernity and liberalism is similar to the communitarian discourse of thinkers such as Taylor, MacIntyre, Robert Bellah, and Daniel Bell among others. Roxanne Leslie Euben, *Enemy in the mirror: Islamic fundamentalism and the limits of modern rationalism* (Princeton, NJ: Princeton University Press, 1999), pp. 133–50. See also Jörg Friedrichs, “Global Islamism and world society,” *Telos* 2013, no. 163 (2013) and Filippo Dionigi, “Islamism as communitarianism: person, community and the problem of international norms in non-liberal theories,” *Journal of International Political Theory* 8, no. 1–2 (2012). Leonard Binder in *Islamic Liberalism* has made the opposite claim that Islamist theory has the potential of becoming a form of liberalism rather than communitarianism. Leonard Binder, *Islamic liberalism: a critique of development ideologies* (Chicago; London: University of Chicago Press, 1988). Also scholars such as Gilles Kepel and Emmanuel Sivan have been active in this comparative field of research. See in particular Gilles Kepel, *The revenge of God: the resurgence of Islam, Christianity and Judaism in the modern world* (Cambridge: Polity, 1994); Emmanuel Sivan, *Radical Islam: medieval theology and modern politics*, Enl. ed. (New Haven: Yale University Press, 1990).
2. Fred Halliday, *Islam and the myth of confrontation: religion and politics in the Middle East*, New ed. (London; New York: I.B. Tauris; In U.S. and Canada distributed by Palgrave Macmillan, 2003), p. 15.
3. The year of birth of al-Ṣadr is disputed.

4. See Chapter 5 and Chapter 9.
5. Notice that the Ottoman Empire was already implementing modernizing reforms that included several elements of modernization inspired by the Western rise of liberalism. The case of the Tanzimat is only one of many examples. For an account, see for example Antony Black, *The history of Islamic political thought: from the prophet to the present* (Edinburgh: Edinburgh University Press, 2001), pp. 281–99.
6. A particularly helpful account of this process is given by Talal Asad. Talal Asad, *Formations of the secular: Christianity, Islam, modernity*, Cultural memory in the present (Stanford, CA: Stanford University Press, 2003), pp. 205–56.
7. ‘Abduh was friend with Wilfrid Blunt, an official of the UK Foreign Office. See Wilfrid Scawen Blunt, *Secret history of the English occupation of Egypt: being a personal narrative of events* (London: T. Fisher Unwin, 1907), pp. 105–7. ‘Abduh also spent time in Paris where he attended the lectures of positivist philosophers such as Auguste Comte.
8. Malcolm H. Kerr, *Islamic reform: the political and legal theories of Muḥammad ‘Abduh and Rashīd Riḍā* (Berkeley: University of California Press, 1966), p. 146.
9. Albert Hourani, *Arabic thought in the liberal age 1798–1939* (London: Oxford University Press, 1962), p. 136.
10. These are contained in what is usually referred to as the Sunna (tradition), the collection of acts and deeds of the Prophet Muḥammad coming second only to the Qur’an as reference in the Islamic community.
11. Kerr, *Islamic Reform*, p. 108.
12. Hourani, *Arabic thought*, p. 139.
13. *Ibid.*, p. 137.
14. Muhammad ‘Abduh, “The necessity of religious reform,” in *Modernist and fundamentalist debates in Islam: a reader*, ed. Mansoor Moaddel and Kamran Talattof (New York: Palgrave Macmillan, 2002), p. 45.
15. Hourani, *Arabic thought*, p. 137.
16. This principle is of fundamental importance in Islamist thought and corresponds to the idea that the ultimate aim of Islam is the well-being of the community on the basis of Islamic principles. There will be occasion to look into this in greater detail at a later stage. See in particular the discussion of this concept with reference to Hezbollah’s law-making in Chapter 7.
17. Samira Haj, *Reconfiguring Islamic tradition: reform, rationality, and modernity* (Stanford, CA: Stanford University Press, 2009), pp. 77–86.
18. Kerr, *Islamic Reform*, p. 133.
19. *Ibid.*, p. 125.
20. *Ibid.*, p. 129.
21. *Ibid.*
22. A *ḥadīth* is a secondary source of Islamic ethics immediately following the Qur’an in hierarchical terms and is usually about actions and sayings of the Prophet of Islam and the community of his followers.
23. This *ḥadīth* is reported by various commentators: al-Tirmidhi (4:2167), ibn Majah (2:1303), Abu Daūd among others. Wording may vary slightly from one author to another.

24. As we shall see below, Shi'i Islamism emphasizes the importance of religious jurists as guiding the community.
25. Leonard Binder, *The ideological revolution in the Middle East* (New York: Wiley, 1964), p. 99.
26. Kerr, *Islamic Reform*, pp. 143–4.
27. *Ijtihād* is a fundamental concept in Islamic ethics indicating the exegesis of the Islamic revelation. Conservative schools understood this as a process that could have been exercised only by the prophet and his companions (*al-salafiyūn*) and therefore conclude that “the door of *ijtihād* is closed.” ‘Abduh, however, favored the idea that the Islamic revelation is still subject to constant interpretation through the use of reason and can be reinterpreted also after the death of the Prophet and his companions. See for an example of this theoretical debate, Asad, *Formations of the secular*, pp. 219–21.
28. Kerr, *Islamic Reform*, p. 134.
29. Hourani, *Arabic thought*, p. 155.
30. For a thorough discussion of how the concept of *shūrā* is still present in the contemporary Islamist discourse and influences its views on democracy, see: Abdelilah Belkeziz, *The state in contemporary Islamic thought a historical survey of the major Muslim political thinkers of the modern era*, Contemporary Arab scholarship in the social sciences v 3 (London: I.B. Tauris, 2009), pp. 171–94.
31. Kerr, *Islamic Reform*, p. 146.
32. *Ibid.*, p. 149.
33. Binder, *Ideological Revolution*, p. 99.
34. A *sūra* of the Qur'an is a section of the holy text of Islam.
35. Charles C. Adams, *Islam and modernism in Egypt; a study of the modern reform movement inaugurated by Muhammad Abduh* (New York: Russell & Russell, 1968), p. 172.
36. See Hourani, *Arabic thought*, pp. 161–93.
37. Sa'ad Zaghlul, prominent member and founder of the Wafd, was himself a student of both 'Abduh and Afghani even though he successively embraced liberal and secularist views. See Francesco Gabrieli, *The Arab revival* (New York: Random House, 1961), p. 77.
38. Hourani, *Arabic thought*, pp. 161–93.
39. In this regard we shall refer to what Marsot defines as the “Egyptian liberal experiment,” Afaf Lutfi Sayyid-Marsot, *A short history of modern Egypt* (Cambridge; New York: Cambridge University Press, 1985).
40. Hourani, *Arabic thought*, p. 360.
41. The influence of Qutb's life and thought on this movement is explained in several publications. See Fawaz A. Gerges, *The far enemy: why Jihad went global* (New York: Cambridge University Press, 2005), pp. 43–79. Gilles Kepel, *Jihad: the trail of political Islam*, 4th ed. (London: I.B. Tauris, 2006); John Calvert, *Sayyid Qutb and the origins of radical Islamism* (New York: Columbia University Press, 2010), p. 292.
42. For a discussion of Mawdudi's influence on Qutb's thought, see *Qutb*, pp. 157–9 and 213–20. One of the most influential publications of Mawdudi is his critique

- of human rights; see Abul 'Ala al-Mawdudi, *Human rights in Islam* (Leicester: Islamic Foundation, 1980). For a discussion of Mawdudi's approach to human rights, see for example Ann Elizabeth Mayer, *Islam and human rights: tradition and politics*, 3rd ed. (Boulder, CO.: Westview Press, 1998).
43. For the best account of Qutb's radicalization and its involvement in the activity of a secret armed organization, see Calvert, *Qutb*, pp. 229–71.
 44. Sayyid Qutb, *A child from the village*, trans. John Calvert and William E. Shepard, 1st ed., Middle East literature in translation (Syracuse, NY: Syracuse University Press, 2004).
 45. Ibrahim M. Abu-Rabi', *Intellectual origins of Islamic resurgence in the modern Arab world*, SUNY series in Near Eastern studies (Albany: State University of New York Press, 1996), pp. 92–3.
 46. Adnan Musallam gives a biographical overview of the events and the correspondence from the United States in Adnan Musallam, *From secularism to Jihad: Sayyid Qutb and the foundations of radical Islamism* (Westport, CT: Praeger, 2005), pp. 111–36.
 47. Ibid., pp. 130–8.
 48. Sayyid Qutb and William E. Shepard, *Sayyid Qutb and Islamic activism: a translation and critical analysis of Social justice in Islam*, Social, economic, and political studies of the Middle East and Asia (Leiden; New York: E.J. Brill, 1996).
 49. Ibid.
 50. Sayyid Qutb, *Social justice in Islam*, trans. John B. Hardie, Near Eastern Translation Program (Washington: American Council of Learned Societies, 1953), p. 17.
 51. Ibid.
 52. Qutb often compares his theory of social justice with Western liberalism and communism under each of any respects of his analysis including, for example, freedom of conscience: Ibid., pp. 31–2. Human equality: Ibid., pp. 53–4.
 53. Qutb and Shepard, *Sayyid Qutb and Islamic activism: a translation and critical analysis of Social justice in Islam*, pp. 61–6. Qutb mentions equality also with reference to women's rights but then provides a long list of qualifications diversifying the role of men and women.
 54. Ibid., pp. 55–67. This aspect will be further considered in the following chapter.
 55. Ibid., p. 68.
 56. Ibid., pp. 104–9.
 57. Ibid., pp. 87–99.
 58. This point is in contrast with the Shi'i tradition, which however attributes a leading role to the religious jurists.
 59. Qutb and Shepard, *Sayyid Qutb and Islamic activism: a translation and critical analysis of Social justice in Islam*, pp. 111–2.
 60. Ibid., p. 91.
 61. This might refer to the fact that not only usury is strongly condemned by Islamic ethics but also bank interests on loans are considered usury.
 62. Qutb, *Social justice in Islam*, pp. 227–8.

63. Ibid., p. 228. Quṭb's criticism is nonetheless more sophisticated in his analysis than it may seem; a few pages later, he quotes approvingly the comments of the French scholar Alphonse Gouilly and the English orientalist H. A. R. Gibb on the expansion of Islam in the non-Arab world.
64. Quṭb in *Al-Islām Wa Mushkilat al-Ḥaḍāra* [Islam and the Problem of Civilisation], quoted in Abu-Rabi', *Origins of Islamic resurgence*, p. 160.
65. Ibid., pp. 143–4.
66. Ibid., pp. 159–60.
67. Sayyid Quṭb, *Milestones*, trans. M. M. Siddiqui (Indianapolis: American Trust, 1990), p. 40.
68. This is the translation of the first paragraph of *Ma'alim fi al-Tariq* (usually translated as "Milestones" but literally *Signs on the way*). I am using here the translation provided in Roxanne Leslie Euben and Muhammad Qasim Zaman, *Princeton readings in Islamist thought: texts and contexts from al-Banna to Bin Laden*, Princeton studies in Muslim politics (Princeton, NJ: Princeton University Press, 2009), p. 136.
69. Quṭb's literary work in jail is rather vast and includes many other publications such as his *Fī Zilla al-Qur'an* (in the Shade of the Quran) a wide ranging commentary to the Qur'an in several volumes of which *Milestones* is an anthology. For a vivid discussion of Quṭb's detention period and its related radicalization, see Calvert, *Qutb* pp. 197–227.
70. I refer to Euben's partition of the structure of *Milestones* in "diagnosis," "cure," and "method," Euben, *Enemy in the mirror*, p. 56.
71. William E. Shepard, "Sayyid Qutb Doctrine of Jahiliyya," *International Journal of Middle East Studies* 35, no. 04 (2003): pp. 522–4.
72. The term *hijra* refers to the migration of Prophet from Mekka to Medina.
73. Quṭb, *Milestones*, p. 32. The term milestones used by Quṭb refers to the teachings available in this book that is a shortened version of his Qur'an commentary (*In the Shade of the Quran*) and includes the basic precepts to be followed by the revolutionary nucleus. Calvert, *Qutb*, p. 225.
74. As Yvonne Haddad observes this is the part of Quṭb's theory that may have the major influence on groups such as al-Takfir wa al-Hijra (literally, "excommunicate and migrate") which later in the history of Egypt represented the most radical and violent forms of Islamism. Yvonne Yazbeck Haddad, "The Qur'anic Justification for an Islamic Revolution: The View of Sayyid Quṭb," *Middle East Journal* 37, no. 1 (1983): p. 18.
75. Quṭb, *Milestones*, p. 42.
76. Calvert, *Qutb*, pp. 229–71.
77. As mentioned above, this is a concept which was developed by Quṭb under the influence of Mawdudi's political thought.
78. For a discussion of the debate on *ḥākimiya*, see for example: Sayed Khatab, *The power of sovereignty: the political and ideological philosophy of Sayyid Qutb*, Routledge studies in political Islam (London: Routledge, 2006), pp. 7–46.
79. Calvert, *Qutb*, p. 215.
80. Khatab, *Power of sovereignty*: pp. 28–36.

81. It remains unknown nonetheless whether the charges were genuine or fictitious. Calvert, *Qutb*, p. 259.
82. See, for example, how Ayman al-Zawahiri, among the intellectuals of al-Qā'ida, declared to be personally struck by the death of Qutb. Gerges, *Far enemy*, p. 6.
83. According to Calvert, 'Arif was an admirer of Qutb's intellectual work and he was under the influence of the Iraqi branch of the Brotherhood. Calvert, *Qutb*, pp. 236–7.
84. In certain early literature *Ḥizb al-D'awa* is also known as *Ḥizb al-D'awa al-Islamiyya*.
85. Faleh A. Jabar, *The Shi'ite movement in Iraq* (London: Saqi, 2003), p. 81.
86. See below.
87. The *ḥawza 'ilmiyya* is the traditional educational and cultural institution of Shi'ism under the leadership of knowledgeable scholars. Its main centers are in Najaf in Iraq and Qum in Iran.
88. Ayatollah comes from *Ayatū Allāhi* that can be translated "sign of God."
89. There will be occasion at a later stage to elaborate more into detail with regard to Faḡlallah's role and theory. See Chapter 5.
90. For a detailed discussion of the emergence of the society and al-Ṣadr's role in this process, see Jabar, *Shi'ite movement*: pp. 114–9; T. M. Aziz, "The Role of Muhammad Baqir al-Sadr in Shi' Political Activism in Iraq from 1958 to 1980," *International Journal of Middle East Studies* 25, no. 2 (1993): pp. 207–22. The foundation of the society is primarily explained as a reaction to the diffusion of communist materialist ideology in Iraq after the fall of the monarchy.
91. Aziz, "The Role of Muhammad Baqir al-Sadr," p. 210. Amatzia Baram, "Sadr the Father, Sadr the Son, the 'Revolution in Shi'ism' and the struggle for Power in the Hawzah of Najaf," in *Iraq between occupations: perspectives from 1920 to the present*, ed. Amatzia Baram, Achim Rohde, and Ronen Zeidel (New York: Palgrave Macmillan, 2010), p. 143.
92. Aziz, "The Role of Muhammad Baqir al-Sadr," pp. 217–8.
93. Muhammad Baqir al-Ṣadr, *Our philosophy*, trans. Shams Constantine Inati (London; New York NY, USA: Muhammadi Trust in association with KPI, 1987). Muhammad Baqir al-Sadr, *Iqtisaduna* (Beirut: Dar al-Ta'aruf, 1982). *Islam Leads Life* to my knowledge has not been translated: Muhammad Baqir As-Sadr, *Al Islam Yaqud al Hayat* n.d. (Khayam Press: Qum, 1979).
94. For an overview of al-Sadr's contribution to the Islamic economy debate, see Rodney Wilson, "The contribution of Muḥammad Bāqir al-Ṣadr to Contemporary Islamic Economic Thought," *Journal of Islamic Studies* 9, no. 1 (1998).
95. Chibli Mallat, *The renewal of Islamic law : Muhammad Baqer as-Sadr, Najaf, and the Shi'i International*, Cambridge Middle East library (Cambridge; New York: Cambridge University Press, 1993), p. 145.
96. al-Ṣadr, *Our philosophy*, p. xvii.
97. *Ibid.*, p. 32.
98. *Ibid.*, p. 5.
99. *Ibid.*

100. Ibid., p. 7.
101. Ibid., p. 11.
102. Ibid., p. 19.
103. Jabar, *Shi'ite movement*, pp. 280–7.
104. al-Ṣadr, *Our philosophy*, p. 26.
105. Ibid., p. 30.
106. Mallat, *Renewal of Islamic law*, pp. 59–78.
107. Which in the Jewish tradition and in this verse are represented by the rabbis.
108. A *mujtahid* is a learned scholar trained into the interpretation of the Islamic religious sources within the Shiite religious educational system of the *hawza 'ilmiyya*.
109. It will be highlighted in the following section how the same reasoning is reproduced by Khomeini.
110. The term literally means “reference.”
111. al-Ṣadr, *The Caliphate of Mankind and Prophetic Testimony*, quoted in Mallat, *renewal of Islamic law*. p. 66.
112. Jabar, *Shi'ite movement*, pp. 280–7.
113. Mallat, *Renewal of Islamic law*, pp. 69–72. This point is in fact not entirely confirmed; for example, Said Amir Arjomand claims that only certain aspects were actually influential. See Said Amir Arjomand, “Book Review: The Renewal of Islamic Law. Muhammad Baqer as-Sadr, Najaf and the Shi'i International by Chibli Mallat,” *Islamic Law and Society* 2, no. 3 (1995).
114. See Chapter 5. *‘ālim* is the singular of *‘ulama’*.
115. H. E. Chehabi, “Religion and Politics in Iran: How Theocratic Is the Islamic Republic?,” *Daedalus* 120, no. 3 (1991): p. 72.
116. Hamid Dabashi, *Theology of discontent: the ideological foundation of the Islamic Revolution in Iran* (New Brunswick, NJ: Transaction Publishers, 2006), p. 437.
117. It shall be clarified that, although Khomeini was critical of Westernized constitutionalism, his views and those of many other members of the Shi'i clergy were more nuanced with regard to the 1905–11 Constitutional Movement of Iran. I am grateful to Malihe Maghazei for pointing out this aspect. See also Malihe Maghazei “Introduction,” in ‘Alī Akbar Mahdī (ed.), *Teen Life in the Middle East* (Westport, CT: Greenwood Press, 2003), pp. 12–32.
118. Ibid., p. 439.
119. Ruhollah Khomeini, *Islam and revolution: writings and declarations of Imam Khomeini*, trans. Hamid Algar (Berkeley, CA: Mizan Press, 1981), p. 35.
120. Ibid., p. 48.
121. Dabashi, *Theology of discontent*, p. 476. It shall be noticed how the same idea of *al-insān al-kāmil* is to be found also in Qutb; there will be occasion to develop further on this concept in Chapter 4. Calvert, *Qutb*, p. 209.
122. Khomeini, *Islam and revolution*, p. 48.
123. Ibid., p. 54.

124. Ibid., p. 36.
125. Ibid., p. 31.
126. Vanessa Martin, *Creating an Islamic state: Khomeini and the making of a new Iran*, Library of modern Middle East studies (London: I.B.Tauris, 2000), pp.103–12.
127. Khomeini, *Islam and revolution*.
128. Ibid., p. 55.
129. Especially the second lecture under the title “the form of an Islamic government” is dedicated to this work of exegesis justifying the political activism of the ‘*ulama*’. Ibid., pp. 55–125. Parts of this chapter will be directly quoted or referred to by Hezbollah in its 1985 *Open Letter*.
130. Dabashi, *Theology of discontent*, p. 445.
131. Martin, *Creating an Islamic state*, p. 127.
132. Khomeini, *Islam and revolution*, p. 54.
133. The realization of the *Wilāyat al-Fāqih* at a constitutional level was nonetheless the result of a troubled process affected also by the internal opposition. Said Saffari reports in detail the constitutional debate in the post-revolutionary Iran, highlighting the fact that its outcomes were far from obvious, being the concept of the *wilāyat* opposed also from within the religious elite of Iran. Said Saffari, “The Legitimation of the Clergy’s Right to Rule in the Iranian Constitution of 1979,” *British Journal of Middle Eastern Studies* 20, no. 1 (1993).
134. For an overview of this process, see Chehabi, “Religion and Politics in Iran.” Saffari, “Legitimation of the Clergy.”
135. According to Saffari this component of the Islamic Republic was inspired to the French presidential system. Saffari, “Legitimation of the Clergy.”
136. At a later stage, other institutions would have been added to supplement to the others also because this polity revealed several issues in its actual functionality.
137. Fawaz A. Gerges, *Journey of the jihadist: inside Muslim militancy*, 1st ed. (Orlando, FL: Harcourt, 2006), p. 83.
138. See Chapter 9 for further details in this respect.
139. Saffari, “Legitimation of the Clergy,” p. 78.
140. Halliday, *Islam and the myth of confrontation*, p. 45.
141. More troubling is the reverse process in which society is forcibly “reformed” to fit institutions that would not otherwise suit, which is partly the case of Iran. For a critique of the communitarian foundations of Islamism, see Katerina Dalacoura, “A critique of communitarianism with reference to post-revolutionary Iran,” *Review of International Studies* 28, no. 01 (2002). The obsolescence of the concept of community in Islamism and communitarianism will be one of the concluding considerations of this study.
142. With regard to the concept of infallibility in Khomeini see Dabashi, *Theology of discontent*: pp. 463–6.
143. Fawaz A. Gerges, *America and political Islam: clash of cultures or clash of interests?* (Cambridge, UK ; New York, NY: Cambridge University Press, 1999), p. 37.

4 Islamism as Communitarianism: A Comparative Analysis

1. See Chapter 2.
2. John Charvet and Elisa Kaczynska-Nay, *The liberal project and human rights: the theory and practice of a new world order* (Cambridge; New York: Cambridge University Press, 2008), pp. 298–9.
3. The author has published elsewhere a condensed and slightly different version of this and the previous chapters. See Filippo Dionigi, “Islamism as communitarianism: person, community and the problem of international norms in non-liberal theories,” *Journal of International Political Theory* 8, no. 1–2 (2012).
4. Michael J. Sandel, *Liberalism and the limits of justice*, 2nd ed. (Cambridge; New York: Cambridge University Press, 1998), p. 150.
5. John Rawls, *A theory of justice*, Rev. ed. (Cambridge, MA: Belknap Press of Harvard University Press, 1999), pp. 6, 9.
6. Charles Taylor, “Atomism,” in *Philosophical papers: philosophy and the human sciences* (Cambridge: Cambridge University Press, 1985), p. 209.
7. Ira M. Lapidus, “Islamic Revival and modernity: the contemporary movements and the historical paradigms,” *Journal of the Economic and Social History of the Orient* 40, no. 4 (1997), p. 447.
8. Talal Asad, *Formations of the secular: Christianity, Islam, modernity*, Cultural memory in the present (Stanford, CA: Stanford University Press, 2003), p. 230.
9. Roxanne Leslie Euben, *Enemy in the mirror: Islamic fundamentalism and the limits of modern rationalism* (Princeton, NJ: Princeton University Press, 1999), pp. 135–6.
10. Ruhollah Khomeini, *Islam and revolution: writings and declarations of Imam Khomeini*, trans. Hamid Algar (Berkeley, CA: Mizan Press, 1981), p. 48.
11. Malcolm H. Kerr, *Islamic reform; the political and legal theories of Muḥammad ‘Abduh and Rashīd Riḍā* (Berkeley: University of California Press, 1966), p. 135.
12. Qutb from *al-Islām wa Mushkilat al-Ḥadāra* (Islam and the Problem of Civilization), quoted in Ibrahim M. Abu-Rabi’, *Intellectual origins of Islamic resurgence in the modern Arab world*, SUNY series in Near Eastern studies (Albany: State University of New York Press, 1996), p. 162.
13. Muhammad Baqir al-Ṣadr, *Our philosophy*, trans. Shams Constantine Inati (London; New York: Muhammadi Trust in association with KPI 1987), p. 26.
14. The importance of this scholar, especially with regard to Hezbollah, will be discussed further below. See Chapter 5.
15. Jamal Sankari, *Fadlallah: the making of a radical Shi’ite leader* (London: Saqi, 2005), p. 138.
16. Charvet and Kaczynska-Nay, *liberal project*, p. 303.
17. See, for example, in this regard David Miller and Sohail H. Hashmi, *Boundaries and justice: diverse ethical perspectives*, The Ethikon series in comparative ethics (Princeton, NJ: Princeton University Press, 2001).

18. Paul Berman, *Terror and liberalism* (New York: Norton, 2003), p. 77.
19. Sayyid Qutb, *Milestones*, trans. M. M. Siddiqui (Indianapolis: American Trust, 1990), p. 76.
20. Samira Haj, *Reconfiguring Islamic tradition: reform, rationality, and modernity* (Stanford, CA: Stanford University Press, 2009), p. 94.
21. Sankari, *Fadlallah*, p. 106.
22. Charles Taylor, "Cross-purposes: the liberal-communitarian debate," in *Philosophical arguments*, ed. Charles Taylor (Cambridge, MA: Harvard University Press, 1995), p. 165.
23. Chris Brown, "Universal human rights: A critique," *The International Journal of Human Rights* 1, no. 2 (1997): p. 49.
24. William Shepard, "The development of the thought of Sayyid Qutb as reflected in earlier and later editions of 'Social Justice in Islam,'" *Die Welt des Islams* 32 (1992), p. 17.
25. Kerr, *Islamic reform*, p. 135.
26. See the section on 'Abduh in the previous chapter.
27. In particular, 'Abduh refers to the opinion of scholars trained in Islamic jurisprudence as the guides and guardian of the morality of the community.
28. This *ḥadīth* is reported by various commentators: al-Tirmidhi (4:2167), ibn Majah (2:1303), Abu Daūd, among others. Wording may vary from one to another.
29. Taylor, "Atomism," p. 203.
30. Sandel, *Liberalism*, p. 179.
31. Qutb in *Hadhā al-Dīn* (This Religion of Islam) quoted in Abu-Rabi', *Origins of Islamic resurgence*, p. 141.
32. *Ibid.*, p. 152.
33. Charles C. Adams, *Islam and modernism in Egypt; a study of the modern reform movement inaugurated by Muhammad Abduh* (New York: Russell & Russell, 1968), p. 172.
34. Haj, *Islamic tradition*, p. 112.
35. 'Abduh quoted in *ibid.*, pp. 125–6.
36. al-Ṣadr, *Our philosophy*, p. 31.
37. *Ibid.*, p. 29.
38. Allen E. Buchanan, "Assessing the communitarian critique of liberalism," *Ethics* 99, no. 4 (1989), p. 857.
39. Taylor, "Atomism," p. 203.
40. Michael J. Sandel, "The procedural republic and the unencumbered self," *Political Theory* 12, no. 1 (1984), p. 90.
41. Berman, *Terror*, pp. 80–1.
42. Qutb, *Milestones*, pp. 4–5.
43. For Khomeini, see the previous chapter and Hamid Dabashi, *Theology of discontent: the ideological foundation of the Islamic Revolution in Iran* (New Brunswick, NJ: Transaction Publishers, 2006), p. 477. As regards Qutb, see John Calvert, *Sayyid Qutb and the origins of radical Islamism* (New York: Columbia University Press, 2010), p. 208.
44. Muḥammad 'Abduh, *The theology of unity* (London: Allen & Unwin, 1966), pp. 133–4.

45. al-Ṣadr, *Our philosophy*, p. 31.
46. Taylor, "Atomism," p. 199.
47. Sayyid Qutb, *Social justice in Islam*, trans. John B. Hardie, Near Eastern Translation Program (Washington: American Council of Learned Societies, 1953), p. 62.
48. Ibid., p. 63.
49. This is a fundamental principle for Islamism in particular as we will see in the following chapters. Asef Bayat observes how this Islamic principles is in fact one of the most influential foundations of the Islamist political action. Asef Bayat, *Post-Islamism: the changing faces of political Islam* (New York: Oxford University Press, 2013), p. 5.
50. Khomeini, *Islam and revolution*, pp. 117–18.
51. Euben, *Enemy in the mirror*, p. 123. See also Halliday's review of Euben's book for a constructive critical assessment of her analysis. Fred Halliday, "Book Review: Roxanne L. Euben, *Enemy in the mirror*," *Ethnic and Racial Studies* 24, no. 6 (2001), pp. 1072–5.
52. Although this barely emerges in the work of Taylor and MacIntyre, both of them are catholic philosophers, thus sharing a certain religious matrix with their Islamist counterpart, although they both are also committed secularists.
53. Charvet and Kaczynska-Nay, *Liberal project*.
54. Katerina Dalacoura, "A critique of communitarianism with reference to post-revolutionary Iran," *Review of International Studies* 28, no. 01 (2002), pp. 75–92. Dalacoura's discussion has been of central importance in developing the considerations presented in this and the following chapters.

5 The Rise of Political Shi'ism in Lebanon

1. The exact transliteration of the term is Hizba l-lahi. See Chapter 9 for a more thorough discussion of the meaning of this name.
2. Augustus R. Norton, *Hezbollah: a short history*, Princeton studies in Muslim politics (Princeton: Princeton University Press, 2007); Amal Saad-Ghorayeb, *Hizbu'llah: politics and religion*, Critical studies on Islam (London; Sterling, VA: Pluto Press, 2002); Judith P. Harik, *Hezbollah: the changing face of terrorism* (London; New York: I.B. Tauris, 2004); Waddah Shararah, *Dawlat Hizb Allah: Lubnān mujtam'an Islamiyan*, 4th ed. (Beirut: Dar al-Nahar, 2006); H. E. Chehabi et al., *Distant relations: Iran and Lebanon in the last 500 years* (Oxford, London: Centre for Lebanese Studies; in association with I.B. Tauris, 2006), pp. 201–30; Ahmad Nizar Hamzeh, *In the path of Hizbullah*, 1st ed., Modern intellectual and political history of the Middle East (Syracuse, NY: Syracuse University Press, 2004); Naim Qassem, *Hizbullah: the story from within*, Updated ed. (London: Saqi, 2010); *Hizbullah: the story from within*, trans. Dalia Khalil (London: Saqi, 2005); see also the original in Arabic, Na'em Qāsim, *Hizbu Allāh: al-Manhaj, al-Tajriba, al-Mustqbal* [Hezbollah: method, practice and future]. (Beirut: Dar al-Hadi, 2004). Dominique Avon and Anaïs-Trissa Khatchadourian, *Hezbollah: a history of the "party of god,"* trans. Jane Marie Todd (Cambridge, MA: London:

- Harvard University Press, 2012); Magnus Ranstorp, *Hizb'allah in Lebanon: the politics of the western hostage crisis* (London: Macmillan Press, 1997); Adham Saouli, "Lebanon's Hizbullah: the quest for survival," *World Affairs* 166, no. 2 (2003); Joseph Elie Alagha, *Hizbullah's identity construction* (Amsterdam: Amsterdam University Press, 2011).
3. 1978 is the date of his disappearance; the actual date of death remains uncertain.
 4. See Chapter 3, section on Bāqir al-Ṣadr.
 5. Faleh A. Jabar, *The Shi'ite movement in Iraq* (London: Saqi, 2003), p. 79.
 6. *Ibid.*, p. 78.
 7. Amatzia Baram, "The Radical Shi'ite Opposition Movement in Iraq," in *Religious radicalism and politics in the Middle East*, ed. Emmanuel Sivan and Menachem Friedman, SUNY series in Near Eastern studies (Albany, NY: State University of New York Press, 1990), p. 96.
 8. Hanna Batatu, "Iraq's underground Shi'a movements: characteristics, causes and prospects," *Middle East Journal* 35, no. 4 (1981): p. 586.
 9. With quietism, I refer to the notion frequently adopted by Shi'i 'ulamā' in Iraq that religion shall not interfere directly with the political process.
 10. Hanna Batatu, "Shi's Organization in Iraq: al-Da'wah al-Islamiyah and al-Mujahidin," in *Shi'ism and social protest*, ed. Juan Ricardo Cole and Nikki R. Keddie (New Haven: Yale University Press, 1986), pp. 178–9.
 11. F. Bernhardt, "The legitimacy of party politics and the authority of the 'ulama' in Iraq's shi'a Islamist movement," *Journal of Shi'a Islamic Studies* 4, no. 1 (2011).
 12. Najaf is a central traditional place for Shi'ism, in which many religious schools (*hawza 'ilmiyya*) preparing future 'ulamā' are based. Its Iranian corresponding center is Qum that is equally prestigious and in competition with Najaf.
 13. Jabar, *Shi'ite movement*, p. 111.
 14. *Ibid.*, pp. 216–23; Bernhardt, "The legitimacy of party politics," pp. 168–9.
 15. Among those who left Iraq and Najaf in particular as a result of Saddam repression, there were key members of Hezbollah such as the future Secretary General Hasan Nasrallah who was a student in Bāqir al- Ṣadr's Hawza under the tutorship of 'Abbās al-Mūsawī, also founding member and former secretary general of Hezbollah. Khatib, Lina, Dina Matar, and Atef Alshaer, *The Hizbullah Phenomenon: Politics and Communication* (London: Hurst, 2014), pp. 157–8.
 16. In 1981, there was a suicide attack against the Iraqi Embassy in Lebanon, which was eventually claimed by the D'awa. It was one of the first dramatic signs of D'awa presence in Lebanon. Norton, *Hezbollah*, pp. 71–2.
 17. Laurence Louër, *Transnational Shia politics: religious and political networks in the Gulf*, Series in comparative politics and international studies (New York; Paris: Columbia University Press; in association with the Centre d'Etudes et de Recherches Internationales, 2008), p. 4.
 18. *al-Majlis al-'Ala lil Thawra al-Islamiyya fil 'Irāq*, the same movement now operates openly in post-invasion Iraq under the name Islamic Supreme Council for Iraq.

19. For an overview of Lebanese Shi'i tradition, see Albert Hourani, "From Jabal 'Āmil to Persia," *Bulletin of the School of Oriental and African Studies, University of London* 49, no. 1 (1986).
20. For the most informative study currently available on Lebanese-Iranian relations, see Chehabi, *Distant relations: Iran and Lebanon in the last 500 years*.
21. 1978 is the date of his disappearance; the actual date of death remains uncertain.
22. Shi'ites in Lebanon are concentrated particularly in the southern regions that are traditionally known as *Jabal 'Āmil*, the eastern region of Lebanon Biq'a Valley and the southern suburbs of Beirut al-Ḍahiye. It shall be noted how these three figures are also listed by Qāsim as the main protagonists of Shi'i mobilization in Lebanon. Qassem, *Hizbullah*, pp. 56–61.
23. This is how the region of south Lebanon is traditionally identified. This area has a long tradition of Shi'ism dating back centuries. See Hourani, "Jabal 'Āmil to Persia."
24. At a later stage, Grand Ayatollah al-Khu'y would have designated Faḍlallah as his *wakīl* (official religious representative) in Lebanon. Jamal Sankari, *Faḍlallah: the making of a radical Shi'ite leader* (London: Saqi, 2005), p. 49.
25. Fouad Ajami, *The vanished Imam: Musa al Sadr and the Shia of Lebanon* (London: Tauris, 1986), p. 25. Jawad nonetheless does not confirm this information and claims that they were only distantly related. Sa'ad Jawad (professor of the University of Baghdad), in discussion with the author, October 12, 2012.
26. Chibli Mallat, "Aspects of Shi'i thought from the South of Lebanon: Al 'Irfan, Muhammad Jawad Mughnyya; Muhammad Mahdi Shamseddine; Muhammad Hussein Faḍlallah," *Papers on Lebanon* 1998.
27. Ajami, *Vanished Imam*.
28. Fawwaz Traboulsi, *A history of modern Lebanon* (London; Ann Arbor, MI: Pluto, 2007), p. 178.
29. The foundation of the Movement of the Dispossessed was also in collaboration with the prominent Christian Bishop Gregoire Haddad who was inspired by the South American Liberation Theology. Elizabeth Picard, "The Lebanese Shi'a and political violence," *UNRISD Discussion Paper*, no. 42 (1993): pp. 18–20.
30. *Afwāj al-Muqāwama al-Lubnāniyya* (Battalions of the Lebanese Resistance).
31. Sankari, *Faḍlallah*, p. 121.
32. See Sankari for Faḍlallah's role in the foundation of D'awa; *ibid.*, pp. 73–80.
33. Mallat, "Shi'i thought from the south of Lebanon."
34. Sankari, *Faḍlallah*, p. 256.
35. *Ibid.*, p. 106.
36. *Ibid.*, p. 138.
37. *Ibid.*, pp. 154–5.
38. 'Abbās al-Mūsawī was secretary general of Hezbollah from May 1991 until he was killed by Israel in February 1992. al-Ṭufaiyīl was one of the most hard-line members of Hezbollah and its first secretary general nominated in the first General Conference; he left Hezbollah in 1992.

39. Hamzeh, *In the path of Hizbullah*, p. 25. The same is confirmed by Sankari, *Fadlallah*, p. 155. Shararah claims that 600 D'awa militants traveled to Lebanon at least up until 1976 where they were trained in the military camps of the Palestinian group Fatah. Shararah, *Dawlat Hizb Allah*, p. 109.
40. For a discussion of the complex relationship between Faḍlallah and Hezbollah, see Adham Saouli, "Intellectuals and Political Power in Social Movements: The Parallel Paths of Fadlallah and Hizbullah," *British Journal of Middle Eastern Studies* 41, no. 1: pp. 97–116.
41. Twelver Shi'ites believe in the return to earth of the *Imām al-Mahdī*, who disappeared as the twelfth Imam after 'Ali.
42. M. H. Fadlallah, *Islam and the Logic of Force*, 1976.
43. Mallat, "Shi'i thought from the south of Lebanon"; Sankari, *Fadlallah*, pp. 225–6.
44. *Fadlallah*, p. 238.
45. Fouad Ajami, "Lebanon and its inheritors," *Foreign Affairs* 63, no. 4 (1985): p. 788.
46. Sankari, *Fadlallah*, pp. 149–50.
47. Augustus R. Norton, *Amal and the Shi'a: struggle for the soul of Lebanon*, 1st ed., Modern Middle East series (Austin: University of Texas Press, 1987), p. 101.
48. Qassem, *Hizbullah*, pp. 20–1.
49. The operation is known under the code name Peace for Galilee. Israel occupied Beirut and held the West area in which the PLO was based under siege for months until its evacuation in August of the same year under the supervision of the Multinational Forces composed by the United States, France, and Italy. See Chapter 6 for an overview of Israeli military operations in Lebanon.
50. Syrian intervention in Lebanon deserves a separate analysis. For the scope of this discussion, it is sufficient to say that Syria intervened militarily in Lebanon at the beginning of the civil war in 1976 on the side of the Christian factions and against the Palestinian and leftist militias. It eventually withdrew in 2005, as a result of a traumatic historical process. More details regarding this withdrawal can be found in Chapter 8.
51. Qassem, *Hizbullah*, p. 88.
52. Robert Fisk, *Pity the nation: Lebanon at war* (Oxford: Oxford University Press, 1991), pp. 468–70. Ranstorp reports that these forces were from the al-Quds Regiment of the Guardians and were redeployed from the Iran–Iraq front as a consequence of Israel's invasion. Magnus Ranstorp, "The Hizbullah training camp of Lebanon," in *The making of a terrorist: recruitment, training, and root causes*, ed. James J. F. Forest (Westport, CT: Praeger Security International, 2006).
53. Nicholas Blanford, *Warriors of God: inside Hezbollah's thirty-year struggle against Israel*, 1st ed. (New York: Random House, 2011), p. 35.
54. Chehabi, *Distant relations: Iran and Lebanon in the last 500 years*, p. 213.
55. Five planes of troops were transferred to Lebanon; the troops were drawn from Baseegee and the Dhul-Faqir Brigades, both elite brigades of the

- Revolutionary Guards. Manal Lutfi, "The making of Hezbollah," *al-Sharq al-Awsat*, May 18, 2008.
56. Fawaz A. Gerges, *Journey of the jihadist: inside Muslim militancy*, 1st ed. (Orlando, FL: Harcourt, 2006), p. 85.
 57. Traboulsi, *History of modern Lebanon*, pp. 214; Norton, *Amal and the Shi'a*, pp. 93–4.
 58. Not to be confused with 'Abbās al-Mūsawī mentioned above whose origins were in the Iraqi D'awa and then became one of the founders of Hezbollah to finally be elected secretary general in 1991.
 59. Chehabi, *Distant relations: Iran and Lebanon in the last 500 years*, p. 211.
 60. The agreement was achieved with the treaty of May 17, 1983 but it never became legally binding.
 61. Traboulsi, *History of modern Lebanon*, pp. 218–9. Fisk, *Pity the nation*, pp. 359–400.
 62. Hezbollah claims that in its history there are 12 "martyrdom operations." Qassem, *Hizbullah*, p.75. Norton notes that this was not the first suicide attack in Beirut: in 1981 the Iraqi Embassy was hit by a suicide bomber and the attack was claimed by *Ḥizb al-D'awa* Norton, *Hezbollah*, p. 71. On suicide bombing in Lebanon and how this was not a Shi'i prerogative, see also Alagha, *Hizbullah's Identity construction*, pp. 107–10.
 63. Fisk, *Pity the nation*, pp. 458–9.
 64. Gerges reports that in the phone call claiming the attack, Islamic Jihad said: "We are neither Iranians, Syrians, nor Palestinians, but Muslims who follow the precepts of the Qur'an." Gerges, *Journey of the jihadist*, p. 87.
 65. Fisk, *Pity the nation*, p. 515.
 66. Hala Jaber, *Hezbollah: born with a vengeance* (New York: Columbia University Press, 1997), p. 80.
 67. Fisk also notes that the militiamen surrounding al-Mūsawī defined themselves as members of Islamic AMAL but also of Hezbollah in 1983. Fisk, *Pity the nation*, p. 515. Nonetheless Qāsim comments that the name Hezbollah (party of God) was officiously used by different factions and was only decided as the name of the organization shortly before the *Open Letter* declaration (1985). Qassem, *Hizbullah*, p. 76.
 68. Jaber, *Hezbollah*, p. 18; Norton, *Amal and the Shi'a*, p. 113.
 69. This will become the so-called security zone for Israel from which it withdrew in May 2000. For a persuasive critique of this strategy, see Augustus Richard Norton and Jillian Schwedler, "(In)security zones in south Lebanon," *Journal of Palestine Studies* 23, no. 1 (1993).
 70. Traboulsi, *History of modern Lebanon*, p. 227.
 71. Qur'an 5. 56. M. A. Abdel Haleem, *The Qur'an*, Oxford world's classics (New York: Oxford University Press, 2005), p. 73.
 72. *al-Thawra al-Islamiyya fi Lubnān*, this was to be later changed to The Islamic Resistance in Lebanon.
 73. According to Qāsim, this would have been the original name of Hezbollah. Qassem, *Hizbullah*, p. 59.
 74. Joseph Elie Alagha, *Hizbullah's documents: from the 1985 Open letter to the 2009 Manifesto* (Amsterdam: Pallas Publications, 2011), p. 40.

75. My translation of the *Open Letter*.
76. Alagha, *Hizbullah's Documents*, p. 40.
77. See the discussion of this concept in Chapter 3.
78. Alagha, *Hizbullah's Documents*, p. 53. Emphasis Add.
79. *Ibid.*, p. 41.
80. *Ibid.*, pp. 43–4.
81. The letter refers in this context to the verse of the Qur'an stating "there is no compulsion in religion" (2. 256).
82. These were the militia following the leadership of Gemayel also known as the Phalange.
83. Alagha, *Hizbullah's Documents*, p. 54.
84. I nonetheless agree with Chehabi that for how important Iranian influence on Hezbollah is far from being its only cause of existence. Chehabi, *Distant relations: Iran and Lebanon in the last 500 years*, p. 229.

6 Noncombatant Immunity and Israel-Hezbollah Wars: The Case of the April Understanding

1. The international law regulating conflict and including the principle of non-combatant protection is primarily, but not only, represented by the Geneva Conventions. Noncombatant immunity is also a principle of international customary law.
2. I refer here to norm internalization dynamics as defined by Martha Finnemore and Kathryn Sikkink, "International norm dynamics and political change," *International Organization* 52, no. 4 (1998): pp. 904–5.
3. In fact, Hezbollah also made some strategic gains out of the application of the noncombatant principle. This aspect regarding the distinction between authentic commitment to norms and strategic interests will be addressed in more detail in the conclusions with reference to the distinction between causal and constitutive theories.
4. It was not mentioned in the agreement but it was represented by Syria and Lebanon as parties in the agreement. De facto it is widely accepted that the agreement was drafted with reference primarily to Hezbollah as the main actor involved in the conflict.
5. An important note regards the fact that Hezbollah may be involved in acts of violence taking place outside of Lebanon and targeting civilian objectives. This has been widely denounced as a possibility but Hezbollah's involvement in these operations, though possible, is still unconfirmed. For a discussion, often speculative, of Hezbollah's international "footprint," see Matthew Levitt, *Hezbollah: the global footprint of Lebanon's Party of God* (Washington DC: Georgetown University Press, 2013). The present analysis, nonetheless, applies exclusively to Hezbollah's military activity within the context of the conflict with Israel. (See also note 76 below in this respect.)
6. In 1949 Israel and Lebanon signed an Armistice Agreement following the first Arab-Israeli war. Fawwaz Traboulsi, *A history of modern Lebanon* (London; Ann Arbor, MI: Pluto, 2007), p. 113. Israel engaged militarily with

- Lebanon with an attack on its civilian aircraft at the Beirut International Airport (December 28, 1968). Kamal S. Salibi, *Cross roads to civil war: Lebanon, 1958–1976* (Delmar, NY: Caravan Books, 1976), pp. 38–9.
7. Certain enclaves remain occupied to date by Israeli forces, allowing Hezbollah to claim its role of national resistance even after 2000. These are the Sheba'a area, Kfar Shūbā, and Ghajjar. The actual definition of borders of these areas remains disputed, especially in the case of Sheba'a. More generally, the entire border between Lebanon and Israel is being redrawn along the so-called Blue Line with the supervision of the UNIFIL Mission.
 8. The SLA was primarily composed of Christians and under the control of Sa'ad Haddād.
 9. Augustus Richard Norton and Jillian Schwedler, "(In)security zones in south Lebanon," *Journal of Palestine Studies* 23, no. 1 (1993): p. 71.
 10. The Islamic Resistance is the operative armed wing of Hezbollah and the major player in the resistance activity against Israel.
 11. Ahmad Nizar Hamzeh, *In the path of Hizbullah*, 1st ed., Modern intellectual and political history of the Middle East (Syracuse, NY: Syracuse University Press, 2004), p. 89. I would nonetheless point out that this figure is almost exclusively based on Hezbollah's sources and its accuracy is therefore only approximate.
 12. Since 1978 UNSC Resolution 425 demanded the full withdrawal of Israel from the Lebanese territory and established the presence of the UNIFIL. For a comprehensive defense of the legality of Israeli military activity in Lebanon, see Barry Feinstein, "Legality of the use of armed force by Israel in Lebanon—June 1982," *Israel Law Review* 20, no. 362 (1985).
 13. The events related to the 2006 war are discussed in more detail in Chapter 8.
 14. Judith P. Harik, *Hezbollah: the changing face of terrorism* (London; New York: I.B. Tauris, 2004), p. 49.
 15. David Hirst, *Beware of small states: Lebanon, battleground of the Middle East* (New York: Nation Books, 2010), p. 250.
 16. Itamar Rabinovich, *The brink of peace: the Israeli-Syrian negotiations* (Princeton, NJ: Princeton University Press, 1998), p. 103.
 17. Norton and Schwedler, "(In)security Zones," p. 71.
 18. Ibid.
 19. Ibid.
 20. Rabinovich claims that the operation began on April 2. Rabinovich, *Brink of Peace*, p. 230. Hezbollah calls the 1996 war *al-Ḥarb al-Thāminā* that is "the eighth war." This is because it locates the war in the wider context of Israeli wars in the Middle East following the preceding seven wars of 1948, 1957, 1968, 1973, 1978, 1982, and 1993. Anonymous, *al-Ḥarb al-Thāminā* [the Eighth War] (Beirut: al-Markaz al-Istishadi lil Dirasat wa al-Tauthiq, n.d.), p. 8.
 21. Rabinovich, *Brink of Peace*, p. 231.
 22. Franklin van Kappen (Major General, Military Advisor to the UN Secretary General Boutros Boutros Ghali, Den Hague, the Netherlands), in discussion with the author, November 2, 2010. The same information is also reported

- in the Amnesty International and Human Rights Watch reports covering these facts. Amnesty International, "Israel/Lebanon unlawful killings during 'Operation Grapes of Wrath'" (Amnesty International, 1996). Human Rights Watch, "Israel/Lebanon: 'Operation Grapes of Wrath'—The Civilian Victims" (Human Rights Watch, 1997), p. 2.
23. Human Rights Watch, "Civilian pawns: laws of war violations and the use of weapons on the Israel–Lebanon border," (Human rights Watch, 1996).
 24. In the following account I mainly refer to the UN report written by Major-General Franklin van Kappen on behalf of the UN Secretary-General Boutros-Ghali. UN Security Council, "Letter dated 7 May 1996 from the secretary general addressed to the the president of the Security Council." Doc. No. S/1996/337. The author carried out interviews with van Kappen and the journalist Robert Fisk who was an eye witness of the Qānā events, and reported on these in Robert Fisk, *Pity the nation: the abduction of Lebanon*, 4th, new American ed. (New York: Thunder's Mouth Press/Nation Books, 2002), chapter 18. Franklin van Kappen (Major General, Military Advisor to the UN Secretary General Boutros Boutros Ghali. Den Hague, the Netherlands), in discussion with the author, November 2, 2010.
 25. The laws of war forbid engaging in combat activity closer than 500 yards to non-combatants' facilities.
 26. At a later stage it was discovered that an unmanned aerial vehicle (UAV) was flying over the area, along with other helicopters as testified by a video recorded by an international observatory in a nearby UN basis.
 27. These are ammunitions that explode not in the contact with the target but in its proximity. Their use is related to specific strategic reasons such as targeting a moving object or others.
 28. Nicholas Blanford, *Warriors of God: inside Hezbollah's thirty-year struggle against Israel*, 1st ed. (New York: Random House, 2011), p. 168. The same was also confirmed to the author as a possible, although unconfirmed, hypothesis by Fisk. Robert Fisk (Middle East Correspondent for *the Independent*) in discussion with the author, September 9, 2009.
 29. A double-effect principle argument to justify the shelling of the UN facility is dismissed by the disproportionate cost in human lives, and almost null strategic value of the target. In addition to this, the UN compound was clearly signed, reported on maps, and the United Nations previously alerted Israel to the presence of refugees in the compound.
 30. It has to be noted that the Qānā Massacre is only one of the incidents involving civilian victims in this conflict. For a more complete overview of the war's events which involved civilians, see Human Rights Watch, "Israel/Lebanon: 'Operation Grapes of Wrath,'" Amnesty International, "Israel/Lebanon."
 31. Rabinovich, *Brink of Peace*, p. 231.
 32. In addition to the cost in human lives of this operation for the Lebanese, the Qānā events had detrimental strategic effects for Israel, which further begs the question of what provoked this Israeli reaction. When the author asked Robert Fisk what would have justified such reaction, he replied with the word "punishment" saying that the Israeli army and its soldiers were profoundly

- frustrated by the war and its losses on the Israeli side. Robert Fisk (Middle East Correspondent for the Independent) in discussion with the author, September 9, 2009. van Kappen thinks that the responsibility for the operation does not lie with the high-ranking command of the Israeli army, which unlikely would have put itself in such an unfavorable situation. Rather, a breach in the Israeli chain of command may have caused an alteration of orders eventually leading to the massacre. Franklin van Kappen (Major General, Military Advisor to the UN Secretary General Boutros Boutros Ghali, Den Hague, the Netherlands), in discussion with the author, November 2, 2010. See Robert Fisk, *Pity the nation: Lebanon at war* (Oxford: Oxford University Press, 1991), pp. 170–1.
33. UN Security Council, “Letter dated 7 May 1996 from the secretary general addressed to the the president of the Security Council,” p. 7.
 34. Louis Rene Beres, “Israel, Lebanon and Hizbullah: a jurisprudential assessment,” *Arizona Journal of International and Comparative Law* 14, no. 1 (1997): p. 145.
 35. *Ibid.*, p. 147.
 36. *Ibid.*, p. 144. The claim of wrong mapping was dismissed by the UNIFIL spokesperson Timur Goksel as “the biggest sickest joke ever heard in my life.” Blanford, *Warriors of God*, p. 172.
 37. Hezbollah’s responsibilities remain relevant. van Kappen recalls that during his investigative mission he met with anonymous exponents of the Islamic Resistance and pointed out how the launch of attacks which may have harmed the security of civilians was a “coward” action from which they should have refrained. The agreement was, then, that Hezbollah would not have carried out such operations in proximity of civilians. Franklin van Kappen (Major General, Military Advisor to the UN Secretary General Boutros Boutros Ghali. Den Hague, the Netherlands), in discussion with the author, November 2, 2010.
 38. *Ibid.*
 39. Fisk, *Pity the nation*, pp. 681–9.
 40. Rabinovich, *Brink of Peace*, p. 231.
 41. Adam Frey, “The Israel–Lebanon Monitoring Group: an operational review” (Washington Institute for Near East Policy), p. 2.
 42. Gabriella Blum, *Islands of agreement: managing enduring armed rivalries* (Cambridge, MA: Harvard University Press, 2007), pp. 211–2. Jaber reports that the time before the beginning of talks for the Israeli withdrawal was nine months and not three months as Blum indicates. Hala Jaber, *Hezbollah: born with a vengeance* (New York: Columbia University Press, 1997), p. 195.
 43. The same proposal remains the central demand of US foreign policy in later years, as discussed in Chapter 8.
 44. Jaber, *Hezbollah*, pp. 194–6.
 45. Adir Waldman, *Arbitrating armed conflict: decisions of the Israel–Lebanon Monitoring Group* (Huntington, NY: Juris, 2003), p. 27.
 46. This forum is important because it constituted the basis on which Israel and Lebanon would later have taken part in the Tripartite Forum established within the framework of the UNIFIL mission.

47. Sayyid Ḥasan Naṣrallah, "Speech on al-Manar Channel, 12 August 2006" (Mideastwire.com, 2006).
48. "Absolute" in the sense that it does not make exceptions, even when the non-combatant is Israeli.
49. It shall be reminded that the concept of *jihād* in Islam is more extensive than the idea of a military struggle. For a broader discussion of *jihād* in Hezbollah, see Hilal Khashan; Ibrahim Mousawi, "Hizbullah's jihad concept," *Journal of Religion and Society* 9 (2007): pp. 1–19. Ibrahim Mūsawī is a member of Hezbollah, mainly in charge of its external relations.
50. Naim Qassem, *Hizbullah: the story from within*, Updated ed. (London: Saqi, 2010), pp. 86–112.
51. For example, a section of the *Open Letter* specifies that all Hezbollah's members are also *jihād* fighters.
52. Although Qāsim's explanation obviously resorts to Shī'i traditional thinking, offensive *jihād* is nonetheless forbidden also in the Sunni tradition. Also Qutb, to mention one example, in his commentary to the Qur'an makes clear that aggression is forbidden in Islam. See Alia Brahimi, *Jihad and just war in the war on terror* (New York: Oxford University Press, 2010), p. 175.
53. This point is reiterated in almost all Hezbollah's declarations. For an analysis of this, see Amal Saad-Ghorayeb, *Hizbu'llah: politics and religion*, Critical studies on Islam (London; Sterling, VA: Pluto Press, 2002), pp. 112–27.
54. John Kelsay, "Islam and the distinction between combatants and noncombatants," in *Cross, crescent, and sword: the justification and limitation of war in Western and Islamic tradition*, ed. James Turner Johnson and John Kelsay (New York: Greenwood Press, 1990), p. 198.
55. See, for example, Brahimi, *jihad and just war*; John Kelsay, *Arguing the just war in Islam* (Cambridge, MA: Harvard University Press, 2007).
56. Brahimi, *Jihad and just war*, pp. 157–62. Other limitations are imposed with regard to ransacking, inflicting damage on property, crops and trees, holy places and religious persons.
57. Sohail Hashmi, "Interpreting the Islamic ethics of war and peace," in *The ethics of war and peace: religious and secular perspectives*, ed. Terry Nardin (Princeton, NJ: Princeton University Press, 1996), p. 161.
58. Kelsay proposes a discussion of three key examples of this debate in relation to "The Neglected Duty" relevant in particular for the Egyptian Islamist movements against Sadat, Hamas Charter and Bin Laden's "Declaration of armed struggle against the Jews and Crusaders." Kelsay, *Just war in Islam*, pp. 125–54.
59. *Ibid.*, p. 108.
60. W. Andrew Terrill, "Low intensity conflict in southern Lebanon: lessons and dynamics of the Israeli-Shī'ite war," *Journal of Conflict Studies* 7, no. 3 (1987): p. 24. See previous chapter.
61. Qassem, *Hizbullah*, p. 95.
62. This seems to be an aspect that has progressively changed. In an interview, MP 'Alī Fayyād of Hezbollah declared that the authority of the Iranian *Walī al-Faqīh* is legitimate only for those who chose him as *marj'a al-taqlīd*.

- ‘Ali Fayyād (Member of Parliament, Republic of Lebanon, Loyalty to the Resistance Block in discussion with the author, September 29, 2011).
63. These were Palestinians detained by the Israeli forces, most likely as allegedly involved in guerrilla activity. As already mentioned, this operation was only later endorsed by Hezbollah; the name of the bomber was Aḥmed Qaṣir who has come to be remembered as the first Hezbollah martyr out of 12.
 64. Jaber, *Hezbollah*, p. 88–9.
 65. *Ibid.*, p. 89.
 66. Double-effect principle is a concept of ethics originally developed in Thomistic philosophy but often mentioned in the ethics of war debate. There is no uncontroversial interpretation but fundamentally this principle allows for the killing of noncombatants as long as this is not the primary intention of the fighter and even though this might be a necessary consequence of the attack. A principle of proportionality applies as well, prohibiting an attack in which harm to noncombatants is disproportionate with respect to the strategic benefits of the operation. See Uwe Steinhoff, *On the ethics of war and terrorism* (Oxford; New York: Oxford University Press, 2007), pp. 33–5.
 67. As we shall see further in the next chapter, this calculation of costs and benefits in applying Islamic juridical principles is institutionalized in Islamic jurisprudence and refers to the concepts of *maṣlaḥa* and *tazāḥum* both allowing for a suspension of certain Islamic principles when overall this suspension leads to a greater a good.
 68. Shaykh Muhammad Hussayn Fadlallah and Mahmoud Soueid, “Islamic unity and political change. Interview with Shaykh Muhammad Hussayn Fadlallah,” *Journal of Palestine Studies* 25, no. 1 (1995): p. 65. The concept of public good translates the Islamic concept of *maṣlaḥa*.
 69. Ghorayeb claims that the Katyusha rocket attacks launched against Israel was inaugurated in 1992 but not in relation to al-Mūsawī’s assassination but with regard to Israel’s attempt to invade the villages of Kafra and Yater. Saad-Ghorayeb, *Hizbullah*, p. 143.
 70. Blanford, *Warriors of God*, p. 133.
 71. Amnesty International, “Israel/Lebanon,” especially Section 4.2. The relevant jurisprudential source in this regard is the 1949 Geneva Conventions and the First Additional Protocol of the Geneva conventions. All the principles contained in these documents are part of customary international law to which all parties in conflict are expected to abide by no matter their ratification or their status as state or non-state actors. *Ibid.*, p. 2.
 72. *Ibid.*; Human Rights Watch, “Israel/Lebanon: ‘Operation Grapes of Wrath’.”
 73. The attack took place on March 17, 1992 and killed 29 civilians and wounded hundreds.
 74. July 18, 1994, there were 85 casualties and hundreds of wounded.
 75. This is in fact surprising because Hezbollah either in the long term or in the short term does claim responsibility for its actions because its leadership is often proud of them, especially if the operations achieve their objectives. Saad-Ghorayeb, *Hizbullah*, p. 137.
 76. Daniel Sobelman claims that Israeli intelligence is correct in attributing these operations to Hezbollah. Daniel Sobelman, “Hizbollah from terror

- to resistance: towards a national defence strategy,” in *Israel and Hizbollah: an asymmetric conflict in historical and comparative perspectives*, ed. Clive Jones and Sergio Catignani (London; New York: Routledge, 2010), pp. 59–60. Dalacoura also links these actions including the TWA hijacking of 1985 and the kidnappings in Beirut in the 1980s to Hezbollah, and she concludes that Hezbollah was linked to these events. Katerina Dalacoura, *Islamist terrorism and democracy in the Middle East* (Cambridge; New York: Cambridge University Press, 2011), p. 85. Matthew Levitt has discussed Hezbollah’s alleged involvement in international operations in Levitt, *Hezbollah: the global footprint of Lebanon’s Party of God*. His research nonetheless has a highly speculative tone and relies almost exclusively on intelligence sources.
77. Saad-Ghorayeb, *Hizbullah*, pp. 138–43.
 78. *Ibid.*, p. 143.
 79. Sheikh Yusef al-Qardawi is a widely known Muslim scholar based in Qatar and popular for his religious television program *Islam and Life*. See Gilles Kepel, *The war for Muslim minds: Islam and the West* (Cambridge, MA: Belknap Press of Harvard University Press, 2004), p. 165.
 80. Kelsay, *Just war in Islam*, p. 141.
 81. The Understanding was then resumed at the end of the July War when Nasrallah declared Hezbollah’s commitment to the April Understanding as a condition for the ceasefire. In his own words: “I naturally assert our commitment to the April Understanding, and we call on the enemy to abide by this understanding.” Nasrallah’s speech on August 12, 2006 transmitted by al-Manar, translation by Mideastwire.com.
 82. Hasan Nasrallah quoted in International Crisis Group, “Old games, new rules: conflict on the Israel–Lebanon border,” in *ICG Middle East Report* (Washington: International Crisis Group, 2002), p. 14. The word *madaniyin* would probably be better translated as “civilians” in this context.
 83. Husain al-Mūsawī quoted in Saad-Ghorayeb, *Hizbullah*, pp. 144–5.
 84. Both Robert Fisk and Nicholas Blanford report that at the funeral and the commemoration of the victims of the massacre, a fight erupted between AMAL and Hezbollah, probably related to the issues of who had actual responsibility for the massacre. Blanford, *Warriors of God*, p. 177; Robert Fisk, *Pity the nation: Lebanon at war*, 3rd ed. (Oxford; New York: Oxford University Press, 2001), chapter 18.
 85. Hasan Nasrallah, “The April Understanding,” in *Voice of Hezbollah: The statements of Sayed Hassan Nasrallah*, ed. Nicholas Noe and Nicholas Blanford (London; New York: Verso, 2007), p. 154.
 86. Point 3 of the Understanding states that “the two parties commit to insuring that under no circumstances will civilians be target of attack and that civilian populated areas and industrial and electrical installations will not be used as launching grounds for attacks.”
 87. Waldman claims that the Understanding was eventually suspended indeterminately in February 2000 at the peak of renewed tensions between the parties. Waldman, *Arbitrating armed conflict*, p. 101.
 88. *Ibid.*, p. 4.
 89. Sobelman, “Hizbollah from Terror to Resistance,” p. 54.

90. Saad-Ghorayeb, *Hizbullah*, pp. 101–2.
91. Robin Wright, “Inside the mind of Hezbollah,” *Washington Post*, July 16, 2006.
92. Hugo Slim, “Why protect civilians? Innocence, immunity and enmity in war,” *International Affairs* 79, no. 3 (2003): p. 483.

7 Hezbollah and Human Rights Legislation in the Lebanese Parliament

1. The Tāif Agreement brought to an end the Lebanese civil war (1975–90). It modified the distribution of parliamentary seats between Christians and Muslims attributing half of these to the former and the other half to the latter. It also called for the progressive abolishment of the confessional system. Until then, nonetheless, governments are required to be representative of all the Lebanese sects. The same agreement, maintained the distribution of powers at the executive level (a Christian president, a Sunni Prime Minister and a Shi'i Chair of the Parliament) but gave more powers to the Prime Minister, thus reducing the capacity of the President.
2. The most informative accounts on the internal Hezbollah debate on participation in Lebanese politics can be found in Judith P. Harik, *Hezbollah: the changing face of terrorism* (London; New York: I.B. Tauris, 2004), pp. 47–62; Amal Saad-Ghorayeb, *Hizbu'llah: politics and religion*, Critical studies on Islam (London; Sterling, VA: Pluto Press, 2002), pp. 47–58. Magnus Ranstorp, “The strategy and tactics of Hizballah's current ‘Lebanonization’ process,” *Mediterranean Politics* 3, no. 1 (1998).
3. Although based on a de facto confessional power sharing system, the Lebanese constitution officially does not endorse a specifically religious character for the Lebanese state. Religious authorities play the most influential role within the state in the administration of private law within the personal status law system.
4. Ahmad Nizar Hamzeh, *In the path of Hizbullah*, 1st ed., Modern intellectual and political history of the Middle East (Syracuse, NY: Syracuse University Press, 2004), p. 111. The departure of al-Ṭufayli is also explained as being due to internal competition over leadership offices within the movement hierarchy. Saad-Ghorayeb, *Hizbullah*, p. 47.
5. Naim Qassem, *Hizbullah: the story from within*, Updated ed. (London: Saqi, 2010), p. 314.
6. *Ibid.*, p. 320.
7. As regards the phenomenon of corruption in post-civil war Lebanon, see the compelling study of Reinoud Leenders. Reinoud Leenders, *Spoils of truce: corruption and state-building in postwar Lebanon* (Ithaca: Cornell University Press, 2012).
8. Qāsim reports that “the Council of Parliamentary Activity includes the party MPs, and follows up on the affairs of the Loyalty to the Resistance Bloc, and is concerned with the legal studies and the law proposals presented in the parliament.” Na'em Qāsim, *Hizbu Allāh: al-Manhaj, al-Tajriba, al-Mustqbal* [*Hezbollah: Method, Practice and Future*] (Beirut: Dar al-Hadi, 2004), p. 88.

9. Hamzeh, *In the path of Hizbullah*, p. 68.
10. Saad-Ghorayeb, *Hizbullah*, p. 30.
11. The office of the president of the Republic is traditionally reserved for a Christian while the prime minister is always a Sunni Muslim.
12. Fawwaz Traboulsi, *A history of modern Lebanon* (London; Ann Arbor, MI: Pluto, 2007), pp. 240–6.
13. ‘Abd al-Ilāh Balqaziz, *Ḥizb Allāh min al-tahrir ilā al-rad’*, 1982–2006: *nuskhaḥ muwassa’ah li-kitāb al-Muqāwamah wa-tahrir Janūb Lubnān [Hezbollah from Liberation to Deterrence: 1982–2006]*, al-Ṭab’ah, 1. ed. (Bayrūt: Markaz Dirāsāt al-Waḥdah al-‘Arabīyah, 2006), pp. 45–8.
14. Intended as legislation approved by a secular parliament.
15. Joseph Alagha, “Wilāyat al Faqih and Hizbullah’s relations with Iran,” *Journal of Arabic and Islamic Studies*, no. 10 (2010); Faḍīl Abū al-Naṣr, *ḤizbAllāh: ḥaqā’iq wa-ab’ād [Hezbollah: facts and dimensions]* (Bayrūt: al-Sharikah al-‘Ālamīyah lil-Kitāb, 2003).
16. Alagha, “Wilāyat al Faqih,” p. 38.
17. The parliamentary group to which Hezbollah’s members are associated is the Loyalty to the Resistance Block (*Kutla Waf’a al-Muqāuwama*).
18. Abū al-Naṣr, *ḤizbAllāh*, p. 132. Author’s translation.
19. Ibid.
20. An important distinction needs to be appreciated between non-Islamic and anti-Islamic legislation. Non-Islamic legislation is not derived by Islamic sources and is not necessarily in opposition to Islamic principles, whereas anti-Islamic legislation is explicitly in breach of Islamic religious duties and principles.
21. Abū al-Naṣr, *ḤizbAllāh*, p. 127. Author’s translation.
22. ‘Abd al-Ḥalīm Faḍlallah (Director of the Consultative Center for Study and Documentation), in discussion with the author, September 19, 2011.
23. ‘Ali Fayyād is a Member of Parliament and Member of Hezbollah elected for the first time in 2009. He is a scholar trained in social sciences and the former director of the Consultative Center for Studies and Documentation, an archive and research center associated with Hezbollah. He is also the author of a study on the concept of authority in contemporary Shiite thought. ‘Ali Fayyād, *Naẓariyāt al-sulṭah fī al-fikr al-siyāsī al-Shī’i al-mu’āṣir [Conceptions of authority in contemporary Shi’i political thought]*, Silsilat al-dirāsāt al-ḥadāriyah (Bayrūt: Markaz al-Ḥadārah li-Tanmiyat al-Fikr al-Islāmī, 2008); ‘Ali Fayyād (Member of Parliament, Republic of Lebanon, Loyalty to the Resistance Block) in discussion with the author, September 29, 2011.
24. This concept is not exclusively Shiite but cuts across much of the Islamic and Islamist tradition. The reader will remember for example that the concept of *maṣlaḥa* is also central in Muhammad ‘Abdu’s theory. It was also mentioned with regard to decision making in relation to the immunity of noncombatants in war in Chapter 6. For an analysis of this concept, its potential use as a source of reformation, and its relation to the idea of human rights, see David Johnston, “Maqāṣid al-sharī’a: epistemology and hermeneutics of Muslim theologies of human rights,” *Die Welt des Islams* 47, no. 2 (2007): p. 162.

25. The word literally means “mutual competition” and is also used in the second principle mentioned by Ra’ad in the quotation above.
26. ‘Ali Fayyād (Member of Parliament, Republic of Lebanon, Loyalty to the Resistance Block) in discussion with the author, September 29, 2011.
27. The most obvious case in this regard would be the fact that Islamic banking forbids the application of interest rates to loans, etc.
28. Quoting Fayyād.
29. ‘Ali Fayyād (Member of Parliament, Republic of Lebanon, Loyalty to the Resistance Block) in discussion with the author, September 29, 2011.
30. Out of the 50 laws analyzed only in rare cases has Hezbollah commented or objected to these laws that are directly derived from injunctions of international human rights bodies or treaties. See below for more details.
31. The author also considered later issues regarding more recent legislation whenever it was relevant from a viewpoint of human rights.
32. It may be interesting to note how MP Fayyād was part of the delegation that took part in the UN Universal Periodic Review of Lebanon. UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Lebanon. January 12, 2011. Doc. No. A/HRC/16/18, p. 22. Other reports considered are UN Human Rights Council. Summary prepared by the Office of the High Commissioner for Human Rights: Lebanon, October 28, 2010. Doc. No. A/HRC/WG.6/9/LBN/3/Rev. UN Human Rights Council. National Report: Lebanese Republic, August 23, 2010. Doc. No. A/HRC/WG.6/9/LBN/1.
33. In addition to this, UNDP is engaged in a process of cooperation with the Lebanese Parliament that includes the publications of useful sources in this regard. In particular, the author referred to: UNDP and Lebanese Parliament (General Directorate for Sessions and Committees), UNDP and Lebanese Parliament (General Directorate for Sessions and Committees). *al-Itifaqiyat al Mubarama Bayna Lubnān wa Al Aṣrāf al Duwaliya* (1943–2006) [the Treaties Ratified between Lebanon and Foreign Counterparts (1943–2006)] Beirut. UNDP and Lebanese Parliament (General Directorate for Sessions and Committees) *al-Tashrī‘a fi Khamsat ‘Ashra’Āma* [Legislation in Fifteen Years: October 1992–October 2006], Beirut. In selecting relevant human rights legislation, the author referred to the reports of the human rights treaty system and its specialized committees and in particular the CEDAW Committee, ICERD Committee, ICESCR Committee, and CRC Committee. The full list of the reports can be found in the Reports Section of the Bibliography.
34. For more details regarding the legislation scrutinized for this study, the reader is invited to consult the LSE Theses online archive available at <http://etheses.lse.ac.uk/>.
35. The following is a list of members of the Loyalty to the Resistance Group, who have been elected between 1992 and 2009 to the best of the knowledge of the author: Muḥammad Ra’ad, Muḥammad Fnaysh, Ibrahim al-Sayid, Muḥammad Barjāwī, Muḥammad Ḥaidar, ‘Ali Fayyād, ‘Ali Taha, ‘Abdullah Qasir, Ḥussain Faḍlallah, Nawāf al-Mūsawī, Nazih al-Mūsawī, ‘Ali ‘Ammār, ‘Ammār al-Mūsawī, Nawār al-Sāḥilī, Khudur Tlais, Ḥussain al-Ḥajj Ḥasan,

- Muḥammad Yāghī, Jamāl al-Ṭaqsh, Ḥussain al-Mūsawī, 'Alī Maṣṣūr, 'Alī al-Miqdād, Ḥasan Ḥubballah, and 'Amin Sherri. Not all of them are necessarily members of Hezbollah.
36. The author had access to the complete collection covering parliamentary sessions from 1992 to 2006, thanks to the kind collaboration of a member of parliament who granted access to the Library of the Lebanese Parliament. Notwithstanding the common belief among Lebanese and also officials, parliamentary proceedings are publicly available and not subject to confidentiality or authorization by authorities.
 37. On one occasion at least, MP Ghassān Mukhaiber asked the chair of the parliament Nabih Birri to adopt the use of electronic voting in the assembly, though the request did not seem to be successful. Republic of Lebanon, "Maḥāḍir Jalaṣāt Majlis al-Nuwāb [Proceedings of the Session of the House of Representatives]" (Beirut: Government of Lebanon, 2004), p. 1624.
 38. In other cases (especially as regards the ratification of international treaties), the law proposal often contains the reports of the relevant committees in which the ratification law has been discussed and only rarely is further discussion held. The parliamentary committee transcripts are kept confidential apart from the final report drafted by the secretary of the committee, which is rather uninformative apart from essential information. As confirmed to the author by an officer of the Office of the UN High Commissioner for Human Rights, the ratification of treaties in Lebanon is often a rather bland process over which not much parliamentary scrutiny applies, apart from occasions such as the CEDAW. Lana Baidas (Office of the High Commissioner for Human Rights) in discussion with the author, September 12, 2011.
 39. As we shall see in the next two sections, critical stances of this kind emerged more recently in relation to rights of women.
 40. See Hezbollah's objection to the ratification of the International Treaty to Ban Cluster Munitions (Law 127 of 2010). Ghassān Mukhaiber (Member of Parliament, Republic of Lebanon, Change and Reform Bloc) Beirut, in discussion with the author, September 14, 2011.
 41. Law 334 of 1994.
 42. Law 380 of 1994.
 43. Muḥammad Fnaysh is a Hezbollah MP trained in social sciences and economics who became a minister in 2005 and was the first member of Hezbollah to become a member of the executive.
 44. Dalal el-Bizri, *Islamistes, parlementaires et Libanais les interventions à l'Assemblée des élus de la Jama'a islamiyya et du Hizb Allah (1992-1996) [publié par le Centre d'études et de recherches sur le Moyen-Orient contemporain]*, ed. CERMOC, Document (Beyrouth Paris: Centre d'études et de recherches sur le Moyen-Orient contemporain, 1999), p. 15.
 45. Law 536 of 1996. Republic of Lebanon, "Maḥāḍir Jalaṣāt Majlis al-Nuwāb [Proceedings of the Session of the House of Representatives]" (Beirut: Government of Lebanon, 1996).
 46. Law 720 of 1998. "Maḥāḍir Jalaṣāt Majlis al-Nuwāb [Proceedings of the Session of the House of Representatives]" (Beirut: Government of Lebanon, 1998).

47. Law 91 of 1999. "Maḥāḍir Jalasāt Majlis al-Nuwāb [Proceedings of the Session of the House of Representatives]" (Beirut: Government of Lebanon, 1999).
48. Law 349 of 2001. "Maḥāḍir Jalasāt Majlis al-Nuwāb [Proceedings of the Session of the House of Representatives]" (Beirut: Government of Lebanon, 2001).
49. Law 463 of 2002. "Maḥāḍir Jalasāt Majlis al-Nuwāb [Proceedings of the Session of the House of Representatives]" (Beirut: Government of Lebanon, 2002).
50. An exception to this, about which more below, is the case of certain women's rights.
51. Interview to Muḥammad Ra'ad in Abū al-Naṣr, *Ḥizb Allāh*, p. 131.
52. el-Bizri, *Islamistes, parlementaires et Libanais*, p. 15. Author's translation.
53. *Ibid.*, p. 17.
54. In an interview, the journalist and criminal law expert 'Umar Nashābe claimed that Hezbollah tends to neglect the issue of disappeared persons in Lebanon so as not to embarrass its concurrent Shi'i party Amal, the involvement of which in the civil war events easily raises the suspect of possible responsibilities. 'Umar Nashābe (Al-Akḥbār Newspaper) in discussion with the author, September 9, 2011.
55. One of the central issues is the prison of Rūmīa, the biggest detention center in the country.
56. According to the records available, the Committee discussed the issue of prisons at least on nine occasions in 2010 and 2011. This parliamentary committee was founded in 1995 and deals specifically with human rights issues often in conjunction with the government and in some cases with civil society organizations.
57. See, for example, UN Committee on the Rights of the Child. Second Periodic Reports of the States Parties due in 1998: Lebanon. 26 September 26, 2000. Doc. No. CRC/C/70/Add.8, p. 154.
58. Ratification through Law 185 of 2000, the Optional Protocol establishment of the convention was ratified by Law 28 in 2008.
59. The content of the report remains confidential as established by the rules of the convention; acceptance of this special procedure remains an indicator of the importance of the situation from a human rights perspective.
60. In a conversation with MP Ghassān Mukhaiber, Rapporteur of the Human Rights Committee, he pointed out how the issue became relevant from the point of view of democratic accountability but also in terms of relations among Christian political groups and Muslims, where the Christians benefited from amnesties previously. Ghassān Mukhaiber (Member of Parliament, Republic of Lebanon, Change and Reform Bloc) Beirut, in discussion with the author, September 14, 2011.
61. *Ibid.*
62. Reports of the sessions of the Human Rights Parliamentary Committee can be found on the website of the Lebanese Parliament. The actual content of the committees' meetings is kept confidential. Parliamentary Human Rights Committee (Parliament of Lebanon), "Reports of the Parliamentary

- Committee on Human Rights,” Lebanese Parliament, <http://www.lp.gov.lb/NodesAr.aspx?id=3794>.
63. At the time of writing, the situation is far from being solved. Political mobilization in this respect is high and the families of detainees have taken their protests to the street on several occasions.
 64. Parliamentary Human Rights Committee (Parliament of Lebanon), “Report of the Parliamentary Human Rights Committee on 10 May 2011,” <http://www.lp.gov.lb/NewsPage3Ar.aspx?id=8081>.
 65. For example, in cases of serious crimes such as terrorism or homicide.
 66. Official statistics are difficult to access in this regard, but we are in the order of thousands of persons with a significant percentage of juveniles.
 67. ‘Ali Fayyād (Member of Parliament, Republic of Lebanon, Loyalty to the Resistance Block) in discussion with the author, September 29, 2011.
 68. This aspect has been mentioned to the author by different sources, including an officer of the UNOHCHR, a member of parliament, and a journalist. None of them were in a position to release official statistics on the sectarian or regional affiliation of inmates as they all think these are sensible data, as it is often the case in Lebanon with demographic and statistical data. Ghassān Mukhaiber (Member of Parliament, Republic of Lebanon, Change and Reform Bloc) Beirut, in discussion with the author, September 14, 2011; Lana Baidas (Office of the High Commissioner for Human Rights) in discussion with the author, September 12, 2011.
 69. This aspect is indeed consistent with the principles seen in Chapter 6 with regard to noncombatants’ immunity, and which attached a special moral value to the security of persons on the basis of their religious affiliations. ‘Ali Fayyād (Member of Parliament, Republic of Lebanon, Loyalty to the Resistance Block) in discussion with the author, September 29, 2011.
 70. Obviously, Hezbollah is not the only political actor whose politics rely on sectarian loyalty since this is common to the entire Lebanese political system.
 71. Amnesty International, “Torture fears for Bahraini women and girls in detention,” <http://www.amnesty.org/en/news-and-updates/torture-fears-bahraini-women-and-girls-detention-2011-09-26>.
 72. “Hezbollah Press Statement 29th of September 2011,” <http://ar.moqawama.org/essaydetails.php?eid=21898&cid=199>. Similarly, in its 2009 Political Manifesto Hezbollah mentions again the cases of Guantanamo and Abu Ghraib as human rights violations.
 73. For example see the discussion of Hezbollah stance on the Syrian crisis in Lina Khatib, Dina Matar and Atef Alshaer, *The Hizbullah Phenomenon: Politics and Communication* (London: Hurst, 2014), pp. 181–90.
 74. Hezbollah, “Ḥizb Allah iudij film min Intāj Amirkiy iasī liRasūl Allah Muḥammad (Ṣ) [Hezbollah Condemns US Produced Film as Offending the Prophet Muhammad (pbu)],” <http://www.moqawama.org/essaydetails.php?eid=26390&cid=199>. Author’s translation.
 75. Ibid.
 76. *al-qanūn al-aḥwāl al-shakhsiya*, the personal status law system is a legal device that was introduced in the colonial period in the Arab world and delegates the legal regulation of private life relations such as wedding, divorce, inheritance,

- adoption, alimony, and others to the religious authorities. Lebanon recognizes 18 different religious groups among various Muslim, Christian and Druze traditions. For each of these there is a different legal code and authority. For the Shi'i community the highest religious authority is the Higher Shiite Council, whereas the Sunni authority is represented by Dar al-Fatwa; personal status law for the Shi'ites is administered by the *Ja'afari* Courts.
77. This seems evident looking at the numerous laws on labor rights that were approved between 1992 and 2006 against which Hezbollah did not raise particular concerns.
 78. This article for the Lebanese Penal Code originates from the French Penal Code of the nineteenth century, introduced in the Middle East during the Ottoman modernization and subsequently reproduced during the French Mandate Period. See Rafif Rida Sidawi Amira Abou Mrad and Danielle Hoyek, "Murders of Women in Lebanon: 'Crimes of Honour' between Reality and the Law," in *"Honour": crimes, paradigms, and violence against women*, ed. Lynn Welchman and Sara Hossain (London; New York: Zed Books, 2005), pp. 111–6.
 79. The article was slightly amended in 1999 and goes as follows: "Whosoever surprises his spouse or one of his ascendants or his sister in a crime of observed adultery, or in situation of unlawful intercourse, and kills or injures one of them without deliberation shall benefit from the excuse of mitigation." Translated in *ibid.*, pp. 117–8 (emphasis added).
 80. An offense against the honor of the family would be for sexual intercourse outside of a marriage, adultery, and similar.
 81. The 2008 CEDAW report explicitly refers to this article and other articles of the Penal Code as problematic. See para 26 of UN Committee on the Elimination of Discrimination against Women. "Concluding Comments of the Committee on the Elimination of Discrimination against Women., April 8, 2008. Doc. No. CEDAW/C/LBN/CO/3. "
 82. The law proposal is available online on the website of the human rights organization Kafa. See Kafa, "Legislative campaign for the protection of women from domestic violence," <http://www.kafa.org.lb/FOA.aspx?code=1&Dcode=13&title=The%20law%20to%20Protect%20Women%20from%20Family%20Violence>.
 83. The official proceedings of this session were not available at this stage, but a report of the session was published on the website of the Lebanese Parliament. Parliament of Lebanon, "Legislative Session of the Lebanese Parliament 4th of August 2011," <http://www.lp.gov.lb/Temp/Files/331a7508-ad97-499e-964f-64b2baffb98a.doc>.
 84. Author's Interview with 'Ali Fayyād, Member of Parliament, Republic of Lebanon (Loyalty to the Resistance Block- Hezbollah), Beirut, Lebanon, September 29, 2011.
 85. Hamzeh, *In the path of Hizbullah*, pp. 100–8.
 86. Another important example in this regard is the practice of self-inflicted pain in the celebration of 'Ashūra'. Traditionally this rite consists of processions of persons committing acts of self-harm. These actions have been denounced by Hezbollah and also by Faḍlallah as archaic and non-Islamic.

87. 'Ali Fayyāḍ (Member of Parliament, Republic of Lebanon, Loyalty to the Resistance Block) in discussion with the author, September 29, 2011.
88. Ibid.
89. *Dār al-Fatwa* is the official judicial institution for private law with jurisdiction over the Sunni community in Lebanon.
90. The draft law proposed by civil society organizations is in "Mashrū'a Qanūn Himaya al-Ni's'a min al-'Unf al-Usrī [Draft Law for the Protection of Women from Family Violence]," <http://www.kafa.org.lb/FOA.aspx?code=1&Dcode=13&title=The%20law%20to%20Protect%20Women%20from%20Family%20Violence>. The law was eventually approved as Law 392/2014 and published on the Lebanese Official Gazette Number 12 of 2014. Nonetheless, due to the opposition of several religious authorities its content was significantly amended from its original formulation raising the concerns of several human rights organizations.
91. Qāsim quoted in: "Qāsim yatwāfiq m'a dār al-fatwa: qanūn al'anf al-usrī "yukharib al-usra min dākhl" [Qāsim agrees with dār al-fatwa: the law on family violence "destroys the family from within"]," *al-Safīr*, August 9, 2011. Author's translation.
92. Ibid.
93. For documentation regarding the petition see Kafa, "The Law to Protect Women from Family Violence," <http://www.kafa.org.lb/fields-of-action/1/13/the-law-to-protect-women-from-family-violence>.
94. Qāsim, *Ḥizbu Allāh: al-Manhaj, al-Tajriba, al-Mustqbal* [Hezbollah: method, practice and future], p. 320. Author's translation.
95. 'Ali Fayyāḍ (Member of Parliament, Republic of Lebanon, Loyalty to the Resistance Block) in discussion with the author, September 29, 2011.
96. It shall be pointed out how the focus is particularly on personal status law. In the same session in which Article 562 was abrogated, the crime of human trafficking (primarily concerning rights of women and children) was defined with a new law accordingly with international standards and no objections were raised by Hezbollah.
97. Thomas Risse-Kappen and Kathryn Sikkink, "The Socialisation of International Human Rights Norms into Domestic Practices: Introduction," in *The power of human rights: international norms and domestic change*, ed. Thomas Risse-Kappen, Steve C. Ropp, and Kathryn Sikkink (Cambridge: Cambridge University Press, 1999), p. 14.
98. Ibid., p. 16.

8 Hezbollah and UNSC Resolutions 1559 and 1701

1. There are three minor areas in Lebanon that are considered at least in part under Israeli occupation at the time of writing: the Sheb'a area, Kfar Shūbā, and Ghajjar.

2. A discussion of the new strategic environment in which Hezbollah was operating after 2000 and underpinning this claim can be found in: International Crisis Group, "Hizbollah: rebel without a cause," in *Middle East Briefing* (Amman/Brussels: International Crisis Group, 2003).
3. UN Security Council, "UN Security Council Resolution 1559 (2004)." Doc. No. S/res/1701.
4. "United Nations Security Council Resolution 1701 (2006)." Doc. No. S/res/1701. For a critical study of the process of drafting and implementation of the UNSC Resolution 1701, see also Karim Makdisi, "Constructing Security Council Resolution 1701 for Lebanon in the Shadow of the 'War on Terror,'" *International Peacekeeping* 18, no. 1 (2011).
5. The same resolution also included other demands of which more about below.
6. In qualifying these principles as international norms, I refer to Mervyn Frost's concept of "settled norm" as indicated in Chapter 1.
7. Another discussion of the subject of this chapter has been provided in Filippo Dionigi, "UN Security Council resolutions as factors of international socialisation: the case of Hezbollah," *International Peacekeeping* 21, no. 3 (2014).
8. UN Security Council, "First semi-annual report of the secretary-general to the Security Council on the implementation of resolution 1559 (2004)," Doc. No. S/2005/272. Chapter III, A/17.
9. "UNSC Res. 1559."
10. The parties included a multitude of components, primarily the Sunni-based al-Mustaqbal, the Christian-based Lebanese Forces, and the Free Patriotic Movement (led by Michel 'Aoun who subsequently allied with Hezbollah). Also, the Druze-based party led by Walid Junblāṭ (Progressive Socialist Party) was then part of the March 14 coalition, although he later repositioned himself.
11. The alliance between Hezbollah and 'Aoun was sanctioned by an agreement (the Memorandum of Understanding) between the two parties and to date is still in vigor.
12. The United Nations International Independent Investigation Commission (UNIIC) was established by UN Security Council, "United Nations Security Council Resolutions 1595 (2005)." The investigation was headed by Detlev Mehlis who later provided two reports suggesting direct Syrian involvement in the al-Ḥarīrī assassination. The first report (UN Doc. No. S/2005/662) informed another resolution, UNSC Resolution 1636 (UN Doc. No. S/RES/1636 of 2005), this time acting under Chapter VII of the UN Charter and extending the mandate of Mehlis's commission to the drafting of a second report (UN Doc. No. S/2005/775). Mehlis was replaced in office by Serge Brammertz, previously deputy prosecutor of the International Criminal Court in 2006.
13. As I shall further make clear below, the Ṭā'if Agreement establishes the formation of governments that are representative of all the religious communities of Lebanon until when the confessional system is abolished.
14. In a previous brief governmental experience, the Hezbollah sympathizer Ṭrād Ḥamāda was part of Najīb Miqāṭī's transitional government.

15. See Chapter 7 and Chapter 3 on this matter.
16. 'Ali Fayyād, "Hezbollah and the Lebanese state reconciling a national strategy with a regional role," *Arab Reform Brief*, August 11, 2006, pp. 2–3.
17. The government received the vote of confidence on July 19, 2005.
18. The bombing campaign targeted persons such as the Palestinian-Lebanese journalist and intellectual Samīr Qaṣīr, killed on June 2, 2005. George Ḥawī, a prominent anti-Syrian politician was killed on June 21, 2005. Gibrān Tuynī was killed on December 12, 2005, prompting a governmental crisis. On November 21, 2006, Pierre Gemayyel, Minister of Industry and outspoken anti-Syrian voice, was killed in Beirut. Walīd 'Aido, an anti-Syrian MP, was killed along with security personnel on June 13, 2007. MP Antoine Ghānem was killed along with other seven people in a bomb blast in Beirut. François Ḥājj, a general of the army supposed to replace General Suleiman (later to-be-elected president of the Republic), was killed on December 12, 2007.
19. UN Security Council, "Letter dated 13 December 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General." Doc. No. S/2005/783.
20. This political device is usually referred to as the "blocking third" policy.
21. Hezbollah changed policy toward the establishment of the tribunal a number of times, from a moderate endorsement and a limited degree of collaboration to a firm condemnation as the instrument of an Israeli–American conspiracy. Currently four alleged members of Hezbollah are indicted by the prosecutor of the tribunal.
22. "Hizbullah's 2005 Parliamentary Elections Program" in Joseph Elie Alagha, *Hizbullah's documents: from the 1985 Open letter to the 2009 Manifesto* (Amsterdam: Pallas Publications, 2011), p. 88. Deputy Secretary General Qāsim qualified Hezbollah's commitment to the investigation in a declaration saying that Hezbollah would have accepted a tribunal pursuing four fundamental goals: finding the truth, fairness of the trial, non-politicization, and not being under international influence. As regards this fourth condition, he explains that there could be a component of foreign judges in the tribunal. Report from al-Manar TV, December 12, 2005. Translation available from Mideastwire.com.
23. At a later stage of investigations of the Special Tribunal for Lebanon, the primary focus shifted on four Hezbollah members rather than Syria.
24. Translation of the Lebanese constitution available from the International Labour Organization. International Labour Organisation, "Unofficial Translation of the Constitution of the Lebanese Republic," http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_125865.pdf.
25. In a report published in *An-Nahar* (a March 14 oriented Lebanese newspaper), Nichola Naṣīf reports that Hezbollah considered the majority-based decision of the cabinet as an offense and a violation of the agreement between opposition and majority over decision-making procedures in the parliament. Nichola Naṣīf in *An-Nahar*, December 16, 2005. Translation available from Mideastwire.com.

26. In an interview with the author, a then member of the Lebanese government declared that majority decisions were nonetheless taken regularly. Tāreq Miṭrī (Delegate for the Republic of Lebanon to the Security Council during the 2006 War and Member of Cabinet) in discussion with the author, September 27, 2011.
27. Muḥammad Ra'ad, the head of Hezbollah's parliamentary bloc, questioned the government over this issue in the Question and Answer session of the parliament on November 17, 2005. National Assembly, "National Assembly Report 2005" (Beirut: Parliament of Lebanon, March 2006), p. 25. <http://www.lp.gov.lb/Client%20Resources/Download%20Pages/REPORT%202005%20ENGLISH.pdf>
28. Policy Statement of al-Sinyūra's Government announced to the Lebanese Parliament on July 19, 2005. Government of the Republic of Lebanon, "Policy Statement of the Government led by Fu'ad al-Sinyūra," <http://www.pcm.gov.lb/arabic/subpg.aspx?pageid=3635>. Author's translation.
29. "Proposal from Shiite duo: Letter from Lebanon to Security Council on 1559," *al-Hayat*, December 30, 2005, Translation available from Mideastwire.com.
30. The Paragraph goes: "3. Calls for the disbanding and disarmament of all Lebanese and non-Lebanese militias." UN Security Council, "UNSC Res. 1559."
31. al-Sinyūra's ministerial statement is further discussed below. Republic of Lebanon, "Maḥādir Jalaṣāt Majlis al-Nuwāb [Proceedings of the Session of the House of Representatives]" (Beirut: Government of Lebanon, 2006), p. 258.
32. As reported in "US Diplomatic cable 06Beirut324," <http://wikileaks.org/cable/2006/02/06BEIRUT324.html>.
33. The extension of Laḥūd's presidential term for a further three years was approved by the parliament through a modification of the constitution (Law 585 of September 4, 2004) under enormous pressure from the Syrian regime over the then al-Ḥarīrī government and amid international condemnation of this act in 2004. As I will indicate briefly below, the problem of the nomination of a new president after Laḥūd is another reason for contention in the country. As regards the continuation of investigations in al-Ḥarīrī assassination and the establishment of the Special Tribunal for Lebanon, the quarrel continued for the next months but the tribunal was eventually established, although its legal basis remains disputed.
34. UN Security Council, "5417th meeting," Doc. No. UN Doc. S/PV.5417, p. 4.
35. UN Security Council, "Resolution 1680," May 17, 2006. UN Doc. No. S/RES/1680.
36. The operation was later referred to as "Operation Faithful Promise"; the promise in question was the liberation of Lebanese citizens and members of the resistance held in Israeli jails.
37. In his press conference held a few hours after the operation, Nasrallah declared: "what we did today was first our natural right. I do not want to get into a legal, philosophical, or political discussion of this issue. It is the only available way first to release the prisoners held in Israeli jails and second to draw the attention of the international community institutions on the

- highest level and all world media to the suffering of thousands of Lebanese, Palestinian and Arab detainees.” Sayyid Ḥasan Naṣrallah. 2006. Speech on al-Manar Channel, July 12, 2006. Translation available from Mideastwire.com.
38. H. Sayed and Z. Tzannatos, “The economic and human costs of the war,” in *The war on Lebanon: a reader*, ed. Nubar Hovsepian (Northampton, MA: Olive Branch Press, 2008), pp. 316–42.
 39. *Ibid.*, p. 316. These figures (apart from Lebanese civilian casualties) are subject to discussion and also used for propaganda purposes on both sides and should be taken as approximations.
 40. Elias Murr (Minister of Defense at the time) as reported by the US Ambassador in a diplomatic cable. “US Diplomatic cable 06Beirut2553,” <http://wikileaks.org/cable/2006/08/06BEIRUT2553.html>. Najib Miqāti as reported by the US Ambassador in a diplomatic cable. “US Diplomatic Cable 06Beirut2566,” <http://wikileaks.org/cable/2006/08/06BEIRUT2566.html>.
 41. UN Security Council, “United Nations Security Council Resolution 1701 (2006).”
 42. Miṭrī points out that at a certain stage of the conflict, there was also a direct Hezbollah–France diplomatic channel bypassing the government. The effectiveness of this channel remains unimportant according to Miṭrī. Ṭāreq Miṭrī (Delegate for the Republic of Lebanon to the Security Council during the 2006 War and Member of Cabinet) in discussion with the author, September 27, 2011.
 43. Author’s interview with Ṭāreq Miṭrī, Delegate for the Republic of Lebanon to the Security Council during the 2006 War and Member of Cabinet. Beirut, Lebanon, September 27, 2011.
 44. “What we’re seeing here, in a sense, is the growing—the birth pangs of a new Middle East and whatever we do we have to be certain that we’re pushing forward to the new Middle East not going back to the old one.” Government of the United States, “Special Briefing on Travel to the Middle East and Europe,” <http://2001–2009.state.gov/secretary/rm/2006/69331.htm>.
 45. Harb was the target of a failed attempt on his life on July 5, 2012.
 46. “US Diplomatic Cable 06Beirut2544,” <http://wikileaks.org/cable/2006/08/06BEIRUT2544.html>.
 47. In another leaked US cable, there are reports of a conversation with MP members of the March 14 coalition. The US ambassador conveys the content of the conversation as follows: “They fear a ceasefire coming too early, with an admittedly weak central Lebanese government then forced prematurely to deal with a resurgent Hizballah. Claiming to reflect PM Siniora’s private thoughts, several of the assembled leaders urged that Hizballah be given a ‘real pounding’ by the Israelis to the point that the group would be ‘soft enough to listen to reason.’” According to Boutros Harb, “if we are convinced that Israel can finish the job, then we can allow a few more weeks,” *ibid.*
 48. Berri said that the operation should not have lasted for more than four to five days at that point (July 17). “US Diplomatic Cable 06Beirut2407,” <http://wikileaks.org/cable/2006/07/06BEIRUT2407.html>.

49. In a later speech by Nasrallah in 2010, he claimed that the entire international community and the Arab delegation at the United Nations were delaying the achievement of a solution to the conflict. Miṭrī, acting Foreign Affairs Minister at that time, strongly denies this as much as he denies any amicable approach to US Ambassador to the United Nations John Bolton as described by Nasrallah. Sayyid Ḥasan Naṣrallah, 2010. Speech on al-Manar Channel, August 3, 2010. Translation available from Mideastwire.com. Ṭāreq Miṭrī (Delegate for the Republic of Lebanon to the Security Council during the 2006 War and Member of Cabinet) in discussion with the author, September 27, 2011.
50. “B3. Lebanese Prime Minister Fuad Siniora, Seven-Point Plan for ending the war in Lebanon, Beirut, August 7, 2006,” *Journal of Palestine Studies* 36, no. 1 (2006): p. 177.
51. The resolution explicitly refers to the plan in its preamble.
52. Sayyid Ḥasan Naṣrallah, 2006. Speech on al-Manar Channel, July 25, 2006. Translation available from Mideastwire.com.
53. Ṭāreq Miṭrī (Delegate for the Republic of Lebanon to the Security Council during the 2006 War and Member of Cabinet) in discussion with the author, September 27, 2011.
54. The text of the draft resolution advanced by France and the United States was leaked to *The New York Times* giving a glimpse of the diplomatic initiative alternative to the Seven-Point Plan proposed by al-Sinyūra. “Text of the Draft Security Council Resolution,” *The New York Times*, August 5, 2006. See point 6 of Table 8.1.
55. Ṭāreq Miṭrī (Delegate for the Republic of Lebanon to the Security Council during the 2006 War and Member of Cabinet) in discussion with the author, September 27, 2011.
56. Williams claims that paradoxically both Israel and Hezbollah were in agreement on the fact that they would have not wanted a strong military presence on the ground. Michael Williams (Member of the House of Lords of the United Kingdom. Former UN Special Coordinator for the Middle East Peace Process and UN Special Coordinator for Lebanon from 2008 to 2011) in discussion with the author, July 23, 2012.
57. The reasons to oppose a multinational force were many; the main risk was that the multinational force would have been NATO, which would have been unacceptable for Hezbollah and its allies. In a conversation between the US Ambassador to Lebanon and Lebanese MPs, the ambassador reports that regarding the proposed multinational stabilization force, Osserrain commented: “Did you forget what happened during the 80s?” He was referring to the Multinational Force Mission of 1982 when the United States and France were attacked on three devastating occasions reporting hundreds of casualties. “US Diplomatic Cable 06Beirut2518,” <http://wikileaks.org/cable/2006/08/06BEIRUT2518.html>.
58. Ṭāreq Miṭrī (Delegate for the Republic of Lebanon to the Security Council during the 2006 War and Member of Cabinet) in discussion with the author, September 27, 2011.

59. In one of the leaked cables from the US Embassy in Beirut, Ambassador Feltman reports of the efforts to convince al-Sinyūra to accept a resolution that would have allowed Israelis in south Lebanon, which al-Sinyūra opposed as impossible and inevitably brought about the fall of the government and contextually provoked sectarian tensions at an unprecedented level. "US Diplomatic Cable 06Beirut2542," <http://wikileaks.org/cable/2006/08/06BEIRUT2542.html>.
60. "US Diplomatic Cable 06Beirut2476," <http://wikileaks.org/cable/2006/07/06BEIRUT2476.html>.
61. Human Rights Watch reported 28 deaths and 23 people missing in the attack. Human Rights Watch, "Israel/Lebanon Qana Death Toll at 28: International Enquiry Needed into Israeli Air Strikes," <http://www.hrw.org/en/news/2006/08/01/israellebanon-qana-death-toll-28>.
62. Carol Migdalovitz, "Israeli-Arab negotiations: background, conflicts, and US policy," ed. Congressional Research Service (Washington: Congressional Research Service, 2010).
63. A point of dispute among scholars and politicians is whether 1701 called only for the "cessations of hostilities" or for a ceasefire. The wording of 1701 is ambiguous initially calling for "a full cessation of hostilities" (Section 1) and then "calling for Israel and Lebanon to support a permanent ceasefire and a long-term solution" (Section 8). UN Security Council, "United Nations Security Council Resolution 1701 (2006)."
64. Deployment along the Syrian border was an important aspect because it is widely believed that it is across that border that weapons are smuggled to Hezbollah.
65. In a report by the US Ambassador, Feltman comments: "It will be hard enough to convince Siniora—a Sunni worried about problems with the Shia—to put an official acceptance stamp on Israeli troops in south Lebanon. Speaker Berri will be an even greater problem." "US Diplomatic Cable 06Beirut2542."
66. Point 8 of Resolution 1701. UN Security Council, "United Nations Security Council Resolution 1701 (2006)."
67. In many of the leaked US diplomatic cables, it appears the request of the Lebanese government to use "Tā'if language" in the resolution as regards disarmament of Hezbollah and "April Understanding language" as regards the regulation of conflict as opposed to "1559 Language" which was not deemed appropriate to address the issue of Hezbollah. See, for example, "US Diplomatic Cable 06Beirut2600," <http://wikileaks.org/cable/2006/08/06BEIRUT2600.html>. "US Diplomatic Cable 06Beirut2441," <http://wikileaks.org/cable/2006/07/06BEIRUT2441.html>.
68. Point 8 of Resolution 1701. "United Nations Security Council Resolution 1701 (2006)." Emphasis Added.
69. Michael Williams (Member of the House of Lords of the United Kingdom. Former UN Special Coordinator for the Middle East Peace Process and UN Special Coordinator for Lebanon from 2008 to 2011) in discussion with the author, July 23, 2012.

70. 'Ali Fayyād, "The Resolution 1701 and the Conflicting Strategies" (Beirut: the Consultative Centre for Studies and Documentation, 2008).
71. Also, Miṭrī confirmed how al-Sinyūra has always been adamant on the need to find a unanimous consensus in the cabinet over the negotiation of a ceasefire, thus inevitably taking into account Hezbollah's conditions of the ceasefire. Ṭāreq Miṭrī (Delegate for the Republic of Lebanon to the Security Council during the 2006 War and Member of Cabinet) in discussion with the author, September 27, 2011.
72. "US Diplomatic Cable 06Beirut2542".
73. Sayyid Hasan Naṣrallah, 2006 Speech on al-Manar Channel, August 12, 2006. Translation from Mideastwire.com.
74. Ibid.
75. Michael Williams (Member of the House of Lords of the United Kingdom. Former UN Special Coordinator for the Middle East Peace Process and UN Special Coordinator for Lebanon from 2008 to 2011) in discussion with the author, July 23, 2012.
76. Fayyād, "The Resolution 1701," p. 2.
77. Inis L. Claude Jr., "Collective legitimization as a political function of the United Nations," *International Organization* 20, no. 3 (1966): p. 370.
78. Ibid.
79. Article 1(4), Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 8, 1977.
80. See in this respect the analysis in Glynn T and Rogers A P V, and Clarke M H F, "Combatant and prisoner of war status," in *Armed conflict and the new law: aspects of the 1977 Geneva Protocols and the 1981 Weapons Convention*, ed. Michael A. Meyer, Geoffrey Francis, Andrew Best, and British Institute of International and Comparative Law (London: British Institute of International and Comparative Law, 1987). For a thorough review of the debate on resistance and international humanitarian law, see Karma Nabulsi, *Traditions of war: occupation, resistance, and the law* (Oxford; New York: Oxford University Press, 2005).
81. Iain Johnstone, "Security Council deliberations: the power of the better argument," *European Journal of International Law* 14, no. 3 (2003): pp. 437–80.
82. Government of the Republic of Lebanon, "Policy statement of the government led by Fu'ad al-Sinyūra." Author's translation.
83. Republic of Lebanon, "Maḥāḍir Jalasāt Majlis al-Nuwāb [Proceedings of the Session of the House of Representatives]," p. 258. Author's translation.
84. Alagha, *Hizbullah's Documents*, pp. 40–1.
85. "B4. Hizballah Leader Hasan Nasrallah, interview with al-Jazeera, July 20, 2006 (excerpts)," *Journal of Palestine Studies* 36, no. 1 (2006): p. 180.
86. Andrew Exum, "Hezbollah at war: a military assessment," in *Policy Focus* (Washington, DC: Washington Institute of Near East Policy, 2006), p. 8.
87. "B4. Hizballah Leader Hasan Nasrallah, interview with al-Jazeera, July 20, 2006 (excerpts)," p. 180. Edmond N'aim was a prominent figure in the Lebanese academia with an expertise in international law.

88. It has been widely reported that Hezbollah also attacked civilians deliberately in the 2006 war even though the number of reported casualties (43) is far lower if compared to the 1,200 Lebanese civilian casualties. See Human Rights Watch, "Civilians under assault: Hezbollah's Rocket Attacks on Israel in the 2006 War" (2007).
89. Sayyid Ḥasan Naṣrallah. Speech on al-Manar Channel, August 9, 2006. Mideastwire.com.
90. Michael Williams (Member of the House of Lords of the United Kingdom. Former UN Special Coordinator for the Middle East Peace Process and UN Special Coordinator for Lebanon from 2008 to 2011) in discussion with the author, July 23, 2012.
91. Claude, "Collective legitimization," pp. 367–79.
92. Also the idea of normative persuasion here seems to fit the case. G. John Ikenberry and Charles A. Kupchan, "Socialization and hegemonic power," *International Organization* 44, no. 3 (1990): p. 290.
93. Martha Finnemore and Kathryn Sikkink, "International norm dynamics and political change," *International Organization* 52, no. 4 (1998): p. 906.
94. Michael Williams (Member of the House of Lords of the United Kingdom. Former UN Special Coordinator for the Middle East Peace Process and UN Special Coordinator for Lebanon from 2008 to 2011) in discussion with the author, July 23, 2012.
95. Fayyāḍ, "The Resolution 1701," p. 2.
96. Naṣrallah, Sayyid Ḥasan, 2006. Speech on al-Manar Channel, August 9, 2006. Mideastwire.com.
97. *ibid.*
98. Alagha, *Hizbullah's Documents*, p. 55.

9 Community, Person, and International Norms in Hezbollah's Political Language: Comparing the 1985 Open Letter and the 2009 Political Document

1. See Chapter 5.
2. *al-Wathā'iq al-Siyasiyya li Ḥizbu Allāh* (the Political Document of Hezbollah) is part of a larger document entitled *Naḥu al-Dawla al-Qudra wa-al-'Adala* (Toward the Just and Capable State) which has not been released yet by Hezbollah because it is still to be licensed by the *Majlis al-Shūrā* of the party. 'Alī Fayyāḍ (Member of Parliament, Republic of Lebanon, Loyalty to the Resistance Block) in discussion with the author, September 29, 2011.
3. Both documents have been purposely retranslated by the author for the sake of this analysis and processed using content analysis software. The text that will be quoted in the following pages nonetheless is from Joseph Elie Alagha, *Hizbullah's documents: from the 1985 Open letter to the 2009 Manifesto* (Amsterdam: Pallas Publications, 2011). This is because the translation used for the text comparison and analysis would not be as readable as Alagha's translation since it is literal and developed for the purposes of text analysis. For a more

- detailed account of this comparison, the reader is invited to consult a previous draft of this study available via the LSE Theses online archive: <http://etheses.lse.ac.uk/>. For a critical discussion of Hezbollah's political document in context, see also Lina Khatib, "Hizbullah's political strategy," *Survival* 53, no. 2 (2011).
4. Bernard Lewis, *The political language of Islam* (Chicago: University of Chicago Press, 1988), p. 17. Fred Halliday, "The politics of the Umma: states and community in Islamic movements," *Mediterranean Politics* 7, no. 3 (2002): p. 23.
 5. Tamim al-Barghouti, *The Umma and the Dawla: the nation state and the Arab Middle East* (London; Ann Arbor, MI: Pluto, 2008), p. 37.
 6. Said Bensaid, "Al Watan and Al Umma in contemporary Arab use," in *The Foundations of the Arab state: nation, state, and integration in the Arab world*, ed. Ghassane Salamé (London; New York: Croom Helm, 1987), p. 167.
 7. Halliday, "Politics of the Umma," p. 23.
 8. al-Barghouti, *Umma and Dawla*, p. 39.
 9. See, for example, Hamzeh's discussion of the unity of the Islamic Umma, Ahmad Nizar Hamzeh, *In the path of Hizbullah*, 1st ed., Modern intellectual and political history of the Middle East (Syracuse, NY: Syracuse University Press, 2004), pp. 39–42.
 10. Halliday, "Politics of the Umma," p. 25.
 11. al-Barghouti, *Umma and Dawla*, p. 39.
 12. Lewis, *Political language*, p. 32.
 13. Halliday, "Politics of the Umma," p. 24.
 14. *Ibid.*, p. 28.
 15. As will be explained below, a more appropriate term identifying national or ethnic groups is *wajān* or *qawm*.
 16. There is only one exception in the PCH in which the word *umma* is used in the locution "Arab and Islamic umma."
 17. This locution appears six times in the PCH.
 18. Lewis, *Political language*, p. 32.
 19. Naim Qassem, *Hizbullah: the story from within*, Updated ed. (London: Saqi, 2010). p. 59.
 20. The plural of *umma* is *ummam*.
 21. al-Barghouti, *Umma and Dawla*, p. 32.
 22. Augustus R. Norton, *Amal and the Shi'a: struggle for the soul of Lebanon*, 1st ed., Modern Middle East series (Austin: University of Texas Press, 1987), p. 168.
 23. Notice, for example, that also Olivier Carré translates the locution "the sons of Hezbollah's Umma" found in OLD as the "fils de la communauté du Parti du Dieux" that is "the sons of the community of the Party of God." He also translates "Islamic Umma" as "World Community of Islam." Olivier Carré, "Quelques mots-clefs de Muhammad Husayn Fadlallāh," *Revue française de science politique* (1987): p. 489.
 24. The Arabic edition is: Na'em Qāsim, *Ḥizbu Allāh: al-Manhaj, al-Tajriba, al-Mustqbal [Hezbollah: method, practice and future]* (Beirut: Dar al-Hadi, 2004). For example, see page 83 of the Arabic version and Qassem, *Hizbullah*, p. 59.
 25. The Qur'an verse is also quoted in the OLD.

26. Alagha, *Hizbullah's Documents*, p. 40.
27. See Chapter 7.
28. Lewis, *Political language*, p. 35.
29. al-Barghouti, *Umma and Dawla*, p. 56.
30. See for a historical discussion of the concept, Antony Black, *The history of Islamic political thought: from the Prophet to the present*, 2nd ed. (Edinburgh: Edinburgh University Press, 2011), pp. 79–138.
31. Alagha, *Hizbullah's Documents* 43 and 45. In the second case, Alagha translates the locution as “Islamic order.”
32. Lewis, *Political language*, p. 40.
33. al-Barghouti, *Umma and Dawla*, p. 179.
34. Halliday, “Politics of the Umma,” p. 28.
35. My translation.
36. Alagha, *Documents*, p. 40.
37. *Ibid.*, p. 44.
38. *Ibid.*, p. 48.
39. *Ibid.*, p. 53.
40. *Ibid.*, pp. 115–38.
41. *Ibid.*, p. 134.
42. The figure would be 49 cases if we consider derived terms such as “national.”
43. Literature on the “Lebanonization” of Hezbollah is vast; scholarship is almost unanimous in recognizing this phenomenon. See, for example, Amal Saad-Ghorayeb, *Hizbu'llah: politics and religion*, Critical studies on Islam (London; Sterling, VA: Pluto Press, 2002), pp. 82–7. Among others.
44. Alagha, *Hizbullah's Documents* p. 134.
45. My translation.
46. Alagha, *Hizbullah's Documents*, p. 40.
47. *Ibid.*
48. *Ibid.*, pp. 43–5.
49. My translation.
50. Alagha, *Documents*, pp. 39, 40, 41.
51. See, in particular, *ibid.*, pp. 122–32.
52. *Ibid.*, pp. 40, 131.
53. The graph accounts for the absolute frequency of the key terms indicated, and thus includes also, for example, the word state when it is not used in reference to Lebanon in particular. The difference with the actual counting provided in the text is minimal, but the reader should refer to the frequency provided in the text for the exact value.
54. “But we wished to favour those who were oppressed [*ustuẓʿifū*] in the land, to make them leaders, the ones to survive” (Qurʾan 28. 5). Lewis indicates how, in particular, Qurʾan 4. 76–77 is a call for resistance and revolution to fight for the cause of the downtrodden. Lewis, *Political language*, p. 124.
55. *Ibid.*, p. 15.
56. Fred Halliday, *Islam and the myth of confrontation: religion and politics in the Middle East*, New ed. (London; New York: I.B. Tauris; in US and Canada distributed by Palgrave Macmillan, 2003), p. 62.

57. Carré, "Quelques mots-clefs," p. 490. Author's translation.
58. Mona Harb and Reinoud Leenders, "Know thy enemy: Hizbullah, 'terrorism' and the politics of perception," *Third World Quarterly* 26, no. 1 (2005): p. 189.
59. As'ad AbuKhalil, "Ideology and practice of Hizbullah in Lebanon: Islamization of Leninist organizational principles," *Middle Eastern Studies* 27, no. 3 (1991): p. 395.
60. Saad-Ghorayeb, *Hizbullah*, p. 17.
61. Hamzeh, *In the path of Hizbullah*, p. 42.
62. The word recurs in plural or singular (*‘ālim*) 12 times in the OLD and is absent in the PCH.
63. Martyr is intended as a martyr of faith in the religious sense. The word "martyr" in English is derived from the ancient Greek word for "witness," intended as a witness of faith. Interestingly, also in Arabic the word *shahid* is derived from the verb that means to witness.
64. Fred Halliday, *Shocked and awed: how the war on terror and jihad have changed the English language* (London: I.B. Tauris, 2011), pp. 163–4.
65. Alagha, *Documents*, pp. 49–50.
66. *Ibid.*, p. 41.
67. Saad-Ghorayeb, *Hizbullah*, pp. 127–33.
68. Alagha, *Documents*, p. 42. The verse is Qur'an 5. 82.
69. Alagha translates "fanatic Christians," *ibid.*, p. 46.
70. *Ibid.*, pp. 46–7.
71. *Ibid.*, pp. 131–2.
72. The term citizen is used only once in the OLD in a part of the text that does not seem to be translated in Alagha's translation of the text.
73. Lewis, *Political language*, p. 63.
74. The elaboration in this figure does not take into account the distinction between the use of "Lebanese" when referred to persons or to things. The reader should consider the statistics in the text for more accurate figures.
75. See below for further details on this point.
76. The term used in Lebanese politics is *tawatin* which stems from the same root of nation and citizen and literally could be translated as "to nationalize."
77. This explanation can be complemented by the fact that the Palestinian population in Lebanon is almost entirely Sunni and their naturalization in Lebanon may, on a longer term, alter the sectarian balance of the country.
78. The document fails to mention, rather deceptively, that those places are also holy for the Judaic tradition.
79. For an analysis that further looks into this process, see Joseph Alagha, "Hizbullah's infitah: a post-Islamist turn?," in *Post-Islamism: the changing faces of political Islam*, ed. Asef Bayat (New York: Oxford University Press, 2013). I am only in partial agreement with Alagha's analysis in this respect, as he seems to claim that Hezbollah's identity transition is a fully accomplished process, whereas I think this is only a stage of a process that can be reverted.
80. Alagha, *Documents*, p. 126.

81. Alexander Wendt, "On constitution and causation in international relations," *Review of International Studies* 24, no. 05 (1998): p. 106.
82. Alagha, *Documents*, p. 40.
83. Ibid.
84. Ibid.
85. See Chapter 3.
86. Alagha, *Documents*, p. 53.
87. Ibid., p. 55. See above as regards my views on the translation of *umma* as nation.
88. The vocabulary that was considered as indicative of international norms influence included the following terms: asylum, cooperation, democracy, development, freedom, independence, international forces, international institutions, international organizations, international relations, international scene, international system, justice, NATO, peace, peace treaty, refugee, rights, security, security council, sovereignty, treaty, truce, United Nations.
89. Alagha, *Documents*, p. 129.
90. A similar point was discussed in Chapter 8, with regard to UNSC Resolution 1559.
91. See a slightly different translation in Alagha. Alagha, *Documents*, p. 120.
92. With reference to the legitimacy of the use of force against occupying military army, see, for example, the discussion proposed by Harik. Judith P. Harik, *Hezbollah: the changing face of terrorism* (London; New York: I.B. Tauris, 2004), p. 165.
93. Alagha, *Documents*, p. 120.
94. See Chapter 5. The relevant verse of the Qur'an goes: "You [Prophet] are sure to find that the most hostile to the believers are the Jews and those who associate other deities with God" (5. 80). M. A. Abdel Haleem, *The Qur'an*, Oxford world's classics (New York: Oxford University Press, 2005), p. 75.
95. Alagha, *Documents*, p. 42.
96. Ibid., p. 133.
97. See Chapter 3 of the PCH.
98. Alagha translates the term as "consensual democracy" but I think a more precise translation would be, indeed, consociational democracy. Alagha, *Documents*, p. 126. See following discussion with reference to Lijphart's theory of consociational democracy.
99. Hamzeh, *In the path of Hizbullah*, p. 29.
100. 'Ali Fayyād (Member of Parliament, Republic of Lebanon, Loyalty to the Resistance Block) in discussion with the author, September 29, 2011.
101. Alagha, *Documents*, p. 127.
102. On the issue of personal status law, see Chapter 7.
103. As it was already said, nonetheless, the PCH is an extract of a longer document under the title: *Towards a capable and just state [Naḥu al-Dawla al-Qudra wa al-'Adala]* which has not been released yet.

10 Conclusions: The Impact of International Norms on Islamist Politics

1. Alexander L. George and Andrew Bennett, *Case studies and theory development in the social sciences*, BCSIA studies in international security (Cambridge, MA: MIT Press, 2005), pp. 120–3.
2. The reader may consider a more in-depth discussion of this concept applied to Hezbollah in Dionigi, Filippo, “UN Security council resolutions as factors of international socialization: the case of Hezbollah,” *International Peacekeeping* 21, no. 3 (2014): 286–306.
3. Kenneth Neal Waltz, *Theory of international politics*, Addison-Wesley series in political science (Reading, MA: Addison-Wesley, 1979), p. 52. As regards the socialization of non-conformist states, see also *ibid.*, pp. 126–7.
4. Hedley Bull and Adam Watson, *The expansion of international society* (Oxford: Clarendon, 1984).
5. *Ibid.*, p. 318.
6. G. John Ikenberry and Charles A. Kupchan, “Socialization and hegemonic power,” *International Organization* 44, no. 3 (1990): pp. 289–90.
7. *Ibid.*, pp. 290–2.
8. Thomas Risse-Kappen and Kathryn Sikkink, “The socialisation of international human rights norms into domestic practices: introduction,” in *The power of human rights: international norms and domestic change*, ed. Thomas Risse-Kappen, Steve C. Ropp, and Kathryn Sikkink (Cambridge: Cambridge University Press, 1999).
9. Frank Schimmelfennig, “International socialization in the New Europe: rational action in an institutional environment,” *European Journal of International Relations* 6, no. 1 (2000): p. 116.
10. Alastair Iain Johnston, “Treating international institutions as social environments,” *International Studies Quarterly* 45, no. 4 (2001): p. 495.
11. *Ibid.*, p. 500.
12. On the issue of socialization and norm internalization, see the debate between Kai Alderson and Cameron Thies. Cameron G Thies, “Sense and sensibility in the study of state socialisation: a reply to Kai Alderson,” *Review of International Studies* 29, no. 04 (2003); Kai Alderson, “Making sense of state socialization,” *Review of International Studies* 27, no. 03 (2001).
13. Johnston, “Treating international institutions as social environments,” p. 494.
14. Risse-Kappen and Sikkink, “Socialisation of international human rights,” p. 16.
15. As per our discussion of the methodology of this study, see Chapter 1.
16. Hugo Slim, “Why protect civilians? Innocence, immunity and enmity in war,” *International Affairs* 79, no. 3 (2003): p. 483.
17. Ruti G. Teitel, *Humanity’s law* (Oxford; New York: Oxford University Press, 2011), p. 208.
18. See Chapter 6.

19. See for a similar argument, the work of Martha Finnemore on the diffusion of a norm of humanitarian intervention in which she claims that the "the second half of the twentieth century norms about who was 'human' had changed, expanding the population deserving of humanitarian protection." Martha Finnemore, "Constructing norms of humanitarian intervention," in *The culture of national security: norms and identity in world politics*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996), p. 184.
20. See in particular the section dedicated to the rise of the nation in Chapter 2.
21. Asef Bayat, *Post-Islamism: the changing faces of political Islam* (New York: Oxford University Press, 2013), p. 5 (emphasis in original).
22. *Ibid.*, p. 8.
23. With specific reference to Hezbollah, Bayat notices that this process is far from being accomplished, a point with which I fully agree and that is in contrast with Alagha's view. *Ibid.*, pp. 17–18; Joseph Alagha, "Hizbullah's infitah: a Post-Islamist Turn?," in *Post-Islamism: the changing faces of political Islam*, ed. Asef Bayat (New York: Oxford University Press, 2013).
24. Joseph Elie Alagha, *Hizbullah's documents: from the 1985 Open letter to the 2009 Manifesto* (Amsterdam: Pallas Publications, 2011), p. 126.
25. Alexander Wendt, *Social theory of international politics* (Cambridge: Cambridge University Press, 1999), p. 78 (emphasis in original).
26. See the section in Chapter 7 regarding the accommodation of Islamist moral principles into secular law-making.
27. Although Hezbollah's participation to the agreement was mediated by Syria and the government of Lebanon and it was not directly mentioned in the agreement.
28. See Chapter 7.
29. See how Makdisi shows that Resolutions 1559 and 1701 should be understood as embedded in the War on Terror discourse. Karim Makdisi, "Constructing Security Council Resolution 1701 for Lebanon in the shadow of the 'War on Terror'," *International Peacekeeping* 18, no. 1 (2011).
30. Teitel, *Humanity's law*, p. 121.
31. See the discussion of UN Security Council Resolution 1701 and Hezbollah in Chapter 8.
32. See Chapter 8.
33. The ideological foundations of Hezbollah Islamism were discussed in Chapter 4.
34. See Chapter 9.
35. Dennis Ross and David Makovsky, *Myths, illusions, and peace: finding a new direction for America in the Middle East* (New York: Viking, 2009), p. 267.
36. Olivier Roy, *Globalized Islam: the search for a new Ummah*, The CERI series in comparative politics and international studies (New York: Columbia University Press, 2004); Peter Mandaville, *Transnational Muslim politics: reimagining the umma*, Transnationalism (London: Routledge, 2001).
37. Milja Kurki "Causes of a divided discipline: rethinking the concept of cause in international relations theory," *Review of International Studies* 32, no. 2 (2006): 189–216.

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