

Qutb and Aquinas on Divine Law and the Limits of the State

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Abstract

In the first half of this paper I examine the importance of peace as an ideal in the liberal tradition. I begin by tracing the evolution of this ideal through the works of Hobbes, Locke, Rousseau and Kant, showing how the idea that relations between human beings should not be based upon force lies at the heart of the liberal tradition. Amongst some contemporary liberals, however, especially those influenced by John Rawls, there is a suggestion that liberal peace is only possible between individuals who are willing to make a radical separation between the religious and political domains, assigning religion exclusively to the private domain. In the second half of this paper I question this claim and argue that liberal peace does not necessarily involve the privatization of religion. I believe that such questions are better discussed in concrete rather than abstract terms and I so focus on a particular thinker who is clearly against the privatization of religion: Sayyid Qutb. On the surface it might seem that long term peace between secularist liberals and a thinker like Qutb would be impossible, because he seems to be an implacable enemy of liberal democracy. His most radical and influential work, *Milestones*, was, in part, written as a polemic against those Muslims who believed that the Koran only sanctions defensive Jihad and not offensive Jihad. Qutb argues that Islam offers a universal message and at the heart of this universal faith is a hatred of tyranny. Therefore, Muslims must not just struggle to defend Islamic lands from attack but must fight against tyranny wherever it occurs. And Qutb identifies tyranny with any society where human beings have usurped the God's sovereignty. Now, in so far as western liberal societies are based on the idea of popular sovereignty and self-determination this might seem to suggest that Qutb is arguing for the legitimacy of Muslims waging violent jihad against western liberal democracies, and this is how he is often read, both by many western liberals and by contemporary Islamic jihadists. I argue, however, that

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this is a hasty conclusion to draw, for it is clear that Qutb's primary target was oppressive authoritarian regimes in the Arab world and his views towards western liberal democratic society were far more ambiguous. Firstly, it is not clear that the liberal tradition is really based upon the idea of human sovereignty in the way Qutb rejects it, for this tradition is seeped in the natural law tradition, and there is a strong agreement amongst liberals that a legitimate society is one ruled by law and not the arbitrary will of human beings. Secondly, although Qutb is opposed to the idea of popular sovereignty, he himself seems to offer an analogue of the social contract, for he believes that although all law ultimately comes from God, Islamic law cannot be imposed by force and so that before one can have a society governed by divine law there needs to be an Islamic community, and which can only come into existence through the free submission of its members to the law. Finally, Qutb's views on hermeneutics also suggest a far more liberal position that is usually attributed to him.

Keywords: Qutb; Aquinas; Divine Law; Limits.

Introduction: *Milestones*, Qutb's last and most radical work¹, is in part a polemic against those Muslims who believe that the Qur'an only sanctions defensive Jihad and not offensive Jihad. Qutb argues that Islam offers a universal message and at the heart of this universal faith is a hatred of tyranny. Therefore, Muslims must not just struggle to defend Islamic lands from attack but must fight against tyranny wherever it occurs. Thus, he argues that, "these defeatist-type people try to mix the two aspects and want to confine **Jihad** to what is today called 'defensive war'." (Qutb: 1964: 57) These defeatist Muslims,

[S]ay, "Islam has prescribed only defensive war"! and think that they have done some good for their religion by depriving it of its method, which is to abolish all injustice from the earth, to bring people to the worship of God alone, and to bring them out of servitude to others into the servants of the Lord. (Qutb: 1964: 56)

Qutb believes that Islam is a universal religion that has a universal message. At the heart of this message is the idea of justice and the fact all individuals are equal before God, and hence a good Muslim must struggle for justice in the world and fight against tyranny wherever it occurs. This is the core of Qutb's argument for the legitimacy of offensive jihad in addition to defensive Jihad. In itself Qutb's advocacy of offensive Jihad is not particularly radical or controversial. Surely this is exactly what western liberals who campaign, say, for human rights in Burma are doing. The idea of offensive Jihad is not in itself particularly radical and western liberals should not automatically assume that any Muslim who advocates offensive Jihad is necessarily an enemy of the west. It all depends upon how they define injustice and tyranny. And it is here that Qutb seems, on the surface, to be an implacable enemy of western liberal societies, for he identifies justice with the rule of *Shari'ah* and seems to identify injustice and tyranny with self-determination. In so far as western liberalism is based on the ideal of self-determination, then, it would seem that Qutb is arguing that a good Muslim is committed to struggling against western liberal societies. However, as we shall see, his position is actually more complicated than it appears on the surface. But let us begin by looking at the surface.

At the heart of Islamic faith is the belief that there is only one God and that Mohamed is his prophet. Mohamed spent his life struggling

1. For an interesting discussion of Qutb's increasing radicalization, See: Shepard, 1992: 196-236.

against paganism or *Jahiliyyah*. To be a good Muslim, then, involves worshiping and submitting to the One True God alone, the God who revealed himself to mankind through a long series of prophets, including Moses, Jesus and Mohamed. Thus, Qutb argues that,

Throughout every period of human history the call toward God has had one nature. Its purpose is '**Islam**', which means to bring human beings into submission to God, to free them from servitude to other human beings so that they may devote themselves to the One True God, to deliver them from the clutches of human lordship and man-made laws, values and traditions so that they will acknowledge the sovereignty of the One True God and follow His law in all spheres of life. (Qutb: 1964: 45)

To fail to worship and submit to the One True God is to commit *shirk*, which "is an Arabic word which refers to ascribing the attributes, power or authority of God to others beside Him and/or worshiping others besides him." (Qutb: 1964: 45) Now one of the principle attributes of God is his sovereignty and so to submit to a human sovereign is a form of *shirk*. Thus Qutb argues that,

This religion is really a universal declaration of the freedom of man from servitude to other men and from servitude to his own desires, which is also a form of human servitude; it is a declaration that all sovereignty belongs to God alone and that He is the Lord of all the worlds. It means a challenge to all kinds and forms of systems which are based on the concept of the sovereignty of man; in other words, where man has usurped the Divine attribute. Any system in which the final decisions are referred to human beings, and in which the sources of all authority are human, deifies human beings by designating others than God as lords over men. This declaration means that the usurped authority of God be returned to Him and the usurpers be thrown out. (Qutb: 1964: 57-8)

Now, those who have usurped God's Sovereignty are not going to give it up willingly, and so a good Muslim has to be willing to use force against such usurpers, thus Qutb argues that,

The establishing of the dominion of God on earth, the abolishing of the dominion of man, the taking away of sovereignty from the usurper to revert it to God, and the bringing about of the enforcement of the Divine Law

(*Shari'ah*) and the abolition of man-made laws cannot be achieved only through preaching. Those who have usurped the authority of God and are oppressing God's creatures are not going to give up their power merely through preaching. (Qutb: 1964: 58-9)

Now, in so far as western liberal societies are based on the idea of popular sovereignty and self-determination it would seem to suggest that Qutb is arguing for the legitimacy of Muslims waging violent Jihad against the western world. However, this would be a hasty conclusion to draw, for it is clear that his primary target was oppressive authoritarian regimes in the Arab world, and his views towards western society is far more ambiguous.

In this section I will argue that there are at least three reasons why Qutb's position is not intrinsically as anti-liberal as it might at first appear. Firstly, it is not clear that western liberals, or Islamic fundamentalist, need to regard western liberal societies as based on the rule of human made law rather than the rule of God, for it is always possible to interpret western political institutions through the lens of natural law theory, which was one of the main sources of the liberal tradition. Secondly, there is an analogue of the social contract in Qutb's own position as he believes that legitimate authority requires the free submission of the governed. Thirdly, Qutb is in principle a fallibilist about human reason, and this fallibilism extends to our capacity to interpret divine revelation.

Firstly, it is not clear that the liberal tradition is really based upon the idea of human sovereignty in the way Qutb rejects it, for this tradition is seeped in the natural law tradition, and there is a strong agreement amongst liberals that a liberal society is one ruled by law and not the arbitrary will of human beings. And the dominant understanding of the nature of law in this tradition is that, ultimately, such law comes from God and is discovered and recognized by human beings and not made or created by them.¹ Human beings recognize this law, and do not create it. Thus, the American constitution talks of 'One people under God', and even Kant who is often taken to be one of the main proponents of human sovereignty and self determination argues that we must think of the categorical imperative as the voice of God within us. Proponents of the natural law tradition, from Aquinas to Locke and Kant might agree with Qutb

1. Qutb claims that according to the Islamic System, "law is uniform for all. And all human beings are equally responsible within it. In all other systems, human beings obey other human beings and obey manmade laws." See: Qutb: 1964: 75. Aquinas and Locke, amongst others, would strongly agree with the first two sentences here and strongly disagree with the third.

about the illegitimacy of human beings usurping divine authority. This is something that Qutb and other Islamic puritans do not seem to be sufficiently aware of.

Here it is instructive to compare Qutb's position with that of Aquinas, for Qutb's position can be thought of as a variant of Aquinas' position but with a disagreement about the *telos* of what Aquinas calls *divine law*. In what follows, I am less interested in giving a historically accurate reading of Aquinas' position, but in giving an account of his position that might be most appealing to contemporary (religious) liberal secularists, in order to examine if and when Qutb commits himself to a position that makes it impossible for a Qutbian to sincerely live peacefully in a secular liberal society.

In the *Summa Theologiae* Aquinas provides a general four part general definition of law (which can be thought of as providing a definition of the *genus* 'law') and then examines four *species* of law: eternal law, natural law, human law and divine law. In this paper I will limit my discussion to the final three species of law. The four part general definition of law is that law is "(a) an ordinance of reason, (b) for the common good (c) made by him who has care of the community and (d) promulgated by the lawmaker."¹ (Aquinas, 2002: 82-3) I can see no reason why Qutb would reject this general definition of law. Natural law, human law and divine law are all ordinances of reason in the same way in that they are binding or obligating; they all give us a reason to act or restrain from action.² They differ with respect to the other three parts of the definition. Thus, *natural law* is for the common good *in this life*, made by God, and promulgated to our reason or conscience. *Human law* is for the common good *in this life*, made, in a sense, by human authorities and promulgated, at least today, in legal gazettes. *Divine Law* is "for the end of external blessedness," (Aquinas, 2002: 90) made by God, and promulgated to prophets and in divine books.³

1. Translation slightly modified.

2. For Aquinas, the central point he wants to make in claiming that law is an ordinance of reason is that law must be "binding" or have "the force of law". Thus he explains that, "It is a function of law to command and prohibit. But to command pertains to reason . . . Therefore law is something belonging to reason. . . Law is a kind of rule and measure of acts, by which someone is induced to act or restrained from acting; for 'law' [*lex*] is derived from 'binding' [*ligando*], because it obligates us to act." See: Aquinas, 2002: 77.

3. This is only part of Aquinas' account of the need for divine law. He also thinks that there are three other reasons why divine law is needed: Firstly, because "different people judge human acts in different ways. . . In order, therefore, that man might know without any doubt what to avoid, it was necessary for him to be directed in his proper acts for a law divinely given" (p.90). Secondly, "man cannot judge inward acts" (p.90) and so divine law is needed to guarantee that evil acts, unobservable by human beings, are punished. And thirdly, because "human law cannot punish or prohibit all evil deeds,

I claimed that *human law* is only, in a sense, made by human authorities, for Aquinas believes that in another sense human law is also made by God, for human law to be law must be derived from natural law and this can either be done demonstrably, deriving general conclusions from more abstract principles clearly contained in natural law, or as “a specific application of that which is expressed in general terms”.(Aquinas, 2002: 130)¹ In the first type of derivation the conclusion is already in a sense contained in the natural law, and so the real creative act in human lawmaking is to be understood in terms of the specific application of natural law (which, for Aquinas, is made by God) to particular cases. So, in a sense, for Aquinas, human authorities do not actually make law but merely specify it making it applicable to particular conditions. For although many, perhaps most, members of western liberal societies do not understand the laws of their societies in this way, this is still a perfectly reasonable way of understanding the positive laws of modern liberal societies, and so, as long as these laws do not conflict with what an Islamic puritan believes to be divine law, there is no *a priori* reason for them to think of such laws as tyrannical.

Because I believe that the fundamental difference between Qutb’s position and that of Aquinas is a disagreement about the *telos* of divine law I will briefly examine this in more detail. Aquinas seems to believe that the *telos* of all law is ‘the good’ and that the *telos* of the three laws that concern us is the human good. Thus he argues that,

[A]s being is the first thing that falls under the apprehension absolutely, so ‘good’ is the first thing that falls specifically under the apprehension of the practical reason, which is directed to action, since every agent acts for the sake of an end which has the character of a good. . . The first precept of law, therefore, is that ‘good ought to

for seeking to remove all evils would as a consequence remove many good things” (p.90) The point he is making here he explains else where by quoting Augustine, “If you banish whores from human affairs, everything will be disrupted by lust.” (p.273) I have just focused on the first difference because I am more interested in giving an account of a position that is recognizably Aquinian but applicable to modern secular societies than offering a full interpretation of Aquinas.

1. As an example of a demonstrative derivation Aquinas that “for example, that ‘one ought not to kill’ may be derived as a conclusion from the principle that ‘one ought not to harm anyone’” (p.130). Here the idea seems to be that there is a syllogism to derive the conclusion. Although Aquinas as left out the minor premise ‘killing is a form of harm’. As the example of a “specific application of that which is expressed in general terms”, Aquinas explains that this “is like that by which, in the arts, general ideas are made particular as to details; for example, the craftsman needs to turn the general idea of a house into the shape of this or that house . . . for example, the law of nature has it that he who does evil should be punished; but that he should be punished with this or that penalty is a specific application of the law of nature.” (p.130)

be done and pursued, and evil avoided'.¹ (Aquinas, 2002: 117)

Now, following Aristotle, who argued in the *Nicomachean Ethics* 1.9 that the human soul has three elements, (a vegetative, an animal and a specifically human element), Aquinas argues that there are three basic types of good for human beings: (1) Life (which we share with all living beings), (2) those goods we share with other animals (such as "the union of male and female") and specifically human good. And, perhaps departing from Aristotle, Aquinas believes that there are two different specifically human goods, namely (3) "to live in Society" and (4) "a natural inclination to know God".²

Now, it seems that for Aquinas natural law (and hence human law, which must be derived from natural law) primarily human lawmaking has to do with the first three types of good,³ and so human lawmaking has the goal of protecting life, promoting our animal happiness and health and providing for social order. The central concept of natural law for human lawmaking is the third good, for much lawmaking has to do with creating social order, and so perhaps the most important general concept that the human lawmaker has to make specific in order to apply to particular cases is the concept of social order. Most importantly, for the purposes of this paper, it is clear that for Aquinas natural law, (and hence human law) have to do with the good in this life, whereas divine law is concerned with "eternal blessedness". Put in other words, we don't really need revelation to live a happy animal life with other human animals in society, our natural understanding of morality is enough to solve this problem. Aquinas does believe that divine law does have a limiting role in human law making, for the human law is not legitimate if it conflicts with divine law, but human law is not and need not be derived from divine law.⁴

1. Although this passage is found during Aquinas' discussion of natural law, it seems that this claim is supposed to be general.

2. All quotations are from, See: Aquinas, 2002: 118.

3. Now, I say primarily, because Aquinas himself suggests that the fourth is itself, in some sense, a part of natural law. I guess that what he means by this is that we have a natural spiritual impulse, that is independent of revelation, and so governments, even governments of, say, pagan societies on south sea Islands, always a favorite example for Kant although maybe anachronistic for Aquinas, have a duty to allow this inclination to express itself. So, for example, governments should not pass laws making it difficult for people to express their spiritual inclinations.

4. Thus Aquinas argues that, "laws may be unjust by being contrary to the Divine good; for example, the laws of tyrants enjoining idolatry or anything else contrary to the Divine law; and laws of this kind must not be observed in any circumstances." (p.144) Once again, Aquinas's position on these issues is more complicated than I suggesting. For example, he believes that Christian faith is important to establish one's authority

Qutb agrees with Aquinas that human reason is not totally impotent. Thus he quotes Sheik Muhammad 'Abdul, "The revelation of a divine message is an act of God, as is the bestowal of human intellect. The acts of God must cohere with each other, not contradict each other," and comments that "In a general sense, this is true, but revelation and reason are not coequal; one of them is greater and more comprehensive than the other, and one was destined to be the source to which the other refers, the balance on which it weighs its concepts and ideas." (Qutb, 2006: 14) Elsewhere he claims that, "all is from God – the universe and reason – just like revelation," and he adds that Islam "does not invalidate reason or the knowledge that man acquires from the universe in which he lives. The universe itself is God's open book and knowledge gushes forth from it. There is, however, a difference: the knowledge that man acquires of the universe by means of his own perception is fallible, whereas what man receives by way of revelation is absolutely veracious."¹ (Qutb, 2006: 149)

And he believes that our natural reason (and what Aquinas would call the natural law) is not enough to live happily, even in this earthly life, and that divine revelation (or divine law) is necessary to live a happy human life. Thus he approvingly quotes Muhammad Asad (the Muslim convert Leopold Weis, who seems to be the source of much of Qutb's understanding of the German philosophical tradition), who argues that a major "difference between Islam and all other know religious systems" is that Islam "undertakes to define not only the

as a human lawmaker. Thus he believes that apostasy removes legitimate authority, arguing that "princes who have apostatized from the faith should not be obeyed". (p.276). His attitude towards whether non-Christians can legitimately rule Christians is more complicated. Although he believes that if we "speak of the domination or authority of unbelievers over the faithful as though it were about to be established for the first time. This should not by any means be permitted, because it would give scandal and imperil the faith" (p.270) When, however, "we speak of dominion or authority as being already in existence. Here we must note that dominion and authority are institutions of human right, whereas the distinction between the faithful and unbelievers arises from Divine right." (p.271) Obviously, given the time he was writing, Aquinas is thinking here of the position of Christian subjects of Islamic governments, and his position seems to be that if such a government allows a Christian to practice their faith then their rule is legitimate.

1. As we shall see, there is a tension in Qutb's position here. For here he suggests that what we receive by way of revelation is infallible, however he although believes that interpretation of revelation requires human reason and so is fallible. His answer must be that there are certain aspects of revelation that do not involve what these are, but this just raises the question of whether we can infallibly distinguish between those parts of revelation that require interpretation (and hence require human reason and are fallible) and those parts of revelation that do not require interpretation (and hence can be known infallibly). If we cannot do this then it might turn out that some of our knowledge is infallible, but we cannot know what we know infallibly.

metaphysical relations between man and his Creator but also – and with scarcely less insistence – the earthly relations between the individual and his social surroundings.”¹ (Qutb, 2006: 116)

The reason for this, Qutb argues, from premises that are not totally alien to an Aristotelian, is that in order to understand what is good for us we would have to have a (full) understanding both of our own nature, and of the universe, and this we do not have but god does. Thus he argues that, “the formation of our intellect [is] a formation suited to man’s function on earth as the divine vice-regent. It enables him to progress in understanding the laws of matter, in bringing them under his control and even in understanding more and more aspects of the nature of man. However, the mysteries of his creation will remain entirely hidden from him, as will the mysteries of life and death and of what constitutes man’s own spirit, for none of this is needed by man to fulfill his basic function” and so he concludes that, “since man is ignorant of his own reality, God did not leave it to him to establish the modes of his life and the laws governing it, for such matters require complete and comprehensive knowledge not only of man’s nature but also of the universe in which man lives, as well as the very essence of life itself and the supreme power that creates and administers the universe.” (Qutb, 2006: 58)

Now, Qutb’s argument here seems to rest on the Aristotelian premise that knowing what is good for a thing involves knowing its nature, and as we don’t *know* our own nature we do not *know* what is good for us. God however, has revealed what is good for us through revelation. Now, this argument seems consistent. However, it seems too strong, for even though we don’t fully know our own nature it seems that at the very least we probably have many true beliefs about it that are, at the least, generally true. For example, the fact that in order to live we need to eat and drink is, probably, generally true, and so it is probably also generally true that some food and water is good for us – although a Muslim will believe that there are some types of food and liquid, for example pork and wine, that might seem good to our natural reason but that divine law tells us is not. I don’t think that Qutb would want to deny this. Instead, I think that what he is most concerned about are more complicated goods, and especially goods having to do with living together with other human beings socially, and so I suggest that a more plausible way of interpreting his argument is that we do not, and cannot, know enough about human nature to understand what constitute good social relations and organizations, and so should turn to

1. Quoted from Asad, 1934: 17-20.

revelation to answer these questions. Now obviously, naturalist philosophers are going to deny this claim. Believing that through scientific research we can establish a great many things about human nature that help us understand and improve our social institution. More problematically, Qutb faces the problem that the Qur'an itself is not very specific about these matters, with most of the regulations concerning human organization being found in the sayings of the Prophet (the *hadith*) rather than the Qur'an. Now as these traditions do not have the same status or authority as the Qur'an and are often in conflict, we must have some principles to determine which are genuine and how to interpret them, indeed the history of Islamic jurisprudence is largely concerned with working out which of the traditions are genuine and how to interpret them, and amongst traditional jurists there is agreement that much of this interpretation is fallible, hence the existence of a number of different schools of Islamic law that interpret the traditions in different ways.¹ Now, as Qutb himself believes that the tradition of Islamic jurisprudence has been corrupted by non-Islamic elements, he himself cannot appeal to the consensus of jurists to establish the genuineness of interpretation. Thus given Qutb's commitment to the fallibility of human reason it would seem that these traditions cannot provide him with the infallible guidance that he is looking for.

However, even without these problems, Qutb's position does not imply that being subject to *Shari'ah* necessarily involves such laws being enforced by the coercive apparatus of state, for Qutb (like Aquinas) is strongly committed to the position that the existence of law does not require coercion. For those philosophers in the natural law tradition the existence of a sanction is not a defining feature of law. Similarly, Qutb believes that a good Muslim will submit himself to divine law gladly and willingly and so, it would seem to follow that for a community of good Muslims no sanction would be necessary.

It is instructive to examine Qutb's attitude to prohibition in America. One might expect an Islamic puritan to be a strong supporter of such a law, but Qutb seems to have been opposed to such laws. Of course he is against alcohol, and, in principle, in favor of laws outlawing alcohol. However, Qutb argues that, "those who believe are already pleased with the system which this faith uniquely determines and submit in principle to all the laws and injunctions and details even before they are declared." (Qutb, 1964: 32) Thus, for true believers, "as soon as a command is given, the heads are bowed, and nothing more is required for its implementation except to hear it.

1. For a good discussion of this, See: Knut, 2005.

In this manner, drinking was forbidden, usury was prohibited, and gambling was proscribed." (Qutb, 1964: 32-3) Here Qutb seems to suggest that the imposition of Shari'ah law does not need the coercive apparatus of the state behind it. Being a member of the Islamic community is a voluntary matter and for a true member of the community the law does not need a sanction. Thus, he asks the reader, explicitly mentioning prohibition in America to, "compare this with the efforts of secular governments. At every stage they have to rely on legislation, administration, administrative institutions, police and military power, propaganda and the press, and yet they can at most control what is done publicly, and society remains full of illegal and forbidden things." (Qutb, 1964: 33)

It seems that in many ways, what Qutb was actually advocating in the mid-1960s in Egypt was the creation of a liberal regime, in which Muslims would be allowed to freely practice their religion and organize their own community. Thus Qutb argues that, "Islam does not force people to accept its belief, but it wants to provide a free environment in which they will have the choice of beliefs. What it wants is to abolish those oppressive political systems under which people are prevented from expressing their freedom to choose whatever beliefs they want, and after that it gives them complete freedom to decide whether they will accept Islam or not." (Qutb, 1964: 56)

Thus, it seems that Qutb was not committed to the view that all secular liberal societies are illegitimate. If the laws and culture of such a society are such that they allow Muslims to freely organize their own community and voluntarily submit to what they believe to be the commandments of *shari'ah*, then the regime would be legitimate. Now, this leaves us with the question of whether the laws and customs of western societies are actually or potentially compatible with the existence of an Islamic community that voluntarily submits itself to *Shari'ah* law. And I believe that this question cannot, at this time, be answered, as there is not a consensus amongst Muslims about what *shari'ah* law requires. Rather than prejudge this, western liberals need to let this debate play itself out in the public domain, with the hope, which I will argue is a reasonable hope, that the consensus that emerges is one that is compatible with liberal democracy. The tendency at present for many liberals to regard any discussion or advocacy of shari'ah as necessarily illiberal can only play into the hands of the most extreme members of the Islamic community and make the emergence of a consensus compatible with liberalism less likely.

Secondly, although Qutb is opposed to the idea of popular sovereignty as usurping the sovereignty of God there is an analogue of the social contract in Qutb, for he believes that although all law ultimately comes from God, Islamic law cannot be imposed by force and so that before one can have a society governed by Divine law there needs to be an Islamic community, and the members of that community must freely submit to the law. Politically, then, at least in the short run, Qutb believes that a good Muslim should only struggle violently against a regime that outlaws the possibility of the development of such a community. Indeed it seems that what Qutb is really advocating is the replacement of oppressive regimes in the Muslim world with liberal regimes, for it is only in such a regime that a true Islamic community could develop. Thus he argues,

Islam does not force people to accept its belief, but it wants to provide a free environment in which they will have the choice of beliefs. What it wants is to abolish those oppressive political systems under which people are prevented from expressing their freedom to choose whatever beliefs they want, and after that it gives them complete freedom to decide whether they will accept Islam or not. (Qutb, 1964: 56)

Islam is not a 'theory' based on 'assumptions'; rather it is 'way of life' working with 'actuality'. Thus it is first necessary that a Muslim community come into existence which believes that 'There is no deity except God,' which commits itself to obey none but God, denying all other authority, and which challenges the legality of any law which is not based on this belief.// Only when such a society comes into being, faces various practical problems, and needs a system of law, then Islam initiates the constitution of law and injunctions, rules and regulations. It addresses only those people who in principle have already submitted themselves to its authority and have repudiated all other rules and regulations. // It is necessary that the believers in this faith be autonomous and have power in their own society, so that they may be able to implement this system and give currency to all its laws. (Qutb, 1964: 33)

Qutb, then, is clearly committed in principle to the liberal principle that legitimate government requires the consent of the governed. And it is clear that he takes this to be a central plank of his religion, based on the Qur'anic injunction that there can be no compulsion in

religion. Qutb's politics, then, seem to be based on the following principle: a good Muslim should struggle against regimes that do not allow them to practice their religion freely. In a regime in which they are able to practice their religion freely they should focus on their own faith and in building up a community of the faithful. This commitment to the idea that legitimate (Islamic) government is based upon the consent of the governed is also found in *Social Justice in Islam* where Qutb argues that in an Islamic political system the ruler "occupies his post by the complete and absolute free choice of all Muslims who are not bound to elect him by any compact with his predecessor, nor likewise is there any necessity for the position to be hereditary in the family. When the Muslim community is no longer satisfied with him, his office must lapse." (Qutb, 1980: 5)

Thirdly, like nearly all Sunni fundamentalist, Qutb is in principle a fallibilist, not just about natural reason but also in terms of our capacity to understand and interpret divine law.¹ For he believes that, "[h]umans are mortal creatures constrained in time and space, and cannot comprehend the Universal and Absolute."² (Qutb, 2006:

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1. And Sunni fundamentalist often criticize Catholicism for their doctrine of papal infallibility, and some of them criticize Shiite Muslims, believing that Shiites are committed to the view that some of their human religious leaders, at least historically, were infallible.
 2. The echo of Kant here might not be coincidental, as in this book Qutb examines the intellectual history of Europe, which contains a fairly long discussion of Fichte and the turn towards subjectivity in Protestantism and German Idealism. Qutb himself sees this as a (legitimate?) reaction to what he takes to have been the corruption of Christianity by the Catholic Church. Qutb himself believes that Christianity was a true revelation but that its message and texts were corrupted by the early church. And so he sees the protestant reformation as an attempt to return to the true message. Thus he believes that Luther "opposed the concept of the Trinity, as well as the authority of the Pope, with the aim of making the Bible, the word of God, the sole authority for Christianity." (p.61) And although he is opposed to both the Enlightenment and to what he calls "Rationalist Idealism", which he sees as culminating in Fichte and Hegel, he sees these movements as part of a reaction to the corruption of true religion by the Church, explaining that, "this prolonged path of deviance in European thought was a direct consequence of the distortion of religion arising from the formulations and concepts generated by Churches and successive councils as a means for them to exploit their authority." (p.66) He also points out that "our emphasis here is not on blaming Western Thought in this respect, even though the position it assumes is erroneous and defective, for after all, the religious belief it encountered had been distorted, perverted and corrupted with pagan elements, and the Church was both tyrannical and corrupt." (p.79-80) Interestingly, Qutb thinks that the Islamic tradition has also been corrupted, although not to the extent of Christianity because the lack of an Islamic Church has meant that "the Islamic concept has remained intact" (p.71). However, although he believes that what he calls "the Islamic concept" has remained intact he also believes that "corruption has entered into the Islamic concept" (p.97), largely due to the influence of Greek philosophy and the mixing of local customs, and so in many ways he can be thought of as self consciously promoting, and can I believe be thought of as part of, an Islamic Reformation.

49) To believe that a particular human being, either oneself or another, was infallible would be to commit *Shirk* – to attribute an attribute of God to a human being. Thus for example, discussing the work of Sheik Muhammad ‘Abduh, Qutb argues that ‘Abduh “elevated the human mind to a position of equality to revelation in guiding human beings rather than being a tool for the understanding of revelation. He tried to prevent all conflict between what the mind understands and divine revelation, not contenting himself with permitting the mind to perceive what it can and to submit to what it cannot, for the intellect, like every aspect of man, is inevitably partial and limited to time and space.”¹ (Qutb, 2006: 14) Although, in practice, Qutb and many other Islamic Puritans are dogmatists with regards to their understanding of what Islamic law requires, their commitment, in principle, to human fallibilism, provides some hope that as younger radicals grow older they will become more skeptical about their own understanding of what it is to be a good Muslim.²

One reason for the dogmatism of many Islamists might be sociological and due to the fact that in many countries, and notably in Egypt, many Islamist movements are illegal and have been forced underground. This has meant that they have tended to develop a hierarchical cell structure with little possibility for debate. In the early 1950s before the Muslim Brotherhood was made illegal, there was a split, or at least a power struggle, within the organization, that led to a push for more democratic institutions within the organization.³ One can speculate that, perhaps, if the organization had not been forced underground there would have been a growth of democracy and discussion within the organization which may have led to a greater emphasis, in practice and not just in theory, on the fallibility of human reason.

1. My emphasis. Later in the same text he makes it clear that this limitation of the human intellect also applies to interpreting the Qur’an, arguing that “I have a reason of my own, you have a reason of your own, he has a reason of his own, etc. There is no absolute mind, free from faults, imperfections, lust and ignorance, able to judge the Qur’anic text.” (pp.14-15).

2. An interesting individual account of such a process of ‘maturation’ can be found in Husain, 2007; See also Gerges, 2007. These books both offer hope that the radical Islamist movement both in the west and in predominantly Islamic countries might evolve in a more liberal direction.

3. See: Mitchell, 1993: 103-184.

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