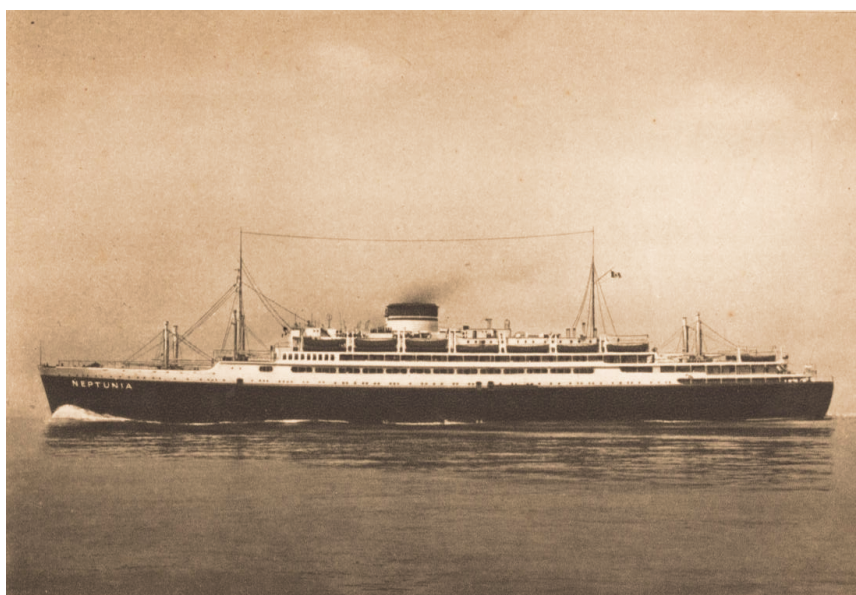


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ISLAMIC STATE'S QUTBIST STATEHOOD: A SYSTEMIC THREAT TO THE CONCEPT OF SOVEREIGNTY AS A PRIMARY INSTITUTION IN THE ENGLISH SCHOOL OF INTERNATIONAL RELATIONS

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I. INTRODUCTION – II. THE INSURGENCY OF ISLAMIC STATE – III. THE ORIGIN OF THE CALIPHATE: THEOCRACY SOUGHT – IV. THE SOVEREIGNTY OF THE CALIPHATE – V. QUTBIST STATE THEORY – VI. WESTERN SOVEREIGNTY. WESTPHALIAN AND INTERNATIONAL LEGAL SOVEREIGNTY – VII. SOVEREIGNTY AND THE ENGLISH SCHOOL OF INTERNATIONAL RELATIONS – VIII. CONCLUSIONS.

ABSTRACT: The insurgent organisation called Islamic State (IS) has changed the paradigm of the territorial statehood, by threatening the concept of Westphalian and international legal sovereignty. IS's medieval caliphate territorial project is based on a powerful anti-secular interpretation of the sovereignty. IS's interpretation of the sovereignty is inspired by Sayyid Qutb's thought, who said the Western concept of sovereignty is in contrast with Islam. State actors generally accept sovereignty, according to the English School of International Relations, as one of the systemic principles of order, defined as "primary institutions." Consequently, Qutbist statehood represents an ideological challenge to these ideas.

KEYWORDS: Islamic State, caliphate, sovereignty, Qutb, English School, primary institution.

LA ESTATALIDAD QUTBISTA DEL ESTADO ISLÁMICO: UNA AMENAZA SISTÉMICA PARA EL CONCEPTO DE SOBERANÍA COMO INSTITUCIÓN PRIMARIA DE LA ESCUELA INGLESA DE RELACIONES INTERNACIONALES

RESUMEN: La organización insurgente denominada Estado Islámico (EI) ha cambiado el paradigma de la condición de Estado territorial, con la amenaza al concepto de soberanía legal internacional y westfaliana. El proyecto territorial de califato medieval de EI se basa en una poderosa interpretación antiseccular de la soberanía. La interpretación de la soberanía de EI se inspira en el pensamiento de Said Qutb, quien dijo que el concepto occidental de la soberanía está en contraste con el Islam. Los actores estatales generalmente aceptan la soberanía, de acuerdo con la Escuela inglesa de las Relaciones Internacionales, como uno de los principios sistémicos de orden, que se definen como "instituciones primarias." Por consiguiente, la estatalidad Qutbist representa un desafío ideológico para estas ideas.

PALABRAS CLAVE: Estado islámico, califato, soberanía, Qutb, Escuela inglesa, institución primaria.

LE STATUT D'ÉTAT QUTBIST DE L'ÉTAT ISLAMIQUE: UNE MENACE SYSTEMIQUE POUR LE CONCEPT DE SOUVERAINETE COMME INSTITUTION PRINCIPALE DE L'ÉCOLE ANGLAISE DES RELATIONS INTERNATIONALES

RÉSUMÉ : L'organisation d'insurgés appelée Etat islamique (EI) a changé le paradigme de l'Etat

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territorial, en menaçant le concept de la souveraineté juridique internationale et de la Westphalien. Le projet territorial du khalifat médiéval de l'EI est basé sur une puissante interprétation anti-laïque de la souveraineté. L'interprétation de la souveraineté de l'EI est inspirée par la pensée de Sayyid Qutb, qui a déclaré que le concept occidental de la souveraineté est en contraste avec l'islam. Les acteurs étatiques acceptent généralement la souveraineté, selon l'École anglaise des relations internationales, en tant que principes systémiques de l'ordre, défini comme une des «institutions primaires.» Par conséquent, l'Etat Qutbiste représente un défi idéologique à ces idées.

MOTS-CLES: État islamique, khalifat, souveraineté, Qutb, École anglaise, institution principale.

NOTES ON TEXT

Given that transcription from an alphabet other than the Latin one, such as Arabic always seems to be a task complicated by the responsibility to respect as far as possible the original phonetics and pronunciation, the decision was made to retain the original terms in their Latin script where available, and diacritics were not used in order to prioritise an easier reading, following Vercellin's lead.²

Moreover, where appropriate, the Romanised version of some names or concepts is used, if they are better known than by their original language.³

Usually, an English translation of the original Arabic term is avoided if a Romanised Arabic word has already entered the sphere of knowledge of the general public (e.g. jihad rather than 'holy war', sharia rather than 'Islamic law') or when it expresses, in Arabic, general concepts which would not be better explained by translating (e.g. *umma* by community of Muslim believers). However, English equivalent terms were used to prevent this study from transmitting a sense of exoticism or exceptionality regarding religious doctrinal issues related to Islam (for example, *Allah* will not be used in place of God).⁴

Furthermore, in terms of pronunciation, it should be noted that the article / al / will always be used and transcribed, despite the fact that often, depending on the following word or name, the sound of the / l / is lost and

² VERCELLIN, G., *Instituciones del Mundo Musulmán*. Barcelona: Bellaterra, 2003, p. 23.

³ *Ibidem*.

⁴ GÓMEZ GARCÍA, L., *Diccionario de islam e islamismo*. Madrid: Espasa, 2009, pp. XV-XVII.

the initial consonant sound of the following word is doubled by the *shadda* on the following ‘sun’ letters.⁵

In addition, a separate transcription will be preferred to see the correspondence of each word translated. No contraction will be made, in order to allow a correct pronunciation of all the phonemes, unless in determined circumstances a contraction would be preferred in order to allow easier reading (e.g. the preposition / *bi* / [by] will be contracted with the following article / *al* / to form / *bil* /).⁶

Then, despite being in Arabic a case system adopted at the ends of the words to indicate the words’ grammatical function, the transcription will only be in the nominative case.

Finally, the Arabic words in their original transcript will always be in their singular form, unless indicated otherwise.

I. INTRODUCTION

The emergence and spread of powerful sub-state or extra-state agents, such as organised criminal gangs, illegal cartels and insurgent entities with ideologies that claim to be universal in scope, contributes to the erosion of state sovereignty around the world, as Bull stresses.⁷

The most violent political dimension of religious movements, such as the jihadism promoted by the so-called Islamic State (IS, *Al-Dawla al-Islamiya* in Arabic), is one of the best examples of the challenges the state authorities are facing.

In 2014, IS destroyed the Syria-Iraq border, declaring the medieval caliphate, a political entity unwilling to coexist with others.

Having observed that, after the rise of the insurgency of the IS, analysts, scholars, and media warned about the threat this organisation represented,

⁵ For more information, see FERRANDO, I, ALONSO, A., *Diccionario Pocket, Árabe-Español/ Español-Árabe*, Barcelona: Herder Editorial, 2006; EL-MASRY, C., *Al-Jatua. Iniciación a la lengua árabe*. Madrid: UNED Estudios, 2008, pp. 52; 64-65.

⁶ FASLA, D., “La adaptación del étimo árabe [al-]habaqa (> albahaca, esp.) al sistema morfológico del ibero-románico.” *Revista de investigación lingüística*. N. 1 – Vol. III. Logroño: Universidad de la Rioja, 2000, pp. 69–89; SAAD, M., “Estudio contrastivo de la asimilación consonántica en español y árabe.” *Anaquel de estudios árabes*, vol. 13. Madrid: UCM, 2002, pp. 87-108.

⁷ See BULL, H., *The Anarchical Society: a study of order in world politics*. London: Macmillan, 1977.

the question on whether IS rejection of the national borders represents a threat and in which extent, popped up. To answer this question, it would be necessary to understand what borders mean to IS and which theoretical bases support its actions.

Borders are the most visible feature of the existence of an independent state, a denominated sovereign one. The English School (ES) of International Relations (IR) describes sovereignty mainly in the same way it is perceived in international relations system, that is, as a fundamental idea and concept. Its shared acceptance has strong outcomes in international reality. Consequently, this analysis focuses on IS statehood ideology and its effect on sovereignty, as the ES conceptualises it.

Studying the doctrine on which IS bases its actions is vital to analyse how the decline and annihilation of the Western nation-state role –whose origin is placed in the system which arose from the Westphalian peace treaties) and which the insurgent organisation promotes– affects not only the international security but also the very rules of the international community of states, as put forward by the ES of IR, which calls them ‘primary institutions.’⁸

From the point of view of the Qutbist theory, we can understand how IS reads its effort towards the territorial construction of the caliphate. Sayyid Qutb’s state theory, even today, serves as a doctrinal basis for approaching the sovereignty by the most prominent jihadist movements and insurgent organisations.⁹

Then, analysing the conceptualisations of sovereignty used in the ES’s theory, as a primary institution, we can see how IS actions, based on Qutb’s views, change the paradigm of the statehood sovereignty, a feature traditionally linked to the territory.

As a consequence, a strong impact of the *qutbism* could be perceived on the legitimacy of sovereignty as a security value of the international system.

II. THE INSURGENCY OF ISLAMIC STATE

IS has mainly three lines of action: 1) military, it is an insurgency and utilises traditional and terrorist tactics to win a war; 2) politically, it is an organisation and utilises terrorism as a mean of pressure to obtain political gains;

⁸ PANEbianco, A., *Relazioni Internazionali*. Milano: Jaca Book, 1992, pp. 41-56.

⁹ QUTB, S., *Milestones*. Islamic Book Service, 2006.

3) doctrinally, it is inspired by an ideology and grounds its actions on a radical interpretation of a *corpus* of religious beliefs.

The political outcome of IS doctrinal dimension is its attempt to structure a model of the state that take the form of a medieval Islamic caliphate, which, according to an Islamic political radical interpretation, would undermine the legitimacy of established and recognised governments.

Traditionally, those insurgent groups that pressure the state seek to access power (government bodies) following two patterns of behaviour:

- 1) by their inclusion in the institutions occupied by government authorities and, therefore, their co-optation by the governmental process (through gathering and sharing of power, or going public and find a legal acceptance to participate in the elective processes);
- 2) by their physical separation from the pre-established states (through creating new institutions to govern a set territory and its population, i.e., becoming a new state authority).¹⁰

However, IS approach to insurgency looks based on Qutb's state theory: the state entity that IS pretends to build is not only an alternative to the existing ones but –as it is defined as an Islamic caliphate– it has also acquired a symbolic value that transcends the physical, territorial dimension.

III. THE ORIGIN OF THE CALIPHATE: THEOCRACY SOUGHT

The Koran (*Quran* in Arabic¹¹) and the Sunnah (the “habit” or “usual practice,” ways of living, following Prophet Mohammad's examples, legally relevant for the Muslim community) barely mention how the community of Muslim believers (*umma* in Arabic) should be organised, both politically and socially. Interpretations of the management of the *umma* have been making since the dawn of Islam, but a definition of Islamic statehood is hard to find.

The question of the organisation of political power in Islam arose soon after Mohammad died and led to the first divisions among the religious community he formed. Obviously, the term “Islamic State” (as now used by ra-

¹⁰ For a definition of insurgency, see JORDÁN ENAMORADO, J., “Delimitación Teórica de la Insurgencia: Concepto, Fines Y Medios.” GESI UGR. (06 September 2011). <<http://www.seguridadinternacional.es/?q=node/3>>.

¹¹ Literally “the recitation,” because at first it was transmitted verbally and recited from memory.

dical, insurgent Islamists) was odd at the time, because the political concept of the modern state was not introduced until the fifteenth and sixteenth centuries, when it also emerged in Europe, as Rosenthal says. The concept of “*dawla*” (State) was simply used to indicate a period of reign (as it often coincided with a ruling dynasty, it was used to define a dynasty or temporary dynastic regime, which dealt with the affairs of government and took over the political functions of the caliph). The expression *Al-Dawla al-Islamiya* (the Islamic state) was coined during the late 19th century in opposition to the Western nation-state, seen as the model of the colonial powers. It has now begun to identify the government, or state as a government entity.¹²

Under Islam doctrine, the authority ultimately belongs only to the deity or God. The governors are wielders not of the power to interpret it, but the duty to apply it, according to the primacy of orthopraxis over orthodoxy.¹³ In this view, God is the supreme sovereign, the only source of authority that creates the Islamic law or sharia (*sharia al-Allah*, in Arabic, literally “pathway to be followed to God”) and, especially, confers sovereignty, because sharia legitimises territory.

In other words, the Islamic caliphate is a reflection of the laws issued by the deity, which regulate every dimension of human life for ruling on the community of believers.

As such, all powers belong to God. However, since God cannot exercise them in person or through a spokesman (it would be a direct theocracy), and since there is no direct envoy since the death of the Prophet, historically the government of the *umma*, or the executive power, has been exercised through intercession, by an intermediary of God. The believers recognise him (should be a man) as the “vicar” of the Prophet, or caliph (*khilafa* in Arabic), and, as such, pledge him loyalty (*baya* in Arabic)¹⁴ and accept him as a guide. The territory in which the vicar of the Prophet expresses his authority is called ca-

¹² ROSENTHAL, F., “Dawla.” In *The Encyclopedia of Islam*, New Edition, Volume II: C–G. Leiden and New York: BRILL. 1991, pp. 177-178.

¹³ Orthopraxis (way of salvation/deification chosen by man) is an act of faith. The concept was theorised by PANIKKAR, R. (*L'Homme Qui Deviant Dieu*, Paris: Aubier, 1969) as a third way between the doctrine that identifies faith with orthodoxy, which can lead to “dogmatism;” and the moral, which identifies faith with orthopoiesis, a behaviour which is defined as correct, which can lead to “moralism.”

¹⁴ GÓMEZ GARCÍA, L., *Diccionario de Islam e Islamismo*. Madrid: Espasa, 2009, p. 37.

liphate, where he is the absolute ruler and supreme guide. As a consequence, his actions acquire a sacred value, as he rules over the *umma* according to the divine will, embedded in the precepts transmitted by Mohammad.¹⁵

The caliphate is the form of political organisation that brings about the caliph's actions and represents an area of exercising of political and, at the same time, religious power, being him the highest earthly authority for the entire Muslim community. As a result, his work aims to have a universal scope because it is the earthly expression of the divine design.¹⁶

According to Islam, God's will has been conveyed through the sharia, as has been channelled by the Prophet in the Koran, together with the teachings and sayings of his own life (plural of *hadith* in Arabic) (*ibid.*, 125), collected in the Sunnah. According to tradition, in the caliph's figure the two dimensions of the organisation of human life converge: the secular and religious ones (*dunya wa din* in Arabic, literally the world [Earth] and the faith), i.e. the function of spiritual guide (*imam*) of the *umma*; and the functions of political control (*imar*) of the "state" (*ibid.*, 89).

During the 10th and 11th centuries, the constituent elements of the caliphate were theorised, thanks to the jurist Abou Al-Mawardi (974-1058 AD), who formulated the obligations of the caliph.¹⁷

In his masterpiece, as reported by Gómez G., *The Ordinances of Government (Al-Abkam al-Sultaniya)*, he established some principles for the development of an Islamic political theory: 1) All sovereignty, power and authority ultimately belongs to God; 2) Equality of believers who accept the sharia; 3) The community of believers is the only social and political body; 4) This community or *umma* is governed by a single ruler whose mission is to protect it and ensure compliance with the rules of sharia; 5) Armed defence of the *umma* is an individual responsibility for all Muslims.¹⁸

¹⁵ VERCELLIN, G., *Instituciones del Mundo Musulmán*. Barcelona: Bellaterra, 2003, p. 318-321.

¹⁶ GÓMEZ GARCÍA, L., *Diccionario de Islam e Islamismo... cit*, pp. 50-52.

¹⁷ JORDÁN ENAMORADO, J., "Las Raíces Doctrinales del Terrorismo Yihadista." *Safe Democracy Foundation*. (03 July 2006). <<http://spanish.safe-democracy.org/2006/07/03/las-raices-doctrinales-del-terrorismo-yi/>>; LANO, A., "Sventola Bandiera Nera." *Rivista Missioni Consolata*, (January/February 2015). <http://sfogliabile.rivistamissioniconsolata.it/2015/MC_01_2015/index.html#34>, pp. 35-45>.

¹⁸ GÓMEZ GARCÍA, L., *Diccionario de Islam e Islamismo... cit*, pp. 50-52..

IV. THE SOVEREIGNTY OF THE CALIPHATE

Authors coincide in stating that, according to the interpretation of the Islamic political doctrine, the Islamic state's sovereignty is extra-territorial, as it resides in God, the only legislator, who delegated his authority to Mohammad and, via him, to the caliphs; so it is a doctrinal matter.¹⁹

The caliph's earthly power's source is its divine inspiration, this meaning that the management of the mundanity is an expression of God's authority.

As the supreme religious authority, the caliph has the duty to guide the action of the Islamic community according to the sharia and to defend Islam from the threat posed by the existence of lands ruled and populated by infidels.

The Islamic state model, from which the source of its authority comes, is a total and totalising system, and, as its political leader and in order to defend Islam and ensure its survival against corruption, the caliph may expand the territories of the caliphate, via conquest, to its natural limits, or the territories where Islam is practised, which are established by God.

Part of this power is reflected in the manipulation of the borderlands of the Land of Islam (*Dar al-Islam* in Arabic, literally Hogar of Peace, as no necessity of war against infidels is present and Muslim community should live in harmony within it) to start a jihad against false Muslims o infidels; the Land of Islam would be constantly expanding over *Dar al-Kufr* (Land of Disbelief/Heresy) and annihilating the *Dar al-Garb* (Land of War, where it is possible and desirable to fight, as it is a territory governed by actors opposed to Islam or threatening it). The "lands of heresy and war" are doctrinal concepts to describe territory according to the presence or absence within them of Muslims, that emerged from a subsequent interpretation of Islam in the thirteenth century.²⁰

According to this reading, since the territories located beyond the borders of the caliphate or in its borderlands are not organised or governed by divine law, their authority and their very existence lack legitimacy and are potentially lands of conquest.

¹⁹ SAMAAN, J-L., "An End-of-Time Utopia: Understanding the Narrative of the Islamic State." *NDC Research Report*, Research Division, NATO Defense College. (31 August 2015). <<http://www.ndc.nato.int/download/downloads.php?icode=448>, pp. 3-6>.

²⁰ GÓMEZ GARCÍA, L., *Diccionario de Islam e Islamismo... cit.*, p. 187.

Theoretically, these territories could also opt for a peaceful coexistence, or an armed peace, with *Dar al-Islam*.

However, as IS slogan states, the priority is “remaining and expanding” (*baqiya wa tatamaddad* in Arabic)²¹, therefore conquering, occupying and governing a territory, as a basis for further expansion.

In fact, the proclamation of the restructuring of the Islamic caliphate on 29 June 2014 did not mean for IS the cessation of its offensive.

The “caliphate” declared in the ancient Mesopotamian territory has not boundaries, supposedly coinciding with the ceilings of their progress, nor have been defined as “caliphate” the whole territory constituted by the Anbar province in Iraq and the Yiazirah province in Syria, where IS installed. They have been renamed as administrative local unities (“provinces” or *Wilaya* in Arabic) of the Caliphate, that is read according to its doctrinal meaning, as a “world government” of Islam, an ecumenical organisation.

By taking this logic to its extreme consequences, every individual and/or community that ignores or rejects this reality lacks legitimacy because it is not governed by the sharia and is, as a consequence, placed at a lower level to the caliphate.

Dogmatically, the membership of (or the exclusion from) a religious community (whose limits are set by the requirement of obedience to religious beliefs) gives a certain degree of moral superiority and the (legal) right to (legitimately) survive to the state in which the community is personified.

As Lozano argues, the caliphate can define itself as legitimate while denying other communities’ existence and statehood status.²² As such, it claims a *sui generis* sovereignty.

V. QUTBIST STATE THEORY

The reading that IS makes of the restructuring process, territorial expansion and construction of the caliphate is part of the tradition of the jihadist

²¹ WARRICK, J., *et al.*, “The Rise of ISIS: ‘Remaining and Expanding?’” *The Washington Institute Policy Watch* 2522. (12 November 2015). <<http://www.washingtoninstitute.org/policy-analysis/view/the-rise-of-isis-remaining-and-expanding>>.

²² LOZANO BIELAT, H., “Islamic State and the Hypocrisy of Sovereignty.” *E-International Relations*. (20 March 2015). <<http://www.e-ir.info/2015/03/20/islamic-state-and-the-hypocrisy-of-sovereignty/>>.

interpretation of the concept of sovereignty, released as from 1964 by the Egyptian Sayyid Qutb, a member of the Muslim Brotherhood, who was inspired by a neo-Wahhabi ideology.²³

In the eighteenth century, Wahhab was the ideologue of the Al-Saud family, later the royal dynasty of Arabia, and one of the instigators of fundamentalist Islamic thought, who utilised the teachings of Taqī al-Dīn Ibn Taymiyyah, a scholar from the fourteenth century (1268-1326). Taymiyyah advocated a return to a pure reading of the Koran in order to avoid the rule of *jabiliyya*²⁴ over the Islamic community and to defend it against the false Muslims who threatened it (in Taymiyyah's time, the enemies of the Islam were represented by the Mongols, who were expanding throughout Asia and westward).²⁵

Jabiliyya is an ideological derivation of the principle of the *tawhid* (i.e. the oneness of God, that is, God's indivisibility with the world). Accepting the oneness of God brings to the absolute understanding of the sovereignty of God over the universe or *hakimiyya*, a concept developed by Taymiyyah, later turned in a pillar for some Islamic doctrine's radical views.²⁶

In *Milestones* (*Maalim fi al-Tariq* in Arabic), Qutb advocated the transformation from the recognition of the *hakimiyya* (sovereignty of God) to the installation of the *rububiyya* or "dominion of God."²⁷ The recognition of sovereignty, read as a characteristic of God as the absolute and universal supreme entity whom power extended all over the whole universe, results in

²³ QUTB, S., *Milestones*. Islamic Book Service, 2006.

²⁴ In the sense of ignorance. Literally, this term describes the pre-Islamic age, as a period of ignorance and paganism.

²⁵ GÓMEZ GARCÍA, L., *Diccionario de Islam e Islamismo... cit.*, pp. 128-129; pp. 167-169.

²⁶ It was also him who theorised the concepts of *Dar al-Islam* and *Dar al-Gharb* in the 13th century since neither the Koran nor Mohammad's *ahadith* made reference to this doctrinal conception; ZAHID, F., "Analysis of the Influence of Sayyid Qutb's Islamist Ideology on the Development of Dihadism." Centre Français De Recherche Sur Le Renseignement *Foreign Analysis*, no. 8. (01 September 2014): 1-5. <http://www.cf2r.org/images/stories/foreign_analyzes/fa-8.pdf>, p. 2.

²⁷ *Milestones* was Qutb's "manifesto." However some elements of Qutbism are found in his work *Social Justice in Islam* (*Al-Adalah al-Ijtima'iyah fil-Islam* in Arabic), and his Quranic commentary *In the Shade of the Qur'an* (*Fi Zilal al-Koran* in Arabic).

the exercising of this supremacy, explained with the concept of “dominion,” i.e., the omnipotence of God, his power and authority in all aspects of life.²⁸

Wagemakers, in “Jihadi-Salafi views of the Islamic State,” argued that, in Qutb’s view, the existence of the Islamic State is a reflection of the *rububiyya*, and its inexistence condemns society to a modern form of *jabiliyyah*.²⁹

As Wiktorowicz explains, modern *jabiliyyah* was theorised in 1939 by Abou Ala al-Mawdoudi (founder of the *Yamah al-Islamiya*, an Indian version of the Egyptian Muslim Brotherhood) a non-Islamic situation where, as in pre-Islamic times, humanity was mired in ignorance. However, a modern *jabiliyyah* would be even worse, because in the modern age, after Mohammad’s revelation, the man should know the existence of God, and every rejection of Islam would be just unexcusable because it would be an explicit one.³⁰ According to this radical Salafi thinker, the world was plunged into *jabiliyyah* for trying to replace the authority of God with the law of men to rule over other men. Any individual or organisation, which claims sovereignty for itself, is pagan.³¹

For this reason, the idea of the Western territorial nation-state is pagan, because it is contaminated by the concept of the Westphalian sovereignty, which replace the authority of God with the law of men who, building borders, rule over other men.³²

VI. WESTERN SOVEREIGNTY. WESTPHALIAN AND INTERNATIONAL LEGAL SOVEREIGNTY

²⁸ GÓMEZ GARCÍA, L., *Diccionario de Islam e Islamismo... cit.*, pp. 272-273.

²⁹ According to WIKTOROWICZ, «Qutb read Al-Mawdoudi’s most influential works», in WIKTOROWICZ, Q., “A Genealogy of Radical Islam.” *Studies in Conflict and Terrorism* 28, no. 2. (20 August 2006), pp. 75-97,

³⁰ ÁVILES FARRÉ, J., “De la yihad clásica al terrorismo yihadí.” *Revista de Historia Militar*, n° extraordinario, Madrid: 2009.

³¹ ZAHID, F., “Analysis of the Influence of Sayed Qutb’s Islamist Ideology on the Development of Djihadism.” Centre Français De Recherche Sur Le Renseignement *Foreign Analysis*, no. 8. (01 September 2014): 1-5. <http://www.cf2r.org/images/stories/foreign_analyzes/fa-8.pdf>, pp. 3; 5.

³² MARTÍN MUÑOZ, G., *El Estado árabe. Crisis de legitimidad y contestación islamista*. Barcelona: Bellaterra, 1999.

As doctrine promoted by IS seems to attack the Western conceptualisation of sovereignty, it is relevant to analyse it. A classic definition of sovereignty is that of an “externally [from other states] recognised right of a political entity to exercise final authority over their own affairs.”

“Sovereign” means that the status of a state entity is that of an independent political community. In this sense, sovereign states are what are generally recognised as such in a world of independent states. Theoretically, sovereignty grants equal treatment and conditions to state actors in the international system, despite any differences in size, extent, wealth and military capacity.³³ However, “sovereignty [remains] a complex concept with an unsatisfactory definition.”³⁴

Currently, “sovereignty” in IR is used mainly to indicate two interpretations of the concept: the international legal sovereignty and the Westphalian sovereignty.

Both are relevant with respect to its importance towards the sovereignty doctrine promoted by IS and the purpose of this study.

The former is described as a quality, that is, a characteristic of the state, something which is given, an object of the state. The latter stresses the separation (independence) of a territory-based political community from other states, which are excluded from the former domestic processes (no intervention).

By convention, the birth of the prevailing conception of sovereignty, on which the modern Western territorial nation-state system is built, is placed after the signing of the Treaties of Peace of Westphalia (1648), although some features had already been in existence before, and some aspects of the medieval system would remain active in later periods.

³³ HOSSAIN, K., *State sovereignty and the UN charter*. Oxford, 1964. Quoted in HASSAN, D., “The Rise of the Territorial State and The Treaty Of Westphalia.” *Yearbook of New Zealand Jurisprudence*, Vol. 9. New Zealand: 2006; INAYATULLAH, N., “Beyond the sovereignty dilemma: quasi-states as a social construct.” In BIERSTEKER, T. J., and C. WEBER. *State Sovereignty as Social Construct*. Cambridge: Cambridge University Press, 1996, pp. 50-80.

³⁴ CRAWFORD, J., *The Creation of States in International Law*. Oxford: Oxford University Press, 2nd edition, 2006, p. 26.

Caporaso sees the Peace of Westphalia as one of many steps that led to the so-called Westphalian system.³⁵ The coexistence of new sovereign states needed new rules which did not rely upon the doctrine of the church or the interests that could hide behind it. When these principles were placed on a great secular power in an international treaty, such as the Peace of Westphalia, the rulers were able to define their power with respect not only to the Papacy but also to other entities.³⁶

Starting with Westphalia, there came a realisation of what being an independent nation meant (based on three principles: *rex est imperator in regno suo* on exclusive power of the ruler of their kingdom; *cuius regio, eius religio*, eg, a 1555 Treaty of Augsburg principle on the right to rule over religious issues without any external pressure; and the balance of power, that is, formal recognition of equality among state actors and need to maintain balance in distribution of power internationally).

According to this Westphalian system, all “Westphalian” states were formally recognised as being sovereign, i.e., they have the capacity to make independent decisions, which results in the exclusive exercising of power (or ruling) over a given territory. Their borders were accepted by other states, and their population, living within and bounded by these borders, was subject to the authority of their institutions.³⁷

However, as the understanding of modern sovereignty seems not to be resolved with a definition nor it is fully covered by the Westphalian principles, the second dimension of sovereignty helps to best define it.

Indeed, it refers to what is usually understood by traditional sovereignty, that is, the act of mutual recognition among independent, legally equal territorial entities, created by cross-border relationships.

³⁵ CAPORASO, J., *Continuity and Change in the Westphalian Order*. New York: John Wiley & Sons, Inc., 2000.

³⁶ GORDON, K., *The Origins of Westphalian Sovereignty*, Western Oregon University, (06 June 2008), pp. 22-23.

³⁷ CARDOZO DE DA SILVA, E., “Teoría de las Relaciones Internacionales y Soberanía: Construcción, Deconstrucción y Reconstrucción.” *Cuadernos Unimetanos*, no. 11. (September 2007), pp. 180-187.

International legal sovereignty would be “an institution built through the actions of states and granted by an act of their representatives,” being a step further after the Westphalian “given” circumstances.³⁸

VII. SOVEREIGNTY AND THE ENGLISH SCHOOL OF INTERNATIONAL RELATIONS

Broadly speaking, the international legal sovereignty, which includes the Westphalian principles as previous, given factors characterising a phase of a sovereignty-building, is the sense that the ES gives to sovereignty, to highlight its importance as one of the rules of what the ES calls the international society.

With respect to the main argument of this analysis, if the sovereignty is, according to the ES, not only a quality given by the state, but also a feature created and granted by the international society and the relationships, customs and beliefs that exist within that society, the consequence is that the Islamic State's ideology becomes a danger to the fundamental values of sovereignty, as a pillar of the international society, as Farer's reading on the ES suggests.³⁹

IS jihadist Salafism has successfully implemented, in the short term, the establishment of the Caliphate/ Islamic state entity, which threatens the legitimacy of the dominant form of statehood, the Western sovereign state-nation, described by the ES as the primary institution of international society (the “rules”), in order to replace it with a universal caliphate.

1. THE RULES OF THE GAME

A fundamental axiom of the English School is that there is an order in the international system, thanks to the primary or fundamental institutions. The system is anarchic, but an international society runs on shared norms.

The ES uses the notion of primary institutions of international society as organisational ideas to describe norms of coexistence conceived by systemic actors. The “Primary institutions” represent the pillars of the dynamics of

³⁸ *Ibidem.*

³⁹ KRASNER, S., *Sovereignty: Organized Hypocrisy*. Cambridge: Princeton University Press, 1999, p. 46.

international relations, or the principles (the “rules”) governing coexistence (the “game”), which warrant security.

KRASNER explains that the society of states developed in the West, according to that described by BULL, a prominent exponent of the ES, has created a set of rules and institutions that are able to ensure a certain level of order among sovereign states (effective building of an international society as a whole). Bull emphasises the importance of being aware of the rules, norms and institutions of international society.⁴⁰

This international society is visible precisely thanks to the ideas based on the key “institutions” on which the IR are based: war, the concept of great powers, the balance of power, the importance accorded to diplomacy and international law, and especially the principle of mutual recognition of state sovereignty.⁴¹

Sovereignty is explicitly cited as an example of a primary institution by Wilson. According to the English School, sovereignty is not only conceived as an intrinsic fact (Westphalian conceptualisation of sovereignty), but it is also seen as a basic idea of international society to be mutually recognised (international legal sovereignty).⁴²

2. IS' CHALLENGE TO THE SOVEREIGNTY OF THE ENGLISH SCHOOL OF INTERNATIONAL RELATIONS

The legal status of the Islamic State is challenging the operational mechanisms of the territorial nation-state. IS did not attempt to build a sovereign state and look for its acceptance by the international community (or society, according to the view of the ES); it actually rejects the very concept of

⁴⁰ The institutions ensure that rules and standards are met, not as a result of calculation or coercion, but rather as a result of belief in, or of being convinced of, its legitimacy. These “institutions” define membership and belonging to the international system of those actors who abide by its rules and behave legitimately; BULL, H., *The Anarchical Society: a study of order in world politics*. London: Macmillan, 1977.

⁴¹ ALDERSON, K., and A. HURRELL (eds.), *Hedley Bull on International Society*. Oxford: Oxford University Press, 1999.

⁴² WILSON, P., “Alternatives to realism: the English School of International Relations.” paper presented at the Conference at the Johns Hopkins University, Bologna Institute for Policy research, SAIS Bologna Center, Italy. (28 February 2013), p. 2.

the nation-state and its sovereignty, as the Western political science describe them.⁴³

The building of borders, artificial divisions that would separate Muslims, are the cornerstone of the nation state that recognizes their existence and the principle of their inviolability: Nielsen stressed that, for the jihadists of the caliphate, these are the symbols of the “infidel” West (*kafir* in Arabic) and their “apostate” allies (*murtad* in Arabic), acting against the supreme authority of God, because they attempt to establish a secular sovereignty.⁴⁴

In practice, using Mayall’s argument on the threat that the spread of nationalism represented for the international order in the 19th century,⁴⁵ apart from IS threatening the territorial and institutional integrity of at least two states (Syria and Iraq), its denial of the Western concept of sovereignty, enucleated from the Qutbist theory on the state, threatens that which the English School calls a “primary institution.”

VIII. CONCLUSIONS

IS has changed the security paradigm by threatening not only the military security of the states and their populations but also the concept of sovereignty. On one hand, the sovereignty according to the Western Westphalian tradition, as a foundation for the modern state and a base for structuring its personality statehood in front of other similar actors, and on the other, as an institution and principle of coexistence, defined as such by the ES.

In order to reach its political goals, the jihad of IS, doctrinally based on qutbism, threatens the sovereignty as primary institution, as defined by the ES, by weakening the role of the connection between territory and state. It disavows the concept of secular sovereignty, changing the foundations of political legitimacy by attempting to move the exercising of sovereign power

⁴³ CARACCILO, L. and F. MARONTA, “Nella terza guerra mondiale noi italiani siamo in prima linea. Intervista a Pistelli.” In Caracciolo, L., *et al.*, *Le Maschere Del Califfato*. Vol. 9. Roma: Gruppo Editoriale L’Espresso, (09 September 2014), p. 35.

⁴⁴ NIELSEN, R. A. (6 February 2015). “Does the Islamic State believe in sovereignty?” *The Washington Post*. <https://www.washingtonpost.com/news/monkey-cage/wp/2015/02/06/does-the-islamic-state-believe-in-sovereignty/?utm_term=.e57975993eb8>.

⁴⁵ MAYALL, J., *Nationalism and International Society*. Cambridge: Cambridge University Press, 1990, pp. 26-28.

from the people and the state authority to the “vicar” of the envoy of God, or the caliph.

Despite the lack of external recognition, IS has promoted the structuring of a territory, which has some statehood-related characteristics, as it controls a territory, rules over a population, provides services, manages resources, etc.

The jihadism, on which IS bases its development, has changed the meaning of the concepts of territoriality, borders, sovereignty and statehood. Indeed, various violent political actors, inspired by a certain interpretation of a religious doctrine, have shown that their struggle’s aim is to be the basis of a state which denies the legitimacy of other states’ existences. As a consequence, they introduce contradictions within the regulatory structure of the international society and the meaning of the primary institutions, according to the ES.

The concept of the caliphate carried out by a jihadist view is opposed to the secular state sovereignty, but it takes into account the anchoring to a territory of a certain religion-denominated community. It undermines sovereignty while claiming exclusivity in an “alternative” form of sovereignty. The territory becomes a sacred object, not because of its connection with the people, but due to their relationship with Islamic law.

As a result, when they claim their “creations” to the international society, the jihadists from IS justify the construction of the caliphate using a concept of religious sovereignty, as a right granted by the will of God, which is, by its nature, obligatory.

Qutb’s state theory inspires ideologically IS statehood process. Therefore, this process is not only a mere military and humanitarian threat to the state and citizenship security in those countries where it operates, but it represents also an ideological challenge to the concept of state sovereignty, which according to the English School of International Relations, is a primary institution of international society, then a pillar of pacific coexistence. Therefore, the jihadist concept of sovereignty represents a systemic threat.

Given that the threats to these institutions, as defined by the ES, are existential for the system for both units and for social order, IS jihadism, inspired by an anti-Westphalian qutbism, is a threat to the current structure of the international system.

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BIBLIOGRAPHIE CRITIQUE

ECHEVERRÍA, J., Las claves de seguridad del desafío migratorio actual para España y para la Unión Europea (EU), Cuadernos de Estudios Europeos n.º 6, Universidad Francisco de Vitoria, Madrid, 2017. Par L. CALVO MARISCAL

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