Taqiyya as Polemic, Law and Knowledge: Following an Islamic Legal Term through the Worlds of Islamic Scholars, Ethnographers, Polemicists and Military Men

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Abstract

Taqiyya is an Islamic juridical term whose shifting meaning relates to when a Muslim is allowed, under Sharia law, to lie. A concept whose meaning has varied significantly among Islamic sects, scholars, countries, and political regimes, it nevertheless is one of the key terms used by recent anti-Muslim polemicists such as Robert Spencer or Daniel Pipes, and has been used by US Prosecutors to explain terrorist behavior. This paper seeks to summarize the complex uses of the term and show how a specific concept in a legal system can be used and interpreted by both adherents of that system and enemies in a wide variety of ways, taking on different meanings while referring to effectively the same set of practices. The term is debated in a scholarly way in the scholarly literature, as an ethnographic term, and finally, as an operational concept used as a tactic in a war and demanding countertactics tailored to it. The paper will discuss the social purpose of having such ambiguous concepts available within one's society, and the idea that making the ambiguous specific can be a valuable weapon in polemical attack.

Key words: Taqiyya, Islamism, Polemic

Near the beginning of the Shiite/Sunni divide in Islam, Shiite jurists and theologians, searching for a method to protect the Shiite community from constant persecution from the (ruling) Sunni majority, increased the scope and importance of a pre-existing concept in Sunni law: that of Taqiyya, the idea that, under certain circumstances — mainly imminent threat of death, or other forms of serious, irrevocable harm — lying is permissible and even laudable for the purpose of preserving one's life and ability to continue to fight spiritually for the faith. This concept, hardly unique to Shiism as an ethical principle, underwent an extraordinary journey over the following millennium and a half — becoming a key feature of Sunni anti-Shiite polemics, a term of abuse used by politicians and polemicists, a rallying point for those who

wished to claim that Eastern culture has an inherent disregard for the truth, a cultural term within Islamic cultures used to evoke clever deception, and finally, a concept to be used in power struggles. The extraordinary journey of this concept through more than one millennium is the subject of this analysis.

Two recent stories illustrate how Taqiyya has undergone protean transformations for the purpose of serving various forms of power. The first is from a recent indictment, handed down by a Federal jury, against alleged Hezbollah member Ahmed Youssuf Kourani: "While in the United States, Kourani employed "taqiyah" a Shia Muslim doctrine of concealment, pretense, and fraud. This meant among other things that Kourani, when he thought it necessary, could avoid going to mosques, not attend Shiite religious rituals, shave his beard, and otherwise keep his true beliefs secret while inside what he considered to be hostile territory — the United States of America." (US. Versus Kournai, pg. 3).[1]

In a very different cultural and political context, an Iranian member of the Green Revolution reports from exile that he was offered the chance to recant his beliefs by interrogators who "offered him Taqiyya" telling him that it was acceptable to stop his attacks on the regime, and keep his criticism to himself in his own heart. The Green Party member, a religious Shiite himself, responded that as long as he believed that change was still possible he could not use Taqiyya, and therefore would continue his attacks on the Iranian clerical establishment (Aras, 2007).

Clearly, these two stories deploy the word "Taqiyya" differently, and Western analytic literature explains Taqiyya differently yet again. Can a concept have the triple meaning of keeping quiet in the government's service, keeping quiet to attack the government, and keeping quiet just in order to stay alive, and truly be a meaningful concept? Is there some relation between the three uses or are they simply homonyms? The answer is in the flexible, ambiguous nature of the concept: the concept not only means all three things, but also has, embedded within its meaning, the use-value of being a concept which can be employed in such different ways. To uncover how this is possible, first, we will examine the academic literature dealing with the textual, legal analysis of the concept of Taqiyya and show how it extracts an analytic concept out of a collection of texts. Secondly, we will show how ethnographic research complicates and adds further nuance to our understanding of this concept. Thirdly, we will examine the use of Taqiyya as a term of political abuse and within polemics, in both the Muslim and Western World. And finally, we will examine how Taqiyya is used as an operational concept by both diplomats and military officers as they confront the Islamic world. We will not try to interpret what "Taqiyya" really means,

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[1] Kourani pleaded guilty two years after the indictment was handed down; the presence of this concept within the indictment meant that the prosecution intended to rely on this concept during the trial; however, since no trial took place, the US District Attorney's full view of Taqiyya was never revealed at trial.

adding our voices to the discordance already clustered around the term — and we are aware that by offering a sociolinguistic interpretation of Taqiyya's flexibility we are, in some sense, merely extending the meaning of the concept to fit our own demands. However, Taqiyya seems meant for this kind of plasticity, as we will show later on, and believe that a framework which can take in all the many contradictory aspects attached to this term is not without use or interest.

Taqiyya as Embedded in Islamic Texts

The study of Taqiyya within the Western social scientific disciplines begins with Ignatius Goldziher (1906). Taqiyya, as it is understood today by most non-specialists, effectively derives from his definition. He explicates Taqiyya as a "technical term for a denial of faith that can be made without guilt". He explains this as the permission to dissimulate, and even deny one's faith in times of personal danger, and accumulates a list of references to this in the work of well known Sunni commentators on the Koran. He also gives counter examples — Sunni scholars, for the most part, who believe that martyrdom is preferable, and who do not permit Taqiyya, or consider it permissible but reprehensible. Although later polemicists glide this over, he makes clear that this concept is considered theoretical in Sunni Islam, or at best, applicable only in a very restricted circumstance: when one is being forced to deny part of one's faith by an evil ruler. However, in Shiism, as Goldziher makes clear, Taqiyya has been raised to the level of a major juridical and theoretical principle, owing for the need to protect life and property until the Imam can return.[2] In this discussion, Goldziher makes a comment that later becomes amplified and leaves the realm of scientific discourse and enters the realm of knowledge for practical men — administrators, negotiators, the military — namely, that "in its use as frivolous hypocrisy, this has influenced, in the ethical sense, the general mind of Islam in Persia very badly, and the hypocrisy which has resulted is against the general spirit of Islam." We are sent, in the footnote, to a discussion of Persia by the famed racist philosopher Gobineau (1866). In Gobineau, we find a discussion of Kitmān, ("lying by omission") claiming that, as opposed to Westerners, who find lying shameful, Kitmān is a concept and belief which allows "Asiatiques" to not only trick and betray their victims, but to feel superior to them precisely by betraying them. The reference to this avowedly racist and colonial work lies buried in a footnote in the paper which becomes the basis of almost all further works discussing Taqiyya: although the analytical work from the respected Goldizher will reappear many times in later discussions, analysis, and polemics, the disreputable Gobineau will not.

Goldziher makes his case by marshalling Koranic verses, various poems written about the Imams, and some historical works, as well as Hadith and theological and legal

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[2] Twelver Shi'ism believes that the destined ruler of the Muslim world as an Imam who has gone into hiding because of the danger to his life, but will return one day to rule the entire Islamic community as a great, just ruler.

texts. After Goldziher, a few select studies were published that similarly gather together textual sources related to Taqiyya in order to understand it as a legal concept. The standard reference work is still the "Encyclopaedia of Islam", and the article there on Taqiyya repeats many of the same sources and arguments made by Goldziher: Strothmann, in that text, gathers a similarly impressive list of textual sources about Taqiyya, but takes a somewhat broader view than Goldziher of the ethical considerations involved: in the latest version of the Encyclopaedia of Islam, he points out that "the moral dangers of Takiyya are considerable, but it may be compared with similar phenomena in other religions." (Strothmann, 2006)

These early works on Taqiyya in Islam mingle Sunni and Shiite views on the topic: whether laudatory or condemnatory, both sects are shown as defining Taqiyya the same way. However, when scholars began looking more closely at Shiism, it became clear that Taqiyya had special significance: Shiite sources considered it not only obligatory, but as important as prayer, and according to one of the most revered Imams of Shiism, Taqiyya was itself the noblest form of religion (Ibn Babawayh, 1992). Clearly, something more than a technical term for the permitted suspension of stated belief was at work.

Taqiyya in this new analysis turned out to be the natural outcome of a tension between the legitimate political authority, which belongs only to the hidden Imam and God, and the existing authorities: the faithful employed it in order to serve the ruling regime while remaining inwardly loyal to the Shiite community (Calder, 1979). The most in depth study of Taqiyya as a mutable regulation and function of the political situation was carried out by Eitan Kohlberg. In his reading, Taqiyya specifically means permission to act as if one is a Sunni when in Sunni territory; the Sunni world is considered the "Dār al-Taqiyya", a sort of halfway house between the "Dār Al-Islām" and the "Dār Al-Jihād" and he also pointed out that under certain circumstances, Shiites did approve of martyrdom, that Taqiyya was not always obligatory for all scholars, and that the interplay between the political situation and views of scholars was shifting and complex. (Kohlberg, 1975) Without Taqiyya, the "Hidden Imam" — the expected all-virtuous leader whose return would bring about the messianic era — could not have, in fact, been concealed: more than mere legal permission to lie to protect one's life, Taqiyya, in this vision, became an important concept within an entire world-order, a crucial part of the Shiite Religion. It was a necessary fact to prepare for the coming redemption (Kohlberg, 1993). In further scholarship, the very idea of Jihad, in Shiism, was stood on its head — Jihad meant remaining cautious, prepared, faithful and non-violent, waiting patiently for the Imam to appear: during the "age of Taqiyya" killing was not even permissible or allowed, there being no legitimate authority which could condone it. (Sachedina, 1988)

A number of works on Shiism either deal with Taqiyya in the context of explaining the development of Shiism or flesh out the discussion of Taqiyya more specifically. Many of these books were written by practicing Shiites with the stated purpose of advancing the knowledge of Shiism, seen as a gap in Western knowledge of the orient which long

insisted on treating Shiism as a heresy.[3] Much of the later literature around this issue combines two intriguing concepts when discussing Taqiyya: first, it seeks to contextualize the development of Taqiyya within the historical constraints faced by Shiism which had no choice but to adopt Taqiyya in order to survive; secondly, it seeks to explain how, in Shiism, Taqiyya has taken on a mystical, esoteric aspect that far transcends any value the concept has legally or politically. These combine perfectly, according to one of the leading proponents of this literature, Amir-Moezzi, in the idea that Taqiyya specifically protects the Hidden Imam from discovery; and not only is the Imam protected, but his esoteric beliefs, forbidden to the inferior in spirit, are protected as well (Amir-Moezzi, 1994). In this view of Shiism, knowledge of doctrine is spiritual power and the disclosure of esoteric doctrines to the public an abomination: Amir-Moezzi gathers various sources which explain this connection between the doctrine of occultation, the need for acolytes to prove their mettle before they can be initiated into higher knowledge, and the legislation regarding Taqiyya actions: the oft-quoted phrase by Jafar above, for instance, as well as the Hadith in the most important Shiite collector of Hadith, Kulaynī, that "Taqiyya is as important as praying" refers to esotericism, not "lying" (Amir-Moezzi, 2006). After the first explication of this theory, more texts were "discovered" which present Taqiyya not merely as a specific legal permission to lie under certain circumstances but "as the guiding force of history" (Clark, 2005); however, Clark further notices in his comprehensive view of the Shiite literature that, within Shiite discourse, there is actually a struggle between thinkers such as Ibn Babawayh, to whom Taqiyya is obligatory, a guide for life, and an important mystical feature, and thinkers such as Al-Mufīd, who limit Taqiyya back to the specific types of circumstances originally mentioned by Goldziher: that is, direct threats to one's life (Clark, 2005).

This esoteric interpretation has become the basic view of Taqiyya presented in the recent "Encyclopaedia of the Koran" (Amir-Moezzi, 2011) — which means that significant differences exist between discussion of the same concept in two Encyclopedic works related to Islam by the same — prestigious — publisher. These disparate views, between a believing researcher and a non-believing researcher, present the phenomenon in incredibly disparate ways: from a legal concept with a "pernicious influence" with "moral hazard" it becomes an important part of a mystical doctrine seeking to redeem the world.

Both these textual analyses suffer from certain shortcomings if one seeks a nuanced understanding of the phenomenon. First, within the texts cited — Hadith, legal documents, verses from the Koran — lies, in fact, not a law, per se, whose travel through the court system can be documented and whose implementation can be studied, but an elusive aspect of social reality, given a name within an ethical framework that relies, for its justification, upon the citation of a myriad of often contradictory texts written at different times and places. The actual moments when Taqiyya has been historically used

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[3] For instance, in Jafri, 1979, prologue pg. ix

are themselves subjects of polemics, and not surprisingly, shift wildly: there is also a "paucity of direct information from documentary materials on the specific performance of Taqiyya . . . in concrete social situations" (Swarthmore, 2011). Different scholars, working from different texts written in different time periods, end up with almost opposed views of the meaning of Taqiyya within this cultural framework — and they find themselves searching for external explanations to the textual analysis itself, whether to Gobineau's racist theories, or by linking it to other forms and expressions of Shiite religious belief to which it may or may not have been connected at all times — and presenting these as essential features.

To complicate the situation further, the current Iranian regime — which represents modern political Shiism — has reversed the practice of Taqiyya entirely, taking a radically different view than that of Amir-Moezzi, and practically confirming the original, condemnatory view of Taqiyya promulgated by Goldziher. The clearest example of this is Khomeini's revolutionary view of Taqiyya, pushing it further into the realm of individual situational law, and out of the realm of community tactic. In his book, "Islamic Government", he refers disparagingly to jurisprudents who "jump on the Sultan's bandwagon": although he himself admitted to having practiced Taqiyya when necessary, the revolutionary changes he brought about in Shiite political jurisprudence became more nuanced: Taqiyya was now only to be practiced if martyrdom would serve no purpose, and was deemphasized in general as a communal concept. This is the Taqiyya "offered" by the Turkish government, not the Taqiyya allegedly employed by a devious defendant. And it was forbidden, in most cases, for the Iranian leadership: "In cases where others are permitted to resort to Taqiyya, religiously trained leaders may not . . . when the chief principles of Islam and its welfare are endangered, there can be no question of silence or Taqiyyah" (Khomeini, pg. 96, 2006). Some of the politicians which today, are the ones most accused of practicing Taqiyya — Hezbollah, Sīstānī's party in Iraq — essentially have, partially based on this interpretation of the new era of Shiism, in which Taqiyya is no longer necessary and thus inadvisable — passed a number of laws banning it[4] (Helmer, 2006). Taqiyya, an unfortunate necessity, was done away with once Khomeini brought Islamic government to be. It's in this context that we can understand the story of the imprisoned Green Party revolutionary: the actual — Islamic — power in the society offers him the "choice" of Taqiyya (against his own internal beliefs) in order to create seeming consensus, now that they in fact are in power, and the reformists are an endangered minority. Taqiyya is not, as in Amir-Moezzi's view, a mystical integral part of Islam, but a necessary ploy of the weak (the Green Party member offered the chance to use it in exchange for his freedom calls it "pessimistic") and to be haughtily rejected.

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[4] Although Helmer is a military officer, concerned mainly with the development of the doctrinal permission for suicide bombing, he discusses the sources thoroughly and quotes the relevant fatwā from the most important scholar.

Given this tangle of contradictory statements, brought about through the readings of contradictory texts, one searches for a way to discover what Taqiyya might actually mean to people practicing it. This naturally leads to a hope in ethnographic analysis: perhaps by analyzing societies that practice Taqiyya we can find out how it's actually practiced, and whether and why it is divorced from the contradictory texts which speak about it.

From The Analysis of Texts to Ethnography

One well-known Afghani ethnographer claims that Taqiyya is practiced by a wide number of people in broad circumstances to conceal their true identity while reaching for ambitious positions within non-Shiite governments, whether sanctioned by the law or not: he therefore makes a clear distinction between the way Taqiyya is practiced, and what is written in legal textbooks. (Dupree, 1979) This kind of distinction is often problematized as a difference between theory and practice in Islamic studies (Schacht, 1964), but as we extend our investigation of Taqiyya outwards, it takes on even more plastic forms than is normally discussed in the Islamic studies literature: one Indian ethnographer claims that Taqiyya is used, in at least one religious community in India, as a moral and spiritual justification for their religion which is actually a syncretic combination of Islam and Hinduism (Virani, 2011). Here, a "practice" not in consonance with "theory" is actually the basis for a radical new understanding of one's own religion and spiritual practices: a non-theoretically based practice becomes, in fact, a new theory. In much of this ethnographic literature, Taqiyya takes on a meaning of its own as a certain form of matching deception with political beliefs that may or may not be actually condoned in Islamic law but is culturally acceptable (or at least ambiguous).

Detaching Taqiyya from the texts in which it lies embedded and explaining it as a practical concept, as part of a national culture, has its risks: Dupree himself will later be quoted by a conservative think-tank as proof that one cannot trust Afghanis (See below). From this starting point, one can easily parrot Gobineau, and begin to talk of Shiite cultures as being hotbeds of deception: Taqiyya then becomes part of a debate about the existence of national character, a national character so built on deception that even religion is forced to serve deception's ends. Gordon, for instance, specifically responding to Kohlberg's more measured arguments, claims that Taqiyya is pervasive in Iran among all religions, as "a pattern of behavior permitted by Iranian *mores"* and claims that even the Book of Esther, with its Persian setting, is steeped in Taqiyya (Gordon, 1977). One anthropologist specifically builds the chain as follows: Shiism "stands alone" as a religion which allows concealment of beliefs; this permitted deception has infiltrated the national character of the Iranians; they therefore make a huge distinction between hypocrisy and honesty, with various rituals to ensure honest intention; and this tension pervades the national culture of the society (Bateson, 1979).

Taqiyya thus becomes, not merely specifically a Shiite concept, but embodied in the center of political Shiism — currently, Iran, and often, by extension, Hezbollah and

Sunni groups seen as allied with Iran such as the Muslim Brotherhood — and therefore becomes a way into discussions of the Iranian national character. This character is seen as obsessed with cleverness, trickery, and mistrust (Beeman, 1976; Bar, 2004) and — according to an analyst from the US Embassy shortly before the fall of the Shah's regime — filled with deception, morally mercenary, untrusting of foreigners and refusing to see the value of long term relationships based on trust: not very different from the conclusions in the anthropological literature (Baltimore Sun, 1981). This literature has been violently attacked by a group of authors making the claim that such discussion of national character says more about the prejudices and society of the people making these claims than about the societies themselves (Movahedi 1985; Banuazizi, 1977).[5] In addition, as we have seen, the only openly political Shiite regime has actually published important works by their leadership entirely rejecting Taqiyya as belonging to their weaker past. Should we claim that "they believe it in anyway", not only do we put ourselves in the position of many Sunni polemicists, to which the Shiites have already written, clear counterattacks, as we will see below, but we beg the question as to whether, if the term is so deceptive that it means that all possible interpretations of it could be deceptions, how one is supposed to discover what it means at all.

So can we say anything meaningful Taqiyya at all that can be transported from one time or place to another, or is the concept simply too fluid or tricky to get one's hands around? Let's examine the context of a recent use of the word "Taqiyya" by a member of the Shi'ite Dawa Party in Iraq in 2003: "Everyone is practising Taqiyya against the Americans, because we are under occupation. The Shia leadership is divided and confused; they're trying to find their bearings." (Marlowe, 2003) This comment — "practicing Taqiyya against the Americans because we are under occupation" — seems to have little connection to deep religious and textual analysis, and is closer to the ethnographic use of Taqiyya signaled in the (sparse and incomplete) ethnographic literature. But that literature deals specifically with Iranian and Afghani national character, not Iraqi character, especially since Iraq — as a nation — is part Sunni and part Shi'ite. Are we to claim that there is a "Shiite nation" with a "Shiite national culture"? That's a claim often found in Sunni polemics, as we will see below, but not a claim made by the Shiites themselves — after all, many of the Shiites accused of using Taqiyya are from the same countries, speak the same language, and belong to the same culture of their

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[5] This debate later finds its way explicitly into arguments of military doctrine. From an Australian military expert claiming that Iran is part of a "deception modality" with which talking is impossible, we find this comment by the highly prestigious National Security Research Group of the Rand Corporation: "Fears of a culturally rooted Iranian preference for duplicity and dishonesty are not only ethnocentric, but also unsupported by the testimonies of those who have negotiated with Iranians. Such accusations are sometimes based on an orientalized and de-contextualized reading of the Shiite doctrine of taqiyya . . ." (Green, Wehry, and Wolf, 2009 pg. 41) — however, this same document later claims that Iranians often reopen parts of the discussion that seem closed, and finds itself mired in a messy give-and-take about whether one can speak about a national character at all. A deeper discussion of how all this debate reproduces itself in the military and diplomatic context will be found below.

accusers — as in Iraq, Lebanon, and Bahrain. At this point, to discover what this Shiite culture might be, we would have to return to the analysis of Shiite texts to discover what Shiites believe that make us Shiite and have returned, in a complete circle, to the same problems and contradictions that bedevil analysis relying entirely on textual techniques.

Taqiyya as Polemic

Ambiguous, shifting terms are often useful to societies which have need of some fluidity of concepts in order to function. As we saw, Taqiyya, as a concept, arose from survival mechanisms, became a spiritual discipline, and the meaning of the term is deeply embedded in the place and time in which it is used. Precisely for that reason, its value in the hands of an anti-Shiite, or even anti-Muslim polemicist is high. The polemicist has the luxury of choosing from one of a wide variety of potential meanings of the term, pinning down his opponents with carefully selected texts which actually do, if one accepts them as the definitive interpretation of the term, prove the polemicist's point. Not surprisingly, none of the nuances and contradictions of the term survives the conversion of the concept of Taqiyya from a subject of scholarly inquiry into the realm of polemic. In any given expression, it seems the term can only have one value: and in transferring the meaning from one culture to another, or one purpose to another, the meaning can change radically even if the term refers to the same actions performed for the same purpose. Building on textual analysis and ethnography, then, polemicists use the concept of Taqiyya frequently to make certain claims about their own societies' ability to deal with "The Muslim threat". There are many specific meanings of the term: a polemicist can choose which he wishes to transfer to the present, leaving all others behind him, buried in unread journals and religious texts.

In general, Taqiyya as a term to be wielded against a presumed practitioner, occurs in two specific forms: first, as a part of the polemic between Shi'ism and Sunnism, and secondly, as part of the polemic between on the one hand, Muslims and non-Muslims — as a central tenet of modern Islamophobia — and between Islamic political parties and more secular oriented Muslim groups.

The Sunni-Shiite debates, as polemic, have been one of the central topics of discussion of Islam since the schism became evident, and consist of a huge volume of material, both populist and learned, and which normally consists of Sunni offensives against Shiism, and Shiite defenses (Hasson, 2009). There are a number of stated purposes of Taqiyya within the Shi'ite polemic — these differ from Western accusations of Islamic takeover, in that the Shi'ites are not out to "conquer" the Sunni world. Rather, they employ Taqiyya because were there doctrines known, it would be clear that they, in fact, are not really Muslim (Khateeb, 1983; The Vista, 2011). This polemic often consists of quotes from important Shi'ite sources with the purpose of showing how important Taqiyya is in the Shi'ite faith, and is embedded with a discussion of doctrines — such as the concept attributed to Shiites that the Koran is incomplete — to present the claim that Shiites are pursuing a heretical doctrine whose supporters hide their true

belief. Finally, it is used as proof that rapprochement is pointless, since one can never really know what the Shiite believe (Ende, 1990; Khateeb, 1983).

In these debates, a typical Shiite response is the claim that Taqiyya was the result of persecution by Sunnis; and that, in the spirit of modern ecumenicism, this position has been abandoned.[6] (Brenner, 2004) However, even the polemicists Brenner followed divided into the "relativist" and "apologist" tradition: some, for the purpose of polemic, considering it effectively abrogated, while, at the same time, cleverly claiming it to be a necessity, and fully justified in Islamic texts; others defending it entirely on the basis of its legitimacy in common Sunni and Shiite sources.

These Shiite polemicists bring an impressive list of Sunni sources to bear on the problem: one finds in them a compendium of sources which surpasses those gathered by any Western scholar of the topic, Goldziher included. The "Shi'ite Encyclopaedia", and "Answering Ansar", a comprehensive Shi'ite response to various Sunni polemics quotes sources defending Taqiyya from the most important Sunni Hadith that all seem to explicitly permit, and in fact, encourage Taqiyya in many circumstances. This textual polemic is almost always combined with appeals to common sense: In the middle of the discussion in the Shi'ite Encyclopaedia, the author specifically points out that it makes sense for Muslims in the West to practice Taqiyya "in the world after 9/11", and combines commentary on the text with appeals to the idea that Muslims should unite in the face of the common enemy of Western Islamophobia. Tabatabai, in his basic description of the Shi'ite creed "Shi'ite Islam" feels strongly enough about Taqiyya to devote an entire appendix to it, and again, appends to a long list of textual sources an appeal to common sense: 'Prudence and the avoidance of definite or probable danger which cannot be averted is a general law of logic accepted by all people' (Tabatabai, 1977, pg. 225). The Sunnis seem to try to prove that the Shiites are irremediably different; and the Shiite response is to prove that in many cases, the two forms of Islam are the same.

Ethnographic and other similar cultural discussions have no place here: as a struggle between theologians, we enter entirely into the realm of texts. Even in cases where the practice is clearly at variance with the text, the polemicist — while perhaps even recognizing this disconnect — returns to the text as a source of proof that invalidates experience. Khateeb does this explicitly, claiming that even if one has met Shiites who do not practice Taqiyya, how can one trust them when their Hadith and theological documents support it? In fact, Taqiyya is used here as a weapon to override experience — much like many other conspiratorial documents, one may rely on texts to show the recipient of the polemic "what's really going on" as opposed to what they even may be seeing with their own eyes: an important ability for a propagandist.

As opposed to learned arguments among Muslim scholars, the non-Muslim writers who use Taqiyya as a form of Islamophobic polemic attack are actually quite crude, but

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[6] As in his textual analysis of Muhammad Mughniyya's defense of Islam in the ecumenical journal, Risalat Al-Islam (Brenner, pg. 218).

struggle towards the same vision of convincing the reader that statements by Muslims about harmony and "fitting in" are false. Robert Spencer, for instance, in one of the most disseminated of these attacks, claims that Islam is unique in the permission it gives to its adherents to lie, makes no difference between Sunnis and Shiites, and implies that any form of lie is permissible in Islam if it serves Jihād. He extends the concept to directly attack Muslim-Americans: "Remember (taqiyya) next time you see a Muslim spokesman on television professing . . . his loyalty to the United States . . . he may be telling the truth . . . or he may just be lying" (Spencer, 2005). In this literature — of which there are many examples, all making the same basic claim[7], Islam is the only religion which permits deception for "holy" purposes, and Taqiyya is often translated in this literature as "Holy Deception". Of course, "Holy" and "Deception" are not normally paired in Western discourse, and this term helps mark off Islam as something hostile, fanatic, and perhaps most importantly, unknowable and strange.

However the real target of those who invoke this type of Taqiyya often seems not to be Islam itself, but perceived American weakness. "In the United States today" runs one example, "certain factions of Islam are actively practicing Taqiyya. They are well funded, politically protected, and deeply embedded in the fabric of our society . . . Taqiyya is . . . stealth Jihad." (Gladstein, 2011) In this discourse, the United States has become weak, overly permissive, and too concerned with liberal arguments and tolerance to realize when it is in danger. The US might appear to have military superiority but its peace-seeking elites fail to see the real threat, neutralizing US military power since Taqiyya in this interpretation is the "legal justification" for "saying one thing to Muslims and another to non-Muslims"[8]. Goldziher is often cited: In an article by professional Islamophobe Andrew Bostom on conservative blog "Pajamas Media", all these threads come together: written as an attack on an article defending Sharia in the New Republic, the article decries American weakness in the face of the Islamic threat, accuses Muslims of engaging in a coordinated attack of deception on the United States, and quotes Goldziher to defend positions on Muslim intolerance (Bostom, 2010).

European attacks on Islam for Taqiyya tend, as well, to deal more with European insecurities than American ones: here, Muslims are not engaging in stealth warfare, but are living proof of the failure of the model of dialogue and multiculturalism that certain elites have for Europe — and the planet — and proof that nationalist struggle is necessary. Dialogue is "useless" (Friedrich, 2011). This criticism is not limited to the fringe, but appears in the most prestigious newspapers in Europe. Some examples:

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[7] Daniel Pipes, Warner MacKenzie, Ibn Warraq, Bat Ye'or, *et al*, all make these claims in many of their publications.

[8] According to a document published by the relatively well respected neo-conservative think-tank "Center for Security Policy", many of whose members had relatively high-ranking positions in the Bush administration (Center for Security Policy, 2010).

Corriere Della Seara (Allam, 2005), the Frankfurter Allgemeine Zeitung, (Kelek, 2007), and the political discourse of the third largest Dutch Political party, the PVV.[9]

However, attacks on Muslims for using Taqiyya are not simply a tool in the hands of ignorant Islamophobes: they are used by secularists in Muslims countries as well, often dealing with the same fear of stealth takeover. Within the rhetoric of the main secular opposition party of Turkey, the CHP, Taqiyya is used to make the claim that moderate Islamic parties are following a stealth agenda to Islamize the state, relying on Taqiyya to hide their intentions. The term "Munāfiq" — "hypocrite" in the Koran — is often appended to Taqiyya — which has two beneficial uses for the polemicist. First, as an Arabic word, it taints the ruling party with the stain of being closer to the Arab world than the West: second it brings the fight "home" by mixing terms: Munāfiq is considered abuse within the community of religious believers (Munāfiq) and Taqiyya is portrayed as acceptable in Islam, but used as a term of abuse by outsiders. No real doctrinal or Koranic support is given in these arguments, as often is done in Western discussions of Taqiyya, even among people who one presumes know Islamic law well or at least have access to those who do.[10] One of the most important Muslim leaders in Turkey, Fethullah Gülen, seamlessly combines an attack on one group for practicing Taqiyya while shielding himself from accusations that he is practicing Taqiyya in the same statement: "taqiyye means deception . . . you think one thing and say another. This is called taqiyye . . . In the Shiite tradition, there is a statement that has been passed down "If you do not deceive those who are not of your own, you can not be a Shiite, a Muslim . . . recently this aspect of the Shiite tradition has started to be used for all Muslims. . . . if a person is a genuine Muslim, he does not deceive others" (Gülen, 2004).

Taqiyya as Practical Information

This polemic itself calls for some form of action, whether it be removing AK (Justice and Development Party of Turkey) from office or restricting Muslim immigration: however, the analysis of Taqiyya can be extended not only to generally support harsh decrees against Muslims but as a specific form of practical information upon which decisions must be based.

In the more practically oriented military and diplomatic worlds, Taqiyya is presented, not as a call to urgency for a global cultural war, but as an operational fact for

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[9] "Persons who do Taqiyya should be deported" according to a statement by Geert Wilders, the leader of the party, made in a debate in the Dutch Parliament, since one can never trust their claims that they want to be good Dutch citizens — and, as one of his opponents points out, he believes that all Muslims do Taqiyya (Wilders, 2011).

[10] Some examples of dozens which could be mentioned from the Turkish press: "The difference between the Mr. Erdogan who signed the whitepaper that says Islamism is a threat and Mr. Erdogan who says it is not can be found in the *Arab word* taqiyya" (Italics Mine) (Bekdil, 2006); In an attack on communism, Ferhat Basis takes the use of Taqiyya to its logical conclusion — any ideologically sanctioned deception is Taqiyya — and accuses the communists of "Communist Taqiyye and Kitman" (Baris, 1999).

soldiers in battle with possible specific policy implications. In one typical Islamophobic publication, referenced in a recommended reading list on Jihād by the Australian Army, Dr. Andrew Campbell blends ideas about the Iranian national character, the apocalyptic nature of Shiism, the history of the Assassin sect in the Middle Ages and a marshalling of many of the same quotes from the Koran and the Hadith to 'explain' Taqiyya — in order to promote an immediate attack on Iran (Campbell, 2006). However, Taqiyya can be used to make the exact opposite argument: in discussing Azerbaijan, one analyst makes the case that Taqiyya can give ethnic groups enough flexibility and ability to remain loyal to core values as to make further oppression, attack, and war foolish struggles doomed to failure, and therefore uses Taqiyya as an example of the kind of resistance than can only be dealt with through anti-poverty programs, etc (Swietochowski, 2002).

The theoretical struggle as to whether one can speak of a "national character" clearly gets elided out of existence in these kinds of texts — they assume that there is one, and that decision makers need to know what it is to combat it. The "Tribal Analysis Center", a think-tank specializing in knowledge of Afghani society, quotes Dupree to support its claim that "it is very probable that all Afghans can lie freely to foreigners, especially those who are Christians" (Tribal, 2008). In a footnote, they elaborate the basis of this claim: "Dupree commented on al-Taqiyya practiced by Shi'a groups such as the Qizilbash, but many experienced individuals comment on the Afghan proclivity to tell falsehoods" (Tribal, 2008). Here, academic analysis simply provides a skeleton upon which attacks fit somewhat better than if they were propped up on their own. In a further follow-up dedicated specifically to Taqiyya, the Tribal Analysis Group (2010) quotes a combination of Orientalist scholars, British Colonial handbooks, and various Hadith to arrive at its conclusion: "Enter only into the agreements where you have the capacity to enforce the results of negotiations. Rely upon . . . compliance from the Afghan side of any unverifiable agreement made at your peril." This is wise advice, of course, for negotiators anywhere, at any time and place — but somehow Taqiyya is "needed" as a concept to make this advice concrete.

Nor is the discussion limited to think-tanks and military journals — or indictments in Detroit — rather, the idea of Taqiyya is seeping up to the highest levels of American decision making. In testimony to Congress, the question as to whether or not the Muslim Brotherhood is using Taqiyya came up in a discussion on the stance the US should take towards Egyptian democracy. The actual quote tells quite a bit about the role of this concept in decision making: "It has been argued that the Brotherhood's current embrace of democracy might be an instance of Taqiyya . . . It is not clear how we can resolve this . . . all we know is that the Brotherhood runs in elections, does not engage in violence when it loses, and promises to continue doing so" (Masoud, 2011). Note the important use of the term "Taqiyya", when, for the sense, "lying" would do: for certainly, all politicians could be accused of possibly lying. Taqiyya already means — and is already used by a Muslim trying to *soften* the U.S. position on the Muslim Brotherhood — lying for the purpose of promoting Islam, a meaning it does not have in any of the previously quoted religious or analytical texts, where it means to lie as a form of self-protection.

It is difficult to determine to what extent beliefs of Taqiyya have entered into military doctrine. However, Taqiyya does appear in contemporary military literature as a topic of investigation for analysts concerned with practical, military decisions. This literature ranges in sophistication from racist polemic to sophisticated doctrinal discussions. In the Canadian Military Journal, one finds a broad-minded view of Taqiyya, which specifically points out its similarity to Western Doctrines: "Akin to Western Military Doctrine, theological doctrines often turn operational within the Islamic school of thought . . . Like other warrior codes of honor Deception (in early Islam) was viewed as an unacceptable way of fighting . . . However, in Al-Bukhari . . . Muhammad said "Verily, war is deception" (Roach, 2007)[11] Another American Military publication specifically dealing with Islamic rules of war draws the conclusion that "Muslims would . . . come to the conclusion that deception was sanctioned to win wars but should not operate in daily social life . . . deception in war was sanctioned if practiced upon non-Muslims who had broken truces but was not permitted between non-Muslim and Muslim entities coexisting peacefully" (Aboul-Enein & Zuhur, 2004). Throughout this military publication, Taqiyya is presented as having little impact on the modern Muslim art of war.

Of course, the Army itself has divisions of opinions within its ranks — and not unlike the divisions between Islamic legal experts, ethnographers, or Orientalists, an attempt within a similar analytical culture to examine similar phenomena for similar purposes, can lead to spectacularly opposite conclusions. To give just one of many potential examples, from the US Army's Military Review: "Western Culture emphasizes rational thought. We think of things as right or wrong, black or white. But much of the rest of the world allows for more grey. Eastern use of dialecticism . . . and the Muslim concept of Taqiyya . . . demonstrate these cultures' acceptance of cognitive dissonance, contrary to our notion of rational thought." (Craig, 2007) While this reads like pure prejudice, much more sophisticated readings of Taqiyya are possible and do occur in Army publications: it is in an army publication one can read about the significant "paradigm shift" — the word used is the military researchers' own — that occurred after the development of the new political Shiism, in which Taqiyya was abandoned. "Dissimulation is a personal affair", quotes the Army officer from a work by Sobahi, "and it pertains to individuals placed in a position of weakness in the face of powerful enemies; they dissimulate insofar as they consider that if dissimulation is not made, not only do they lose their lives, *but also no positive advantage is derived from their being killed*" (Italics added by Helmer, 2006). In the ensuing discussion — a subtle explanation of the change of doctrine from quietism to the more aggressive doctrine of Khomeini — one realizes that there are analysts within the US Army aware of the shifting nature of the concept and the complex hermeneutics involved in bringing theological concepts into discussions about military tactics (Helmer, 2006). Note that this clearly well-researched and intelligent article occurred in the *same*

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[11] For the reader unfamiliar with military language, the idea by a theological doctrine "turning operational" is the idea that these doctrines are harnessed for the purpose of winning a conflict.

publication as the article claiming that Taqiyya is a sign of non-Western non-rationality. Even as practical knowledge to be given to a warrior on the field of battle about his supposed enemies, Taqiyya takes on the same slippery aspects as it does in theological arguments, political polemics, and analytical discussion. Perhaps it is telling that one CIA operative simply frames Taqiyya as an effective method of smoke-screening: in a press interview, he specifically claimed Hezbollah used "taqiyya" to make any Shi'ite group "extremely difficult for intelligence officers to penetrate" (Jeffrey, 2004).

The discussions previously mentioned on national character, and thumbnail sketches of national character — prejudices that may or may not conform to reality — inform these political and diplomatic positions. The times when these sketches are used are, of course, often hidden to the public, but at times they come to the surface, and at very crucial moments. We see the effect this has in the recent memoirs of El-Baradei, dealing with his time as the world's chief nuclear inspector. "I was told by a number of people", he writes, "including President Mubarak of Egypt, that according to Shi'ite theology it is sometimes acceptable to deceive for the right cause. The concept is called Taqiyya, meaning to protect oneself or those under one's care from harm. I made it clear to our Iranian counterparts that regardless of the origins of this behavior, their denials . . . had hurt their credibility . . ." (Baradei, 2011). But, here, there is another paradox: despite the fact that the entire chapter dealing with Iran is called "The Riddle of Taqiyya" one hunts in vain through the book for specific policy differences between Baradei's treatment of Iran and North Korea because of this specific theological tidbit provided by Mubarak. Here, Taqiyya resolves itself comfortably into a form of basic cultural knowledge one should be aware of in a negotiations, presumably in order to give one more confidence in the type of aggressive skeptical questioning one was going to engage in anyway: and how, or if, this pervasive belief has had any practical consequences at all is hard to determine. Certainly, being asked to shut up instead of attacking the regime is a question put to dissidents in Communist societies far from the Islamic World; Kourani would have been indicted anyway whether the District Attorney would have discovered an exotic term for his behavior or not and Baradei would have naturally mistrusted the Iranians when looking for nuclear weapons. So is all this discussion and analysis so much white noise?

Conclusion: What is Taqiyya?

One — overly simplistic — way to critique the complex and shifting nature of Western discussions of Taqiyya is to accuse the analysts, ethnographers, and polemicists of Orientalism, as defined by Said — a false dichotomy between East and West, created through the construction of an East based on texts and preconceived, probably racist, notions of ethnographers (Said, 1979). However, this accusation ignores a number of problems: first, there is a certain similarity between Sunni arguments of Shiite impenetrability, and Western arguments of Muslim impenetrability; second, Taqiyya is a term used by secularists to attack Islamists within Islamic societies. And as we have seen, in

at least one case in the Turkish Press, Taqiyya was turned around and used to attack "crypto communists" infiltrating Turkish democracy.

Perhaps the issue lies in the nature of Sharia? One of the world's foremost Sharia scholars discusses in detail the problems of interpretation which can arise because of the conflation of law and morality in Islamic law. Here is a prime example — acceptable lying — of a problem which cannot exist in Western legislation, as that is currently constituted, but must be dealt with in any livable system of comprehensive ethics (Hallaq, 2009). In fact, there is a large body of ethical literature in the Christian tradition regarding lying. While not specifically framed as the same combination of political, ethical, religious, and commercial law as Sharia — the combination that so frightens Islamophobes — more than one Western ethicist has tried to create a comprehensive set of political and moral ethics. At the early stages of Catholicism, the rule was simple — Augustine claims that lying is a sin, regardless of circumstances — but by the time St. Thomas Aquinas tries to create a set of systematic laws, he is required to engage in hermeneutics to retreat from this position: while all lying is bad, "The greater the good intended . . . the more is the sin of lying diminished in gravity." (Aquinas, 2.2., Q110:2) As we approach the modern era, these contradictions within the literature seem to intensify: to Grotius, who attempted to create a complete system of ethical law based on reason, lying is permitted in a wide variety of circumstances, including in *all* cases when a legitimate ruler wishes to lie to his subjects. "It is permissible," he states, "to say what is false when the speaker makes use of a superior right over one subject to himself" (Grotius, 1925). In this account, even God has the right, but because of his omnipotence, not the reason to lie. And in the more modern era, Bonhoeffer, an important Lutheran theologian that made a career as a double agent of lying to the Nazis — and is widely considered a hero for precisely this — claimed that lies are anything which inhibits "concealment of revealed truth". In many cases, lies are more true in the deepest sense than factually true statements (Bonhoeffer, 1965).

If the discussion of Taqiyya were limited to a comparative discussion of the nature of these debates in Islamic societies, then Taqiyya might possibly have remained mainly a concern of comparative religion scholars, and not have practically entered the English language as a term of abuse.[12] As early as Goldziher's first article, however, we find raw legal analysis mixed with ethnographic assumptions about Muslim societies in general. It would be easy to make the charge of Orientalism — if this were not a feature of internecine Islamic and Muslim world polemics as well.

At this point, we must engage in some linguistic sociology — since Taqiyya, before it is a legal, ethnographic, cultural, polemical, or operational concept, must be embedded. First of all, as a term in language — and as the same word, mutually understandable (if contested) by all these types of knowledge, it should have *some* similarity in meaning the analyst can hold onto.

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[12] A recent search on the internet found 611,000 results.

Drawing on the work of Harrison White (2008), I would like to posit that language, in general, is a sign of attempt at control, within networks, of various identities. By this I mean that disparate phenomena, such as the nature of social linkage, cultural phenomena, stories, and stylistic issues, can be considered attempts to control various social situations, and therefore are interesting as attempts at control as much as concepts in their own right. In this model, "Ambiguity" is contrasted with "Ambage" — Ambiguity being a lack of clarity in the world of language, and Ambage in actual power and social relations. According to White, the two are inversely related. In this case, the people fighting around this term try to reduce the ambiguity of the term, specifically in order to aid them in their power struggles: to increase, insofar as they want to put settled situations in "play" ambage — at least temporarily. If the term is looked at as a form of identity and control, one can see the appeal for outsiders to use this term as a form of abuse against the very people employing it to protect themselves — as defensive ambiguity, it seems tailor-made to be flipped around and made into an attack on the ambiguity of Shiite, or Muslim, intentions.

For this reason, a pure textual analysis of traditional sources seeking to discover the "law" will provide a set of contradictory — but all accurate — legal concepts which can be interpreted by Shiites, scientists, Sunnis, or their enemies in any of a number of ways. We have little data of actual Muslim practice of Taqiyya, but the data we do have implies that the "rules" of Taqiyya are themselves plastic enough to permit of many interpretations — not surprising for a concept whose goal is to provide plasticity. In any given example of the use of Taqiyya, operationally or as polemic, by Shiites, the US Army, anti-Islamic writers, and so on, the concept can be made to serve the creation of a dichotomy between the people who permit "Taqiyya" — whatever it is, and however the analyst would like to frame it — and those who do not; in this framework, Taqiyya is always something negative within the framework of the use-practitioner, and the lack of it something positive on the side of the culture of the analyst. This occurs even in the other direction — certainly esoteric wisdom, spirituality, and common sense are all good things, and hypocrisy bad, and this is how Shiites frame the problem (when they admit Taqiyya is an active concept and seek to defend it, which they do not always do, often putting it in "the realm of the past").

In the debate between essentialism and constructivism, it's important to keep in mind that there are various materials from which identities must be constructed — it does not happen in a vacuum. What's remarkable about the various conflicts we've enumerated is how they all use Taqiyya on their own plane of inquiry, without leaping from one plane to the other. In internecine Muslim polemics, the term is examined, and fought over, through presentation of competing texts; this also occurs in the analytic framework: Amir-Moezzi and Kohlberg correct Goldziher by quoting different — "better" — texts, from the world of Islamic jurisprudence (and not ethnography or polemic). Ethnography "contaminates" the discussion: it is never an essential part of it. In diplomatic and ethnographic accounts, Taqiyya is handled ethnographically — and is attacked or defended based on concepts within the world of ethnography. Legal texts are

rarely mentioned, and if they are, the dichotomy between these texts and "practice" is clearly defined — the texts themselves are presented as external to the true issues. Western polemic dips into the ethnographic and juridical research to make political arguments: and while the counterarguments also often quote a line or two from a competing text, they quickly move the battlefield back to the polemicist's home ground of politics, accusing him of being motivated by xenophobia and racism. The "struggle" is fought using Taqiyya as a litmus test for racism (or bad intentions) but not *about* Taqiyya, even when the contestants have a very different idea of Taqiyya's meaning. As a concept with, itself, a huge amount of ambiguity built into it, it travels easily through various fields of discourse, as if a single object allowed itself to be used as a pawn in a chess game, a card in a game of poker, and a bullet in a war — and, as we have seen, both a colorful, and disturbing, addition to the indictment of a terrorist, and an inducement to a dissident to shut up. One ends up wondering, not why and how such a concept developed within Muslim societies, but how our society failed to develop a term so useful in all forms of warfare, physical and verbal — perhaps why we have no word for "ideological lying" should be the true question a sociolinguist should ask.

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