

# The Essentialist Terrorist

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Op/Ed,

The Essentialist Terrorist  
By Liaquat Ali Khan

Can the Ethiopian change his skin? The leopard his spots? As easily would you be able to do good, accustomed to evil as you are. Jeremiah 13:23

The essentialist terrorist is a violent monster that the Highly Influential Terrorist Literature ("HITLit") has successfully invented and made real and believable. It is the new terrorist. It is dark and evil, part real and part phantom, part human and part animal, part man and part woman, part bearded and part veiled, part strategic and part crazy. A noted trait of this grotesque but cowardly creature is that it kills innocents. But this monster's most defining characteristic is that it is driven to violence by its nature, compelled by an ingrained mental/psychological/cultural/religious formation. Its violence has little to do with any outward political or geopolitical grievances. It hates Israel and America and the West. It loathes democracy and liberties and freedoms. It subjugates women. It is warped and jealous and vengeful. Addicted to violence, this monster resides in sleeping cells, prays to Allah, lurks in tunnels and airports, wears a belt of explosives, and craves traveling in buses, trains, and airplanes. One day it explodes, killing innocents. Amazingly though, even after dying a thousand deaths, it does not die. It constantly reproduces itself into many more similar-looking monsters. It must be obliterated.

The HITLit's essentialist terrorist is the Muslim militant who uses violence to terrorize governments and communities. He is a religious fanatic, raised in fundamentalism, trained in religious schools, made to memorize the Quran by heart, and recruited to unleash violence against the unbelievers, particularly Jews and Christians. He is in spiritual love with violence. The essentialist terrorist is new because he is distinguishable from the conventional terrorist who used violence to gain personal or communitarian goals. Whereas the conventional terrorist uses violence as a means to an end, the essentialist terrorist uses violence as an end in itself. According to HITLit, even when the essentialist terrorist justifies violence in political or geopolitical terms, the justification must not be taken seriously, for this monster's addiction to violence finds a legion of excuses. This HITLit thesis has been called the "new terrorism." The 9/11 Commission summoned to study terrorist attacks on the United States adopted the terminology of new terrorism, thus conferring validity on the HITLit.

The HITLit's new terrorism is intellectualized propaganda. It has been written and published in the United States years before the September 11 attacks on the World Trade Center and the Pentagon. It is still being produced and published. The HITLit consists of academic books published by elite university presses, popular books, magazine articles, and syndicated columns. This literature is highly influential in that it shapes, defends, and justifies U.S. government policies towards the Muslim world. As referenced in this article, the 9/11 Report adopted many concepts that the HITLit has been spawning for years. Most HITLit authors, known as terrorism experts, are research associates with influential think tanks such as RAND and the American Enterprise Institute, and some teach at Harvard University. Some have worked for the National Security Council and the U.S. Defense Department. These authors include Bernard Lewis, Bruce Hoffman, Steven Simon, Jessica Stern, Daniel Benjamin, and Richard Perle, Walter Laqueur, David Frum, and Michael Ledeen, Daniel Pipes, and David Horowitz. They appear on National Public Radio and major radio and television networks to comment on terrorist events and disseminate their views to the general public. The HITLit themes of the essentialist terrorist are further disseminated through the views of collaborating journalists such as Thomas Friedman, Charles Krauthammer, David Brooks, and William Kristol.

Studied in isolation, each HITLit theme seems credible. Collectively, HITLit themes are perilous propaganda. They are the half-truths what Cass Sunstein, himself a HITLit sympathizer, has in another context called "enclave deliberations." HITLit authors have pooled their arguments, citing each other's dubious research, to malign Islam, boldly painting it to be a violent religion, ignoring the canons of interfaith respect for a fourteen-centuries old religion practiced by more than a billion people in all countries of the world. Yet in doing so, the enclave authors claim they wish to make a better world. The Quran describes such persons as mufsidun, which may be translated as mischief-makers. "When it is said to them:

'Make not mischief on the earth,' they say: 'Why, we only want to make peace!' Verily, they are the mischief-makers, but they realize (it) not." These mufsidun have successfully influenced U.S. foreign policy and are determined to further deepen the conflict between the United States and the Islamic world. They use essentialist terrorism as edge of the wedge between civilizations.

The HITLit themes, specifically the distinction between conventional and essentialist terrorists, have played a critical role in shaping the George W. Bush administration's views with respect to Muslim militants. The rhetoric it employs to describe Muslim militants reveals how the Bush administration has latched on to the HITLit's new terrorism. While the conventional terrorist is a moral being, the new terrorist is evil. Repeatedly, Bush officials use the word "evil" to describe Muslim militants who fight U.S. occupation in Iraq and Afghanistan or commit violence elsewhere against U.S. interests. The word "evil" highlights the essentialist nature of the Muslim militant who is evil, not only because of what he does, but who he is. And perchance, the Old Testament furnishes a parallel to the HITLit concept of the essentialist terrorist: Just as the Ethiopian cannot change his skin, and the leopard cannot change his spots, the Muslim militant cannot change his propensity to do evil.

The HITLit's new terrorism is not simply a rhetorical device to engage in propaganda war against Muslim militants or Islam. It also has serious consequences in the realm of law. The distinction proposes and defends that law treat Muslim terrorists different from how law treats conventional terrorists. Since the conventional terrorist is a moral being, his rehabilitation through law is possible; therefore, he is entitled to rights and legal protections. The essentialist terrorist has no claim to demand traditional legal rights and protections, because he is fundamentally immoral and irredeemable.

Consequently, the Muslim militant is humiliated, tortured, detained without charges, kept in detention without a trial, and even killed without any judicial process. Conventional terrorists are the subjects of the traditional criminal justice system, but essentialist terrorists are unlawful combatants who may be denied protections available under domestic and international law, including the prisoner of war status under the law of war. In addition to government lawyers, a cadre of law professors such as John Yoo, Ruth Wedgwood, Jack Goldsmith, and Alan Dershowitz propose and defend morally odious and legally questionable treatments of Muslim militants fighting against occupation, settlements, theft of land and resources, and for the right of self-determination. Although initially muted and bamboozled, the American legal academy has made vigorous protests to Bush officials' lawlessness. The HITLit authors' "clumsy and unconvincing exercise in conjecture," however, has remained for the most part unexposed.

The HITLit conjectures and consequent prescriptions are nonetheless genocidal and generally lawless. One proposed prescription for dealing with Muslim militants is to engage them in battle and kill them. No legal process is recommended to wipe out them. The other prescription is to capture Muslim militants and completely disable them. Disability rather than accountability must be the fate of essentialist terrorists. Accordingly, the Guantánamo prison embodies the concept of comprehensive disability, which suspends essentialist terrorists in legal limbo. Essentialist terrorists are guilty without proof. The proof of their monstrosity is in their being. But in law, they are neither charged with any crime nor declared innocent. They are neither tried in courts, nor released. They are neither criminals, nor prisoners of war. Their status defies existing legal categories. They are a category of their own. They are sui generis. They are unique. Therefore, the law or the lawyer cannot help them, should not help them. As the mantra goes, September 11 changed everything.

Ali Khan is a professor of law at Washburn University School of Law in Topeka, Kansas. This excerpt is taken from his forthcoming law article, *The Essentialist Terrorist*, which will be published in *Washburn Law Journal*. Send comments to [ali.khan@mwcnews.net](mailto:ali.khan@mwcnews.net).