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## Violence and Structure in Emerging Political Institutions

Jordan Nottingham

Embry Riddle Aeronautical University, [nottingj@my.erau.edu](mailto:nottingj@my.erau.edu)

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Violence and Structure in Emerging Political Institutions

Jordan Nottingham, McNair Scholars Program

Embry-Riddle Aeronautical University

## I. Introduction

Violence has long been a crucial mechanism through which emerging political institutions (EPIs) achieve control. The unwilling transition of power has often led to violent action in the past. While violence in times of war is standard and has been discussed at length, there is notably less discussion about the *types* of violence used by EPIs and their institutional structure when they use different types of violence. The Islamic State of Iraq and al-Sham (ISIS), Hamas, and the Egyptian Muslim Brotherhood (EMB) present three notably different cases of EPIs whose implementation of violence varies considerably, but whose ambition for state power and similar ideological goals allow for interesting comparisons. From such analysis, it is possible to determine a relationship between the variety and severity of violent action among these three groups and their institutional structure. By analyzing this relationship between violence and structure, I believe it is possible to make accurate short- and long-term predictions about these EPIs and, with some generalization, other cases around the world.

## II. Methodology

This research makes extensive use of two types of secondary sources: peer-reviewed journal articles and media archives, both retrieved from the Internet. These two types of sources synergize well with the intent of the research, since the journals provide a theoretical foundation upon which to analyze the recorded cases of violence provided by the media archives. For instance, a theoretical understanding of Centrist Islam, the leading ideology of the EMB, can be useful when contrasting the principles of the ideology against the actions of the EMB.<sup>1</sup> Likewise, one can analyze the ideology of ISIS to find that it aligns with their short- and long-term goals and their actions. This type of contrast and comparison is crucial to understanding the structure of an institution, as structure is generally defined by ideology. A selection of historical, sociological, and political journals are utilized for this research. Journals associated with these

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<sup>1</sup> Walsh, John. "Egypt's Muslim Brotherhood." Harvard International Review. January 6, 2003. Accessed May 13, 2015.

fields contain the most relevant information to finding answers to the questions surrounding the relationship between violence and structure, since this subject matter is highly political in nature.

Information on ISIS is very scarce—they are still a new, emerging phenomenon. Their unusually violent nature and what appears to be a kill-on-sight policy with reporters and journalists makes information gathering even more difficult. Despite these challenges, there is sufficient information about ISIS to form an early analysis. The bulk of media information is provided by Human Rights Watch, Al-Jazeera, Al-Arabiya, and the British Broadcasting Corporation. Human Rights Watch is an especially valuable source, as its published reports and analysis of events are directly related to issues of crimes against humanity. This proves useful because the Typologies of Violence are determined primarily using the Rome Statute of the International Criminal Court. Human Rights Watch catalogues violent actions in detail as per its mission, making it a useful source for factual data. The two Arabic-language media outlets, Al-Jazeera and Al-Arabiya, were chosen for their proximity to the issues discussed, while the BBC was chosen for its reputation as an unbiased and thorough media outlet. Other media sources include Foreign Policy magazine, The Economist, and The Atlantic, chosen for their informed and analytical coverage of events in the Middle East.

### A. Case-Study Selection

There are dozens of institutions worth analyzing to determine what relationship—if any—violence and institutional structure have with one another. Studies on Boko Haram, Jabhat al-Nusra, Al-Shabaab, Al-Qaeda, and Hezbollah are more than capable of delivering revelations on this relationship. It should also be noted that the relationship between violence and structure is not one bound to Islam. Dr. Bernard Haykel, a professor of Near Eastern Studies at Princeton University, states “Islam doesn’t have a monopoly on violence—neither does Christianity.”<sup>2</sup> Likewise, *religion* does not have a monopoly on violence. Institutions shouldering the banner of other religions (the Lord’s Resistance Army; the Ku Klux Klan) and even institutions not built on religious foundations (The Weather Underground; Shining Path) could make excellent case-studies. However, these three Islamic institutions were chosen because of their similar ideologies and—more importantly—their vastly different methods of achieving the goals dictated by their

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<sup>2</sup> Jenkins, Jack. "What The Atlantic Left Out About ISIS According To Their Own Expert." ThinkProgress RSS. February 20, 2015. Accessed May 13, 2015.

ideologies. By exploring the violence and structure of these three institutions, this research hopes to show a spectrum of violence and structure. The differences in this spectrum will be the keys to unlocking the mysteries of the relationship between violence and structure.

The EMB and Hamas share an intimate history, allowing for an interesting comparison. Why has Hamas been more violent than the EMB in pursuit of its policy, when both groups sprouted from the same seed and both have faced chronic repression by those more powerful than they? ISIS, whose blatant violence is at the most severe end of the spectrum, is the most current and modern institution of the three, yet it seeks to govern a region under Quranic law just as the other two, decidedly less violent institutions do. However, somewhere there is a disconnect between the ideas and goals of these institutions and the methods they use to realize them. If the source of this disconnect can be determined, so can the relationship between violence and structure.

### III. Typologies of Violence

It is critical to define typologies of violence to establish a scope for research on the three EPIs in question. Violence is a key component of the analytical framework of this research, and must be defined and applied to each group in order to draw appropriate conclusions about institutional structure. As the types of violence employed by each group varies significantly, several conceptual definitions of violence should be used to adequately address all types of violence perpetrated. Firstly, the concept of genocide should be included. The International Criminal Court (ICC) uses an abridged definition of genocide in Article 6 of the Rome Statute as any act intended to partially or completely destroy a national, ethnic, racial or religious group.<sup>3</sup> Genocide under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide is defined as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to

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<sup>3</sup> UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6

- bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.<sup>4</sup>

For the purpose of this research, the 1948 definition will be considered more accurate, as it is more specific regarding the reality of genocidal acts, but both definitions can be used synergistically to determine clear examples of genocide in the methods employed by the EMB, Hamas, and ISIS. Refer to appendix A for an enumeration of crimes against humanity committed by these three EPIs, which will also be discussed and explained further in section IV.

The Rome Statute also outlines acts considered “crimes against humanity”; these are applicable to the study of types of violence used by ISIS, Hamas, and the EMB. Article 7, section 1 of the Rome Statute defines crime against humanity as any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.<sup>5</sup>

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<sup>4</sup> UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948

<sup>5</sup> UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6

Article 7, section 2 of the Rome Statute expands the definitions of crimes against humanity provided in section 1 to dispel any confusion about the provided definitions and to add more specificity to the definitions, making the Rome Statute a stronger guide. These expanded definitions and explanations can be referenced in appendix B. It should be noted that according to the 1948 definition of genocide, crimes against humanity can be components of genocide if there is intention to partially or completely destroy a national, ethnic, racial, or religious group. For example, the crime of deportation or forcible transfer of population can be considered genocidal per the 1948 definition, which addresses forcible transfer of children from one group to another. Forcible transfer of population also has potential to cause significant bodily and mental harm to its victims, and can be viewed as a deliberate infliction of poor living conditions calculated to bring about the destruction of those populations. Consider the infamous “Trail of Tears” that describes the forcible transfer of the Cherokee nation to the Western United States and brought about the destruction of ¼ of the Cherokee population.

The ICC definition of crime against humanity has proven superior to previously minted definitions. As Darryl Robinson asserts, unlike the statutes adopted by the ICTY and ICTR or the Nuremburg and Tokyo charters, developing the Rome Statute was a truly multinational effort that allowed for 160 states to contribute and voice their opinions.<sup>6</sup> Thus, the Rome Statute is the most sufficient definition to use when discussing crime against humanity. Traditional definitions of crime against humanity require an abuse of state power that results in the state inverting its role of protecting the people, but today it is increasingly clear that states are not the only entities capable of committing large-scale atrocities. As Tilman Rodenhäuser so accurately states, “the commission of mass atrocities amounting to [crime against humanity] is only possible if the governing entity either violates or is unable to fulfill its obligation to protect the rights of individuals under its jurisdiction.”<sup>7</sup> In the case of ISIS, it would seem that the governing bodies of Iraq and Syria are completely unable to fulfill their obligations to their people, while the Hamas example differs in that Hamas represents the governing authority of Gaza. While ISIS may not be a recognized state power, it has demonstrated that it has the resources and the will to carry out mass atrocities, so the distinction of state vs. non-state power is irrelevant in this case.

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<sup>6</sup> Robinson, D. (1999). Defining "crimes against humanity" at the rome conference. *The American Journal of International Law*, 93(1), 43-57. Retrieved from <http://search.proquest.com.ezproxy.libproxy.db.erau.edu/docview/201091621?accountid=27203>

<sup>7</sup> Rodenhäuser, Tilman. "Beyond State Crimes: Non-State Entities and Crimes against Humanity." *Leiden Journal of International Law*, 2014, 913-28.

While not all of these three groups represent states, they have all demonstrated state-like power that has allowed them to organize and create policies leading to widespread and systematic discrimination and violence. Each organization has committed at least one of these typologies of violence, with ISIS having committed nearly all of them in its short history. A brief history of these groups as well as historical examples of their implementation of violence can be used in conjunction with a description of their institutional structure to determine the relationship between violence and structure.

## IV. Case-Studies of Violence and Structure

### A. The Egyptian Muslim Brotherhood – Violence

To accurately assess violence committed by the EMB, it is important to consider two realities. Firstly, the EMB must be distinguished from their sister organizations and groups that have spawned from their ideology and the ideologies of prominent members such as Sayyid Qutb, Abdullah Azzam and Ayman al-Zawahiri. For example, Zawahiri's leadership of Egyptian Islamic Jihad and their assassination of President Anwar Sadat cannot be considered a crime of the EMB, despite Zawahiri's ideological foundations forming with the EMB and his espousal of Qutb's teachings.<sup>8</sup> Likewise, the actions of the Sudanese, Palestinian, and Syrian Muslim Brotherhoods are not relevant to an assessment of violence committed by the Egyptian Muslim Brotherhood. Secondly, evidence of direct violence by members of the EMB is limited due to their complex and mysterious nature, so the period of time between June 30, 2012 and July 3, 2013 when the EMB held Egyptian state power is the only reliable scope to observe direct EMB violence.

The EMB's year of power in the Egyptian government was a turbulent one, with nearly continuous protests in Tahrir Square often resulting in police brutality.<sup>9</sup> Especially toward the end of the Morsi government, large groups of EMB members began to abuse protesters; these groups are responsible for several acts of mass violence identified in the Rome Statute. Human Rights Watch reports that on December 5 and 6 2012, EMB members detained 49 anti-Morsi

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<sup>8</sup> Zimmerman, John C. "Sayyid Qutb's Influence On The 11 September Attacks." *Terrorism and Political Violence*: 222-52.

<sup>9</sup> "Chronology." *The Middle East Journal* Middle East J, 2012, 313-58.

protesters, constituting a deprivation of physical liberty on a large scale.<sup>10</sup> While detained, the protesters were beaten ruthlessly with batons and other weapons until they delivered criminal confessions, which were filmed by EMB members. Mohamed Morsi himself stated publicly on December 6 that these confessions proved that the protesters were “hired thugs”, suggesting that Morsi and the police were aware of the unlawful detainment and torture of the protesters and chose to ignore the situation.<sup>11</sup> This is perhaps the most clear-cut example of recognized members of the EMB committing mass acts of violence in support of the EMB leadership and cause. Though Morsi’s police forces did not detain and abuse protesters themselves, there is sufficient evidence to suggest negligence on their part. Morsi’s inaction in this case was an indirect method of punishing the protesters without appearing responsible.

Government and police negligence is a detectable pattern in cases of EMB violence; this is clear in the unwillingness of the Morsi government to adequately address sexual violence in Egypt. In one instance, during the same protests discussed earlier, a woman named Ola Shahba was seized on Khalifa Maamoun Street. EMB members beat and choked her while groping her in the absence of police.<sup>12</sup> During another string of protests beginning on June 30, 2013, approximately 91 cases of sexual assault occurred in Tahrir Square, including vicious rapes and other targeted sexual assaults.<sup>13</sup> During an interview with Human Rights Watch, one woman recalls how she was knocked to the ground as a car backed up and stopped on her hair. Multiple men took advantage of her helplessness by flipping her onto her stomach, tearing off her clothes and raping her as they wished. She describes this as her “weakest point.”<sup>14</sup> Though not all offenders in these cases were EMB members, the government response to sexual violence during protests in Tahrir Square was blatantly insufficient to prevent sexual crimes.

Brotherhood treatment of Shia Muslims brings into question the crime of persecution. As of April 2013, the official stance of the Freedom and Justice Party is that “the Egyptian people and government would not allow the spread of Shi’ism in Egypt.”<sup>15</sup> Once again, police and government negligence is observable in the case of the June 23, 2013 lynching of four Shia men

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<sup>10</sup> "Egypt: Investigate Brotherhood's Abuse of Protesters." Accessed May 13, 2015.

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> "Egypt: Epidemic of Sexual Violence." Accessed May 13, 2015.

<sup>14</sup> Ibid

<sup>15</sup> "Egypt: Lynching of Shia Follows Months of Hate Speech." Accessed May 13, 2015.

in Abu Musallim by a mob of over 1000 Salafist Sunni Muslims, who had gathered around a house being used for a Shia celebration. The lynching lasted for an estimated three hours, yet nearby police and riot control forces chose not to intervene. Moreover, Morsi's response to the crime was weak and indirect, condemning the mob for their violent actions without directly addressing the issue of Shia rights. Human Rights Watch declares that "Morsi should state unequivocally that Shia in Egypt have the right to practice their religious beliefs without fear and intimidation, something he has failed to do."<sup>16</sup> Morsi's weak response to this crime and the complete lack of police involvement demonstrates a transparent, knowing and systematic persecution of Shia Islam in Brotherhood-governed Egypt.

## B. The Egyptian Muslim Brotherhood – Structure

From its creation in 1928, the EMB has functioned as a traditionalist sociopolitical movement in Egypt while spawning other branches around the world. The EMB's "threefold strategy," as described by John Walsh, involves having elected representation in the Egyptian Parliament, gaining influence in and control of Egyptian professional and student associations, and providing social services to the Egyptian people to fill voids left by the Egyptian government.<sup>17</sup> Though the first method of accumulating power in the state of Egypt may be moot after the recent ouster of Mohamed Morsi and his Freedom and Justice Party, the second and third methods are still relevant, and many Egyptians still support the EMB.

It is important to note that the EMB's methods do not necessitate the destruction or upheaval of an existing system—a fact that sets them apart from the other two EPIs. Rather, the EMB has always sought power through legitimate channels and through more subtle means than its Palestinian counterpart Hamas. Rather than crushing the Israeli state as Hamas wishes to, or purging the world of apostates by force as ISIS proclaims to, the EMB wishes to integrate with current Egyptian political systems and affect change from within. This approach backfired when the EMB tried to seize too much at one time with Mohamed Morsi's declaration of presidential power, which sparked the uproar from the people and the military that would be his undoing.

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<sup>16</sup> "Egypt: Lynching of Shia Follows Months of Hate Speech." Accessed May 13, 2015.

<sup>17</sup> Walsh, John. "Egypt's Muslim Brotherhood." *Harvard International Review*. January 6, 2003. Accessed May 13, 2015.

Despite the apparently nonviolent nature of the EMB, the institution is still considered a terrorist organization by a multitude of states including Bahrain, Egypt, Syria, Saudi Arabia, the U.A.E, and Russia. For Bahrain, which is primarily composed of Shia Muslims, this classification is likely related to the persecution of Shia Muslims advocated by the EMB. For the other nations, the EMB represents a threat to national security through its other chapters abroad (especially the Palestinian Muslim Brotherhood, which has evolved into Hamas).

The only point at which the EMB can be reliably associated with violence is during its year of authority in Egypt. Due to its lack of conventional methods of waging violence, the EMB could only commit violent acts once it gained state power in Egypt. Even then, most of these acts were not direct acts of violence, but acts of willful negligence in the face of violence, which are difficult prove. Structurally speaking, the EMB had to adjust itself to fit into the mold of Egyptian government power before it was capable of perpetrating (or willfully ignoring) crimes against humanity. In this way, the structure of the EMB as a sociopolitical movement set boundaries for its violence—boundaries that were surpassed once it reached a position of finite power.

The EMB has never officially claimed a military wing of its own—a fact that distinguishes them from Hamas and ISIS and partially explains why so little direct violence can be traced to them. While there is a connection between Hamas and the Egyptian Muslim Brotherhood in that Hamas formed from the Palestinian branch of the Muslim Brotherhood, the structures of these two groups differ drastically.

### C. Hamas – Violence

Hamas is a rough acronym for *Ḥarakat al-Muqāwamah al-ʿIslāmiyyah*, which translates to Islamic Resistance Movement. Hamas is represented in the Palestinian parliament and currently holds complete control of Gaza, but beyond political participation, Hamas has a military wing—the Izz al-Din al-Qassam Brigades—that is responsible for Hamas’ violence against Israeli targets, while violence targeting Fatah supporters and other dissidents is committed by Hamas’ internal security service, the Executive Force. Since Hamas officially formed during the First Intifada in 1987, they have had a history of committing crimes against humanity. As Amnesty International asserts, Hamas’ weapons (mortars and rockets) are indiscriminate by nature, leading Hamas to knowingly target civilian populations, including

Gazans.<sup>18</sup> This constitutes murder on a systematic scale pursuant to the mission of Hamas. Another instance of systematic murder is observable in the Hamas-supported extrajudicial killing of Gazans accused of providing information to Mossad and the Israeli military. Such actions are often taken with minimal justification in order to coerce the Gazan population.<sup>19</sup>

Though the Izz al-Din al-Qassam Brigades openly attack Israeli civilians and the Executive Force punishes those they suspect of collaborating with Mossad, Israel is not Hamas' only enemy. Supporters of Fatah, the official government of the West Bank and Hamas' political rival, are frequently detained, tortured, and sometimes killed. According to the Palestinian independent commission for human rights (ICHR), masked gunmen associated with Hamas killed 28 Gazans between December 2008 and February 2009. These Gazans either openly supported Fatah or opposed Hamas rule of Gaza.<sup>20</sup> During Operation Cast Lead, an Israeli military incursion into Gaza (also known as the Gaza Massacre), Israeli bombs destroyed the primary prison complex of Gaza, allowing the escape of a number of the 185 Hamas detainees either accused of collaborating with Israel or Fatah. Hamas internal security forces subsequently hunted down and executed at least 20 of these detainees by shooting.<sup>21</sup>

Abuse and persecution of Fatah supporters and dissidents, both actual and suspected, is far more frequent than killings. A common punishment dealt by the Hamas government is maiming with gunshots to the legs and ankles, commonly performed by groups of masked men in military fatigues. One man reports having criticized a Hamas leader while having a conversation with a friend in public only to later be abducted from his home and taken to a nearby mosque to be shot in the lower legs and ankles three times.<sup>22</sup> Other abuses are even more common—especially beatings. Human Rights Watch interviewed a Fatah supporter in Gaza in December 2008 who reported having been beaten for 15 minutes with iron rods and rifle butts and witnessing masked men hit a 10-year old boy in the face.

Politically motivated violence against fellow Gazans is the most widespread crime of Hamas, who have taken on governing authority in Gaza and whose security forces have abused

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<sup>18</sup> "Amnesty: Hamas Rocket Attacks Amounted to War Crimes - BBC News." BBC News. Accessed May 13, 2015.

<sup>19</sup> "Gaza: Halt Executions." Gaza: Halt Executions. Accessed May 13, 2015.

<sup>20</sup> "Under Cover of War: Hamas Political Violence in Gaza." Under Cover of War. Accessed May 13, 2015.

<sup>21</sup> Ibid

<sup>22</sup> Ibid

that status while violating their own directives against unlawful detainment, torture, and respecting the political rights of Gazans.<sup>23</sup> However, neither Hamas nor the Egyptian Muslim Brotherhood can compete with the Islamic State in terms of severity and variety of violence.

#### D. Hamas – Structure

Hamas is a complex institution that has undergone multiple structural transformations since its inception in 1987 with the first intifada. Before 1987, when Hamas was the Palestinian Muslim Brotherhood, its methods for pursuing its policy were very similar to the EMB's methods—achieving popularity with the people by providing social services and attempting to be a legitimate political participant. With the first intifada came Hamas: a new institution that would demand the destruction of the Israeli state with steadfast determination. This marked the first transformation of Hamas from a sociopolitical movement to one with an attached militant wing, mobilized for war. The sharp change in structure between these two periods was directly proportional to the sharp increase and redirection in Hamas' violence that followed.

Though Hamas and its father institution, the EMB, share some similarities in ideology, their methods are critically different, as Hamas' charter calls for the destruction of the Israeli state. This is an important distinguishing factor between Hamas and the EMB. Rather than seeking to integrate, Hamas seeks to destroy, upheave and replace. The nature of the Israeli-Palestinian conflict leads naturally to such an impasse. Even taking into account Hamas' political participation in Gaza, the leadership of Hamas has made it abundantly clear that there is no peace until Israel is destroyed. The website of the Izz al-Din al-Qassam Brigades, used as a media outlet for Hamas supporters, lists its mission statement, which contains a directive to “liberate Palestinians and the land usurped by the Zionist occupation forces and settlers.”<sup>24</sup> This critical difference in mission defines the structure of Hamas and, in turn, the level of violence it will use to achieve its mission.

Following Hamas' 2006 electoral victory in Gaza, the organization transformed again to take on a governing role. With this new shift in structure came new types of violence, as the Executive Force swept through Gaza punishing dissidents with gunshots to their legs. This is an interesting shift, as it demonstrates a similar trend between the EMB and Hamas in their violence

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<sup>23</sup> "Internal Fight." Accessed May 13, 2015.

<sup>24</sup> Ezzedeem Al-Qassam Brigades | Information Office. Accessed May 13, 2015.

against those they were entrusted to govern. This shift created new enemies for Hamas, especially in the form of Fatah supporters in Gaza. However, the newfound political legitimacy of Hamas also shaped their violence in other ways, as evidenced by increased control over Hamas-related violence and the cessation of suicide bombings post-2008.<sup>25</sup> These shifts in types of violence are results of shifts in Hamas' goals, and they show a compromise between Hamas' guiding ideology and its will to survive as a player in Palestinian politics. Hamas' leadership has realized that it cannot be recognized as a legitimate governing authority and send suicide bombers into Israeli targets simultaneously, but this presents a conflict between Hamas' goals of political power and its narrative. In any case, it is clear that the shifting structure of Hamas has determined the types and frequency of violence that Hamas uses in pursuit of its goals.

### E. The Islamic State – Violence

The United Nations Report of the Independent International Commission of Inquiry on the Syrian Arab Republic stated in its recent publication, "Rule of Terror: Living Under ISIS in Syria," that ISIS "has become synonymous with extreme violence directed against civilians."<sup>26</sup> This is a significant statement for one reason: it demonstrates the truly international recognition that ISIS has garnered with its extraordinarily violent behavior. ISIS is a modern icon of savagery akin to the Khmer Rouge. The origins of ISIS remain unclear, but there is satisfactory evidence and plenty of speculation that ISIS formed on the remnants of Al-Qaeda in Iraq (AQI).<sup>27</sup> ISIS claims responsibility for and publicly broadcasts much of its violence, so identifying ISIS-related violence is far less complicated than determining the violent acts of the Egyptian Muslim Brotherhood or even Hamas. What is perhaps most disturbing about the violence that ISIS commits is how routine it is. While analyzing violence committed by the Muslim Brotherhood, one must scrutinize a certain window of state power to find anything substantial, and even in Hamas' case it can be difficult to assign responsibility, but ISIS has managed to turn gruesome mutilation, murder, and terror into a daily occurrence in the areas it currently controls.

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<sup>25</sup> Urquhart, Conal. "Hamas in Call to End Suicide Bombings." Accessed May 13, 2015.

<sup>26</sup> UN Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, *Rule of Terror: Living Under ISIS in Syria*, 14 November 2014

<sup>27</sup> Keller, Michael. "MAP: Where Is ISIL Operating? | Al Jazeera America." Map: Where Is ISIL Operating? December 1, 2014. Accessed May 13, 2015.

Systematic murder is a staple of ISIS tactics, and ISIS uses murder in varying ways to either project an image of strength or manipulate the political geography of the areas under its control. For example, beheading Western journalists dramatically and on television is a statement to the West that they are not immune to ISIS, while ISIS slaughters religious minorities as part of an effort to erase minority groups in Iraq and Syria. This enables ISIS to keep a stronger grip on their primarily Sunni population, for whom they claim to be champions. This does not necessarily mean that ISIS only uses murder as a tool to control the populations within its sphere. In February 2015, ISIS fighters executed 21 Coptic Christians in the Libyan village of al-Our on the basis of their religion, proving that murder is a fundamental part of ISIS' tactical and strategic framework.<sup>28</sup> This act was also intended to send a message of insecurity to Europe, just across the Mediterranean Sea, and the West as a whole. Murder is a daily and routine happening in ISIS-controlled territories, and it is considered a standard punishment for breaches in morality. Such a breach is determined by the al-Hisbah morality police or the al-Khans'aa brigade, and the sentences range from severe whipping to mutilation and public execution. It is common for men in Raqqa to be executed for having a tattoo or smoking cigarettes.<sup>29</sup>

Beyond murder, ISIS is also guilty of the crime of extermination, as it purposely inflicts poor living conditions upon its captive populations by denying access to humanitarian food and medicine sources. This is intended to increase dependence on ISIS and control for ISIS, but also has the effect of starving and infirming many of its captives.<sup>30</sup> Enslavement is also commonplace for ISIS and comes alongside sexual violence, as many of ISIS' slaves are young Yazidi women and girls trafficked in marketplaces to be used as sex slaves and to bear children for ISIS fighters against their will. Many of the Yazidi women that ISIS holds captive are considered "spoils of war" from their attack on Sinjar, Iraq. One Yazidi escapee who interviewed with BBC describes how crying and begging made no difference to the ISIS fighters, and she recalls that her assigned price was 15,000 Iraqi dinars (about \$13).<sup>31</sup>

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<sup>28</sup> Malsin, Jared. "Christians Mourn Their Relatives Beheaded by ISIS." Time. February 23, 2015. Accessed May 13, 2015.

<sup>29</sup> UN Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, *Rule of Terror: Living Under ISIS in Syria*, 14 November 2014

<sup>30</sup> Ibid

<sup>31</sup> Wood, Paul. "Islamic State: Yazidi Women Tell of Sex-slavery Trauma - BBC News." BBC News. December 22, 2014. Accessed May 13, 2015.

The Yazidi minority has suffered greatly due to ISIS violence. Since ISIS laid waste to Yazidi lands, at least 500,000 Yazidis alongside other religious minorities have been forcibly displaced and relocated to autonomous Kurdistan—a land already overflowing with refugees.<sup>32</sup> Many of the Yazidis who defied ISIS or otherwise chose not to leave Sinjar were either killed or sent to detention centers in Raqqa, where they were tortured, starved, kept in crowded cells, and ultimately killed by electrocution or other torturous means. ISIS treatment of religious minorities constitutes the crime of persecution.

Information about ISIS comes either from escapees or from ISIS itself, since journalists do not venture into ISIS territory. It is common for ISIS to abduct, torture, and kill Syrian journalists who enter ISIS territory.<sup>33</sup> This constitutes the crime of enforced disappearance of persons. Other acts that can be considered inhumane or of a character intentionally causing great suffering are also staples of ISIS conduct, including decapitation of fallen enemy fighters and subsequent display of mutilated heads either in stacks or impaled in town squares such as Raqqa.<sup>34</sup> Furthermore, the al-Hisbah morality police and al-Khans'aa brigade deliver extreme and unjust punishments for arbitrary crimes. The sentenced are often crucified in public places while nearby people are forced to watch, and the crucified bodies are left standing for days as a warning to the people.<sup>35</sup>

#### F. The Islamic State – Structure

ISIS is very different from the EMB and even Hamas in terms of structure, with the primary difference being that the acts of terrorism ISIS commits are largely carried out by what is increasingly considered to be a legitimate military force; this then leads to the question of whether or not an illegitimate state can indeed *have* a legitimate military arm. Indeed, we see that despite this seeming contradiction, this is the case. Even scholars have begun to associate ISIS' traits with a legitimate structural military; Col. (ret.) Dr. Jacques Neriah describes the different councils of ISIS, including a Military Council that coordinates field operations, a Consultative Council resembling a small parliament, a Judicial Council whose responsibilities are to enforce the laws of the caliphate, and a few other councils with varying religious

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<sup>32</sup> UN Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, *Rule of Terror: Living Under ISIS in Syria*, 14 November 2014

<sup>33</sup> *Ibid*

<sup>34</sup> *Ibid*

<sup>35</sup> *Ibid*

responsibilities<sup>36</sup>. These councils show ISIS' intention to be a state from the very beginning rather than a resistance or an insurgency. They also lend to an interesting contrast between Hamas and ISIS. Since Hamas began as the Palestinian Muslim Brotherhood, it initially had no military wing, military council, or even the intention to become a state. Arguably, even after the First Intifada, when Hamas truly became Hamas, its goals had never been authority or statehood in the way that ISIS pursues them—rather, Hamas placed *liberation* of Palestine at the front of its agenda.

While Hamas does have the Izz al-Din al-Qassam Brigades, their battlefield tactics are vastly different from those of ISIS soldiers. Hamas' forces are known to primarily use mortar and rocket attacks against Israeli targets, whereas ISIS soldiers are constantly fighting to capture ground in Iraq and Syria. The levels of resistance facing each organization set them apart as well; Hamas must contend with one of the most powerful military forces on earth, while ISIS' primary ground opposition is a large force of well-armed Kurds known as the *Peshmerga* (“those who face death”).

Furthermore, the social structure of ISIS differs from that of the other two EPIs in numerous ways. Under EMB leadership, Egyptian law was not altered drastically until Morsi's decree of presidential power. Even after Morsi's decree, the societal structure of Egypt was never replaced by one that favored the EMB, but infiltrated and Islamized by the EMB instead. However, some secular Egyptian institutions, such as the military, were too resistant to EMB Islamization. Likewise, while Hamas-governed Gaza experiences some limitation on personal freedoms (especially concerning women's rights), many policies that Hamas enforces are already Palestinian traditions, such as gender segregation in schools. The only difference between pre-Hamas Gaza and Gaza today is that some of these traditions are now law.<sup>37</sup> ISIS has not accepted any element of the governance of its former territories, instead opting for complete restructure and domination. ISIS goes to any length they deem necessary in pursuit of this domination, including the destruction of mosques and shrines that they deem sacrilegious in their own

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<sup>36</sup> Neriah, Jacques. "The Structure of the Islamic State (ISIS)." Jerusalem Center For Public Affairs. September 8, 2014. Accessed May 13, 2015.

<sup>37</sup> Ayyoub, Abeer. "Hamas Segregates Gaza Schools by Gender." - Al Jazeera English. April 11, 2013. Accessed May 13, 2015.

interpretation of the Qur'an.<sup>38</sup> One similarity between Hamas and ISIS is the use of retribution as a tool to keep order. Where Hamas uses gunshots to the legs of suspected dissidents, ISIS chooses to intimidate its subjects with gruesome public displays to remind them what can happen if they are disobedient. Hamas and ISIS also both make extensive use of social media, though in nearly opposite ways. Hamas seeks to victimize Palestinians by posting pictures and videos of Israeli military abuses in Gaza, but ISIS projects an image of strength in their various propaganda videos. As previously discussed, they make bold statements with their videos of executions that no one is safe from them.

Despite the power of the social aspects of ISIS structure, the role of the military is impossible to disassociate with ISIS' core ideological components. Physical violence against their enemies is their most frequented method for domination, and this has been the case since their inception.

## V. Analysis and Conclusion

In both the EMB and Hamas, one can observe a common pattern of direct proportionality between increase in authority and increase in violence. This is not to say that increases in authority necessarily lead to violence in all institutions, but rather it shows a change in the goals of each institution. Once the EMB climbed the political ladder in Egypt, its goals shifted from attaining state power to *keeping* state power. The EMB's Freedom and Justice Party had the presidency; it showed a certain propensity for police violence and neglect as a means of indirect punishment for insubordination, "immorality," and Shiism. This does not necessarily mean that the EMB had been unwilling to use violence prior to attaining state power, but only that holding such power enabled the EMB to use methods they could not use as a mere social movement (such as police violence). Therefore, the EMB first underwent a process that changed its structure from a social movement to an entity wielding state power, which led to a change in its goals and the methods (violence) it was willing to use to meet those goals.

The same shift in goals and violence can be seen in Hamas, though this also does not mean that Hamas has abandoned its previously stated goal of liberating Palestine through the destruction of Israel. Hamas simply reprioritized its enemies, making Fatah, its supporters, and

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<sup>38</sup> "ISIS Destroys 200-year-old Ottoman Mosque in Mosul." Rudaw. Accessed May 13, 2015.

any other dissident into high-value targets. This shift has occurred because Hamas' will to survive as a political institution seems to have overcome its guiding ideology to some extent. The shift in Hamas' violence is more gradual and clear than that of the EMB, as one can see a decline in violence against Israeli targets and a sharp increase in violence against Palestinians. Again, after Hamas' structure shifted from a social movement to a governing power, Hamas' primary goal—keeping control of its territory and population—succeeded its goal of liberating all of Palestine from Israeli occupation. This has had a profound effect not only on the types of violence Hamas has chosen to implement, but also on the targets of Hamas' violence.

It is still too early to mark any change in ISIS' structure or the typologies of violence they implement in pursuit of their goals, but one can apply the basic relationship between violence, structure, and goals to predict that ISIS' structure will need to change at some point to fit into the modern international order if ISIS is to survive as a political institution in Iraq and al-Sham. Such a change in structure would likely follow an end to ISIS' conquest of territories and lead to an overall decrease in violence against targets outside of their claimed territories. One could reasonably expect a future ISIS to continue using violence against its own subjects to keep order, just as Hamas and the EMB have done when their power has been threatened by dissidence.

Initially, it may seem that ISIS could potentially run a similar course to that of Hamas, deradicalizing and consolidating its power within its own territories. However, upon further inspection and with a greater understanding of the current structure of ISIS, it is apparent that if ISIS ever does become accepted in the modern international order, it will not resemble Hamas in any of its stages. Unlike ISIS, Hamas unites its followers under a cause that most Arabs can feel sympathetic towards. Hamas has also made an effort to work within the modern international system and not work completely against it or wage war upon it in the way the ISIS has and does. If ISIS ever did gain some semblance of legitimacy, even with its Arab neighbors, it would still be a far more totalitarian and brutal society than anything Hamas could create in Gaza.

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APPENDIX A: CASE STUDIES OF VIOLENCE TABLE

*Case-Studies of Violence Chart*

	Murder	Extermination	Enslavement	Deportation or forcible transfer of population	Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law	Torture
<b>The Egyptian Muslim Brotherhood (EMB)</b>	N/A	N/A	N/A	N/A	December 5 and 6, 2012: At least 49 anti-Morsi protesters are detained by EMB members following armed clashes in Cairo. The detained are held outside the Ettihadiya presidential palace gate. (hrw.org)	December 5 and 6 2012: While detained by EMB members and Morsi's police, protesters are beaten ruthlessly with blunt weapons until they confess to their crimes on camera. (hrw.org)
<b>The Islamic Resistance Movement (Hamas)</b>	Hamas' knowing use of indirect fire munitions such as unguided rockets and mortars into areas dense with civilians, both Israeli and Gazan. Multiple cases of Hamas executing Palestinians falsely accused of being informants for Israel.	N/A	N/A	N/A	July 2007-2008: Hamas forces capture and arbitrarily imprison members of the Fatah movement in Gaza on the basis of their membership.	July 2007-2008: Hamas forces in Gaza subject their Fatah prisoners to beatings, threats, and other forms of physical and psychological torture.
<b>The Islamic State of Iraq and al-Sham (ISIS)</b>	ISIS' infamous televised beheadings of their captives; attacks on Baghdad and other Iraqi cities targeting civilian populations with car bombs, mortars, and other indiscriminate weapons.	In an effort to increase civilian dependence on ISIS and its services, ISIS deprives Raqqa of humanitarian food and medicine.	ISIS fighters have taken Yazidi women and girls as spoils of war and are trafficking them in marketplaces as sex slaves.	500,000 Yazidis and other religious minorities have been uprooted and forced to either move to autonomous Kurdistan or die.	ISIS detention centers in Raqqa hold minorities and those caught by the al-Hisbah morality police and al-Khans'aa brigade.	Raqqa detainees are whipped, beaten, mutilated, starved, kept in crowded spaces, electrocuted, and killed in other grotesque ways.

APPENDIX A: CASE STUDIES OF VIOLENCE TABLE

*Case-Studies of Violence Chart*

	Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity	Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds	Enforced disappearance of persons	The crime of apartheid	Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health
<b>The Egyptian Muslim Brotherhood (EMB)</b>	December 5 2012: Amidst protest, EMB members assault and sexually abuse Ola Shahba. Other dates: EMB Police and FJP government make negligible effort to curb sexual violence epidemic in Tahrir Square. Some Morsi-appointed officials publicly blame women for their own rape. (hrw.org)	EMB and Salafi leaders publicly denounce the spread of Shiism in Egypt. On June 23 2013, 4 Shiites are lynched by a Salafist mob; efforts by EMB police to curb sectarian violence are negligible. (hrw.org)	N/A	N/A	N/A
<b>The Islamic Resistance Movement (Hammas)</b>	N/A	Hammas treatment of Fatah supporters and members resembles persecution based on political grounds. The Hammas practice of maiming Fatah supporterrers with gunshots to their legs is of particular concern.	N/A	N/A	N/A
<b>The Islamic State of Iraq and al-Sham (ISIS)</b>	ISIS maintains marketplaces full of young women to be trafficked as sex slaves or used to bear children for the fighters. These are generally Yazidi women and girls.	Widespread abuse of the Iraqi Yazidi minority group and other religious minorities, to include murder, displacement, and torture.	ISIS regularly abducts, tortures, and kills journalists of all nationality.	N/A	ISIS mutilates the corpses of enemy fighters and displays stacks of decapitated heads in town squares and other public areas to terrorize their captive populations. Al-Hisbah morality police impose strict penalties on those caught smoking, or doing anything else that ISIS does not approve. Penalties range from whipping and beating to mutilation and public execution.

## APPENDIX B: ROME STATUTE ARTICLE 7-SECTION 2

A.	Attack directed against any civilian population' means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
B.	Extermination' includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
C.	'Enslavement' means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
D.	'Deportation or forcible transfer of population' means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
E.	'Torture' means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
F.	'Forced pregnancy' means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
G.	'Persecution' means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
H.	'The crime of apartheid' means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

APPENDIX B: ROME STATUTE ARTICLE 7-SECTION 2

I.	‘Enforced disappearance of persons’ means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.
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