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1 The West's colonization of Muslim lands and the rise of Islamic fundamentalism

Like locating fault lines to determine where earthquakes are apt to develop, examining the history of the affected peoples, particularly who did what to whom, helps explain the advent of terrorism perpetrated by extreme Muslim fundamentalist groups against the West and against the United States in particular. When Russian, American, or European leaders condemn Muslim terrorism and terrorists, they rarely, if ever, mention the behavior of Russia and European countries towards Muslim ones[1] in the seventeenth, eighteenth, nineteenth, and twentieth centuries. For example, in 1830, France invaded, and in 1834 annexed, Algeria. Only after a bitterly fought and bloody nine-year war of independence in which the rebels killed French civilians and targeted French bars and restaurants and the French engaged in ruthless counterterrorist methods, including torture, did General Charles de Gaulle finally accede to Algerian independence in 1962. In the 1600s, the Dutch, following the Portuguese, began the conquest and colonization of the Indonesian islands, today the most populous Muslim nation, only to give them up under intense internal and international pressure in 1949. In the late 1700s and in the 1800s, Russia annexed Tatar Crimea, the Caucasus, including Chechnya and other Central Asian Muslim nations like Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. These latter six countries only achieved independence with the breakup of the Soviet Union in 1991. Chechnya, which Russia did not consider an independent state, remains under Russian rule.

Britain began the colonization of India and what is now Pakistan in the 1700s, with the activities of the government-sanctioned East India Company, only to fully colonize the Indian subcontinent in the 1800s.[2] The British left their former colony in 1947, agreeing to divide it along religious lines (Hindu and Muslim) into two bitterly separated states, India and Pakistan. Britain also had three times waged war against Afghanistan, invading in 1838 and in 1878, and fighting a rebellion in 1919.[3] To protect its hold on India and to thwart Russian influence, Britain took the Khyber Pass and other areas and installed the Afghan ruler in 1880 on the condition that Britain would run Afghanistan's foreign policy. After the 1919 rebellion, Britain recognized Afghanistan's independence. (The Soviet Union was to invade Afghanistan in

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1979. In response, the US armed the Afghan Mujahideen, unwittingly helping Osama bin Laden and his organization, al Qaeda, to emerge.)

Britain invaded Egypt in 1882, retaining a colonial relationship with that country until 1954. Britain also took over as "trust territories" Muslim states from the former Ottoman Empire after the First World War, literally drawing the map establishing Iraq, as well as taking Jordan and Palestine. Britain also exploited its economic ties to Iran, obtaining in 1901 an exclusive 60-year concession to explore for oil in that country and in 1907 agreeing with Russia to divide Iran into separate spheres of influence. In addition, the European countries colonized virtually all of Africa, including the Northern African Muslim states, generally not giving them up for independence until the 1960s.

The list does not end here. Almost every Muslim country on the planet was conquered and colonized by Europeans or Russians (see Table 1.1, pp. 19–27). Most of those countries became free of the colonizer only since the end of the Second World War, with many gaining independence in the 1960s. In every Muslim country that experienced colonization, there are still substantial numbers of the populace living today who also lived under colonization. Although most Muslims living today were born after the Second World War (and even after 1980), colonization has cast a long, dark shadow.

Just as abolishing *de jure* discrimination has not eliminated *de facto* racial discrimination in the US, the simple act of becoming independent does not immediately eliminate the attitudes, customs, and institutions of either the colonizer or the colonized. After casting off the yoke of white minority rule in South Africa, the government is nonetheless finding it particularly difficult to grapple with the issues of unemployment and underemployment, economic development, and the AIDS pandemic, not to mention transitional justice. Nelson Mandela's declaration that the new South African constitution put to rest the 500 years of colonization starting with the Portuguese has not in and of itself made South Africa a stable or a prosperous country.

Even after independence, the colonizer often exerted inordinate influence on its former colony. The colonizer's government, its private corporations, and its religions had been operating in the former colony for decades. Even after independence, these institutions often keep on operating. Sometimes for self-interest, sometimes out of a sense of obligation, the colonizer has intervened militarily or economically or both. Sometimes, the colonizer, if not pulling all the strings as it did previously, continues to run important businesses and to provide the major source of foreign capital and investment in the former colony. Culture, language, and religion, likewise, sometimes have bound former colonizer and colony in ways that neither had foreseen.

Explaining the British tactic of controlling another country without necessarily colonizing it, historian John Darwin's words apply equally strongly to the post-colonization experience of many formally colonized states:

> [T]he British had always been prepared to secure their imperial ends—trade, security, influence—by the widest variety of political means, using

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> the inflexible and expensive method of direct colonial rule only when necessary—and often grudging the necessity. Whenever possible they preferred to influence, persuade, inveigle (by economic benefits) or frighten local rulers into cooperation with them. All this means that we cannot easily measure the extent to which British dominance over client states and colonial peoples contracted by the crude yardstick of a change in constitutional forms.[4]

Until conquest and colonization were made illegal in the last century, the story of the human race mainly consists of peoples conquering, colonizing, often enslaving and, in some cases, destroying or banishing other peoples. The Muslim Ottoman Empire itself was established through conquest and colonization. The US was established through conquest and, to a great extent, by destruction of the native population. That conquest and colonization were commonly practiced does not, however, heal the wounds they caused any faster. Furthermore, the world community's outlawing conquest and colonization has heightened the consciousness, even of peoples who were conquered and colonized before the practice was banned. Most Muslim countries were subject to colonization within 100 years of the UN Charter, the multilateral treaty, concluded in 1945, which most clearly made conquest illegal.[5] A large number of Muslim countries achieved independence in the 1960s, so the wounds caused by colonization, from the perspective of world history, remain relatively fresh.

Most Muslim countries have had difficulty in the post-colonial period meeting the fundamental needs of their people. If one excludes the oil-producing states, Muslim countries are disproportionately represented among the bottom third of countries in terms of absolute and per capita gross domestic product.[6] Non-oil-producing Muslim countries rank in the bottom third of states in terms of industrial production and in income per capita.[7]

Many of the independent post-colonial Arab and Muslim states adopted far more draconian laws and policies than the former Ottoman Empire. The Ottomans often governed on the basis of accommodation rather than absolute force. The governments of the independent Arab and Muslim states often borrowed the repressive policies and practices of the European and Russian colonizers rather than the generally more relaxed practices of the Ottoman Empire.

Few Muslim countries have a democratic form of government; most, unfortunately, are run by authoritarian regimes. Freedom House lists only three Muslim countries as "free".[8] Muslim countries also score low on Transparency International's corruption index.[9] Of the large Muslim states, Turkey may be the most democratic. It also has suffered military coups and possesses one of the worst human rights records in Europe. In attempting to gain entry into the European Union, Turkey has commendably made real reform, such as abolishing the death penalty in peacetime. Amnesty International reports, however, that Turkey is still actively prosecuting individuals

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under Article 301 of its penal law for "denigrating Turkishness," going so far, for example, as to criminally prosecute an attorney for uttering the word, "Kurdistan."[10] Amnesty also notes that Turkey is continuing to torture and mistreat prisoners.[11]

The literacy rate of Arab counties is 70.3 percent,[12] far behind the former Eastern bloc countries, Europe, Canada, and the US. The Arab states rate towards the bottom of countries on indices measuring freedom of speech and freedom of the press. Consequently, cultural life in these states has stagnated.

For many Muslims, it must be galling to have been passed by the West in almost every category. In the mid-1500s, the Ottoman Empire was the superpower, the unquestioned top military power in Europe, Asia, and Africa.[13] Muslim architecture was the most advanced; their mathematicians were making breakthroughs that made the rest of the world wonder.[14] Their scholars generally were the most respected in the world. Furthermore, Muslim societies were among those most tolerant of the "other." For example, Muslim Turkey welcomed the Jews after they were expelled from Catholic Spain in 1492.[15] (Jews and Christians were generally tolerated in the Ottoman Empire probably because of the teaching of the Hanafite school of Islam.)[16] Given this history, Muslims must have found it particularly humiliating to be conquered and colonized by the Europeans and Russians. It must have resembled Detroit automakers being taken over by the Japanese (and now the Italians). Furthermore, as noted above, the post-colonial experience of Muslim countries has not generally been as positive as it might have been, and certainly has not cleansed those societies of the humiliation of colonization.

1.1 The colonial experience—Egypt

As noted above, nearly every Muslim country was colonized by European countries or Russia. It might be instructive to examine the colonial experience of one such country that is probably representative of many. Egypt had been a Muslim country since 641 CE.[17] Egypt was the only Muslim country to successfully fight off the thirteenth-century Mongol invasion that so devastated the Muslim world.[18] The army of Sultan Selim brought Egypt into the Ottoman Empire after defeating the ruling Mamluks outside Cairo in 1517.[19] In 1798, Egypt, however, was conquered by Napoleon. Napoleon's conquest was short-lived. The Ottoman Turks and the British banded together and pushed the French out in 1801. One of the Turkish officers, Muhammad Ali (also known as Mehemet Ali), became the ruler of Egypt. He defeated the British in 1807, brutally confiscated the lands of rival feudal lords, persuaded the Ottoman Sultan to name him viceroy, and, of all Muslim leaders in the nineteenth century, did the most to modernize his country along European lines.[20] His modernization projects included the building of irrigation canals, the construction of shipbuilding plants, textile mills, and other factories, the creation of a huge conscripted standing army on the European model, the cultivation of cotton, sugar cane, and other cash crops, and the imposition

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of tariffs on European imports to protect Egypt's nascent industries.[21] He ruthlessly impressed the peasantry into the army and into his textile mills. He also excluded the Muslim clergy, the ulama, from avenues of power.[22]

Muhammad Ali gained Egypt's *de facto* independence from the Ottoman Empire, an independence that displeased Britain. One of Ali's military campaigns threatened Constantinople. Britain and France supported the Ottoman Empire in fending off the attack and in defeating Ali. Under the terms of the Treaty of London of 1841, Ali had to give up Syria, limit his army to 18,000 troops and ease his tariffs on British imports, an act that contributed to the failure of his efforts to establish Egyptian manufacturing.[23] This Treaty did make Ali's heirs hereditary rulers, the only viceroys in the Ottoman Empire to have gained this privilege.

Ali was uninterested in cutting a canal through the Suez. His successor, Abbas Pasha, was likewise uninterested, but upon the latter's death in 1854, Said Pasha, Ali's son, began a nine-year rule. He wanted to continue the modernization of Egypt, and happened to be a childhood friend of French diplomat and engineer Ferdinand de Lesseps, to whom he gave the concession to build the canal.[24] The latter founded the Universal Company of the Maritime Suez Canal in 1858.[25] His company, financed by French and Egyptian investors, started construction that year. Using the forced labor of thousands of Egyptian peasants, the Company completed the canal nearly 11 years later at twice the estimated cost.[26]

When the company ran into financial trouble, Said Pasha bought 44 percent of its stock. In his attempts to modernize the country, from stringing telegraph lines up the Nile to expanding the railroad and building the Suez Canal, Said Pasha had run the government into debt.[27]

Said's successor, Ismail Pasha, under the thrall of the Europeans, continued modernization projects, including greatly expanding public education, railroads, harbors, and other public works. Unfortunately, Ismail spent far beyond his and his country's means, nearly bankrupting Egypt and permitting it to fall largely into the hands of French and British creditors.[28] In 1875, the dire financial situation virtually compelled the government to sell its shares in the canal to Britain. (By 1880, 66 percent of Egypt's revenue went to pay the debt and the tribute to the Sultan.[29]) The French and English governments urged Ismail to abdicate in favor of his son Toufik. When the Ottoman Sultan agreed, Ismail was deposed, and Toufik, at 27, became the viceroy of Egypt.

Toufik did not reign independently for long. Although he tried to turn the debt crisis around, he lacked the stature to control the army. A charismatic officer, Said Ahmed Urabi, led an army revolt in 1881, which resulted in Urabi's being appointed Minister of War in 1882 and shortly thereafter the military ruler of the country.[30] Urabi set to work wresting internal control of Egypt from the French and the British, and called for the expulsion of foreigners.[31] His policies alarmed the two European powers.

Although initially opposed to the canal's construction,[32] the British considered the completed Suez Canal vital to their interests as "the highway to

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India."[33] Concerned that Urabi's revolt might threaten their access to the canal, the British invaded Egypt in 1882, beat Urabi's troops with superior firepower, captured Urabi, and reinstated Toufik.[34] For the next 72 years, the British retained *de facto* if not *de jure* control of the country. Specifically, the British occupied Egypt, but permitted the Egyptian viceroy to exercise nominal authority. At the outbreak of the First World War, the British appointed their own sultan of Egypt, establishing a protectorate that lasted until shortly after that war.[35] After the protectorate ended, authority was supposedly passed to Egypt's monarchy (Ali's heir), but real power lay with the British who continued to station large troop contingents in Egypt until 1954.[36]

The colonization of Egypt had practical effects, for example, changing a diverse economy into a single commodity enterprise: "From a country which formed one of the hubs in the commerce of the Ottoman world and beyond, and which produced and exported its own food and textiles, Egypt was turning into a country whose economy was dominated by the production of a single commodity, raw cotton, for the global textile industry of Europe. By the eve of the First World War, cotton was to account for more than ninety-two percent of the total value of Egypt's exports."[37] Four-fifths of Egyptian cotton went directly to British textile mills.[38]

Some aspects of European colonization were particularly humiliating to Egyptians. For example, they were blatantly discriminated against in employment contracts. Furthermore, under a seventeenth-century agreement between the Ottoman Sultan and the French, which was ultimately applied to all Europeans, the Egyptian government had no authority to apply Egyptian laws to Europeans living in Egypt. Known as the Capitulations, this set of laws and practices enabled the Europeans to act with impunity in committing crimes and civil wrongs. The Earl of Cromer, the first British Viceroy, who was the real power in Egypt for 18 years, admitted: "At first sight, it appears monstrous that the smuggler should carry on his illicit trade under the eyes of the Custom-house authorities because treaty engagements forbid any prompt and effective action taken against him. These engagements have also been turned to such base uses that they have protected the keeper of the gambling hell, the vendor of adulterated drinks, the receiver of stolen goods, and the careless apothecary who supplies his customer with poison in the place of some healing drug."[39] Cromer defended the practice on the grounds that the Egyptian government was "bad" and that the European colonizers had to be assured they could make money without the interference of such a government.[40]

After the First World War, representatives of the Egyptian people contested Britain's holding onto Egypt. Several US members of Congress likewise objected. One of Woodrow Wilson's 14 points declared that such nations as Egypt should be free of colonization of any sort.[41] Wilson himself criticized Britain's practice of colonization. Britain and France successfully resisted all such claims. The 1920 San Remo Conference, the subsequent Treaty of Sèvres, and the League of Nations parceled out the Ottoman Empire

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mainly between the British and the French.[42] The creation of the mandate system in the former Ottoman Empire outraged the Arab population living in many of these lands.[43] Instead of freedom and self-government, the Arabs received another brand of colonial rule.[44]

Only Turkey had the military strength to reject the Treaty of Sèvres, which, by the way, had carved out new states of Armenia and Kurdistan, respectively. Upon Kemal Ataturk's overthrow of the Ottomon Sultan (the Caliph)[45] and his imposition of secular rule, the Allies agreed to Ataturk's demands to throw out the Treaty of Sèvres, expanding Turkey's borders and eliminating the two new states. In his zeal to establish a modern, democratic Turkey, Kemel Ataturk also persuaded the Turkish Parliament to abolish the Caliphate in 1924.[46] Although most Muslims frequently disagreed with the Caliph and the Caliph's practice of bowing to Western powers, the abolition of the religious head for Muslims was somewhat like abolishing the papacy would be for Catholics. The abolition caused dismay throughout the Muslim world, leaving Muslims feeling adrift.

In Egypt, meanwhile, a group of prominent nationalists, led by Sacd Zaghul, demanded that Britain end the protectorate and give Egypt independence. Britain responded by arresting and exiling the group to Malta in March 1919.[47] Incensed by the British response, the Egyptians revolted. The British used military force to put down the revolt, eventually killing approximately 800 Egyptians and wounding 1,400 others.[48]

Between the two world wars, nationalism in Egypt and much of the Middle East was ascendant, but little progress toward throwing off the English yoke was made. The breakup of the Ottoman Empire and the abolition of the Caliphate devastated much of the Arab and Muslim worlds, both economically and culturally. In a sense, the breakup was like creating the European Union in reverse. What had been a single though somewhat loosely bound empire, overnight became a group of new states (or at least new separately designated colonies or protectorates). Each of the newly created Arab or Muslim states all at once had foreign borders; each had its own set of tariffs, customs and taxes. Former Ottoman Empire provinces that had little to do with one another were cobbled together to form a country (for example, Iraq was formed from three provinces of the Ottoman Empire). Others, like Transjordan, were created because of squabbles between France and Britain over Syria. Fragmenting the Ottoman Empire weakened the whole, which was France and Britain's objective,[49] since they received most of the Ottoman Empire; only Turkey's military might and its drastic drive towards modernity enabled it to escape the colonial powers' grasp.

In 1936, Britain and Egypt signed the bilateral Anglo-Egypt treaty, which supposedly formally ended the British occupation of Egypt, but also provided Egypt with a British defense guarantee against the possible invasion by the then fascist Italy.[50] Under the treaty, however, 10,000 additional British troops were moved to the Canal Zone at this time and, with the advent of the Second World War, Britain effectively occupied the country again. In the

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British view, the renewed *de facto* colonization of Egypt was justified because of the threat to the Canal during the war for Allied shipping of supplies, matériel and troops.[51]

1.2 The rise of Nasser, the secular, authoritarian military leader

As disappointment continued to sweep through the Arab world after the Second World War, all parts of the Egyptian population were agitating against British rule. Although the British had left the rest of Egypt largely alone, Britain stationed 80,000 troops in the Canal Zone. One Egyptian commentator describes the forces that led to the Egyptian Army Revolt of 23 July 1952: "The presence of British troops in the Suez Canal Zone [was] widely resented as a national humiliation."[52] In January 1952, when the British used heavy weapons against the light-armed Egyptian police, there was a national outcry. "The following day, the Black Saturday of 26 January 1952, the Cairo mobs burst out and burned the fashionable shopping centre of the city."[53] The army had to be called in to impose order.

The so-called Black Saturday was a preview of the Free Officers Revolt six months later. On 23 July 1952, some young military officers led a revolt against the monarchy and Britain. All sectors of the population from religious fundamentalists to the secularists supported the revolt. It succeeded. King Farouk left the country to become a playboy on the Riviera. Under the treaty of 1954, Britain agreed to leave the Canal to the nationalist Egyptian governments. Although the British left Egypt, the Canal continued to be run by the Suez Canal Company, which was predominantly a European company with mainly European employees in positions of importance.

After the revolt, Gamal Abdul Nasser, one of the Free Officers, was named premier of Egypt. Nasser espoused a pan-Arabian ideology, but along secular lines. Nearly four years to the day after the 1952 revolt, Nasser nationalized the Suez Canal. He offered to compensate the Canal Company shareholders, based on their share value on the French La Bourse, the French Stock Exchange, on the day before the nationalization.

The reaction of Britain and France was electric. Despite Egypt's offer to pay the European shareholders, the British and French saw the takeover as robbery of "their" Canal. They moved in the press and in the United Nations (UN) to stop the nationalization. In concert with the British and French governments, the largely European-owned Suez Canal Company took the extraordinary step of offering two years' pay to all Canal company employees to leave Egypt.[54] The Company wanted to demonstrate that Egypt could not run the Canal. The expected Egyptian failure was to serve as a pretext for invasion. Apparently, that effort was unsuccessful. Using its naval pilots and the few Egyptian pilots who worked for the Suez Canal Company, the Egyptians kept the Canal running efficiently after nearly all the foreign pilots and technical personnel pulled out.[55] The US and other members of the UN

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counseled that France and Britain bring their case to the International Court of Justice (ICJ). Probably knowing they would lose in the ICJ, the French and English rejected that proposal. (Egypt had met all the elements of the conservative, supposedly customary international norm of legal nationalization: it had taken the Suez for a public purpose and it offered to provide fair and adequate compensation to the shareholders.[56])

Instead, the French and the English encouraged Israel to invade Egypt and promised that they would supply air support and other matériel. On 29 October 1956, Israel invaded Egypt according to plan, and, as agreed, the French supplied air support for the attacking force and for the protection of Israel. Two days later, the Royal Air Force and the French Armée de l'Air "bombed and rocketed every conceivable target of military importance [in Egypt]: airfields and strips all the way from Delta to Luxor, harbors, railways, roads, and bridges, barracks, and assembly yards."[57] These included attacks on a military barracks in a densely populated part of Cairo and attacks coming as often as one every ten minutes "with an average of forty to fifty attacks in a day," resulting in a large loss of civilian life.[58] The Egyptians initially fought back, but later retreated from the Sinai.

Both the USSR and the US opposed the attacks on Egypt. On 30 October 1956, the US introduced a resolution in the UN Security Council, "calling on all countries to refrain from [using armed] force in the Middle East."[59] Both France and Britain vetoed the resolution. They also vetoed a Soviet resolution calling for a ceasefire and for Israel to withdraw from the Sinai.[60]

Then the USSR threatened both Britain and Israel; the US told Britain that it would not financially support the pound sterling, which for other reasons had been losing value. Dag Hammarskjöld, the distinguished UN Secretary General, offered his resignation in protest of the attacks on Egypt.[61] France and Britain backed down. The Israeli forces moved back from the Sinai, but retained access to the Straits of Tiran, to which it did not have access before the attack.

The colonial powers lost, and, even though his army was defeated, Nasser became a hero in the non-aligned world.[62] At least one commentator attributes the brisk pace of worldwide decolonization after the "Suez Affair" to the success of Nasser in nationalizing a primarily European-owned company and to the defeat of France and Britain in their attempts to retake the canal.[63]

That was probably the apogee of Nasser's fame. When the US refused to finance the Aswan Dam because Nasser had purchased military equipment from Czechoslovakia—then a Soviet satellite—Nasser turned to the USSR. The tilt towards the USSR made Nasser unpopular with the US government and the US began to move against him. On the other hand, Nasser's break with the West was exceedingly popular in the Arab world, which had been under the thumb of the European powers.[64]

In the 1960s, Nasser (and other Arab leaders) increasingly made threats to Israel; Nasser also took threatening actions: "On May 15, [1967] Nasser put the Egyptian military forces on alert and began moving them into the Sinai.

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He . . . request[ed] the complete withdrawal [of the United Nations Emergency force, which patrolled on the Egypt side of the Egypt-Israeli border]. After the withdrawal, Egypt again [on May 23, 1967] closed the Strait of Tiran to Israeli ships, an action Israel said it would consider an act of war."[65] Nasser continuously talked openly of his plans to attack Israel and continuously encouraged other states to do so as well.

Israeli leaders agreed to negotiate, but the Arab leaders refused to do so. Nasser avowed on 27 May 1965 that if it came to a war "the objective will be the destruction of Israel,"[66] and although he agreed to a UN mediation of the Israeli dispute, any concessions he made were extremely limited. Nasser's stance against Israel and the UN reinforced his popularity among Arab governments.[67]

Faced with the provocative language and actions, Israel launched a preemptive attack on 5 June 1967, conquering Egypt, Jordan, and Syria, taking the Sinai from Egypt, the Gaza Strip from Jordan, and the Golan Heights from Syria. Although not expressly authorized under Article 51 of the UN Charter, a preemptive attack is probably justifiable under customary international law in narrow circumstances. The legality of such an attack is usually evaluated under the *Caroline* case, requiring that the preemptive use of force "be confined to cases in which the 'necessity of that self-defense is instant, overwhelming, and leaving no choice of means, and no moment for deliberation.' "[68] A large body of legal scholars believe that Israel was entitled under international law to make a preemptive strike because the threat was imminent ("instant" and "overwhelming") and Israel had exhausted all peaceful means to avoid the use of military force.[69]

1.3 The rise of al Banna and the Muslim Brotherhood

During the 1919 Egyptian revolt against Britain, a 13-year-old boy named Hasan al Banna went on strike with the university students, wrote anti-imperialist poetry and saw British soldiers occupy his town near the Canal, apparently as part of their keeping the Suez Canal under their control.[70] Al Banna grew to become a religious and nationalist leader. Isaac Musa Husain explains how the First World War and its aftermath affected al Banna and helped create the movement he led:

> After the war Turkey abandoned the Caliphate, discarded the Arabic alphabet, and carried out extensive reforms. These things had profound repercussions in Egypt. The Liberals seized this opportunity to issue literature on Egypt's relations with the West, the substitution of the Western hat for the fez, the emancipation of women, freedom of thought, and the like. On the other hand, the Conservatives held these to be a departure from the fold of Islam, the message of the Koran, the name of the Caliphate, and religion in its totality. It was their opinion that Egypt had become the headquarters of the Islamic mission, the field of its

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struggle, and the legal heir of its leadership. Al Banna was among those of the latter party.[71]

In 1928, in Ismailia, Egypt, al Banna founded the Muslim Brotherhood.[72] A gifted speaker and organizer, al Banna built the society into one of the most formidable organizations in Egypt, if not the Arab world. At its height, in the 1940s, the Muslim Brotherhood had over 500,000 registered members.[73] The Brotherhood ran schools, health clinics, religious classes, and other services, as well as developing a clandestine military arm. Fearing the Brotherhood's power, the Egyptian prime minister, Mahmud al Nuqrashi, in 1948, declared the organization illegal and seized its assets. Three weeks later, one of the Brotherhood's members assassinated the prime minister. This murder led to the assassination of the 43-year-old al Banna the following year, probably by an Egyptian government agent.[74]

The Muslim Brotherhood was the forerunner of those Arab–Muslim groups today, including al Qaeda, which have targeted the West for violence. Specifically, after al Banna's assassination, the Brotherhood became more militant and its views more extreme. Sayyid al Qutb became the Brotherhood's philosophical and theological prophet as well as one of the organization's leaders. A skilled writer and deep thinker, al Qutb went far beyond al Banna and called not only for a Muslim state and for the recovery of all territory once under Muslim control, but also for world conquest and the imposition of Islam as the official world government and as the sole religion for all peoples of the world.[75] After studying for a postgraduate degree at Colorado State College of Education (now University of Northern Colorado) from 1948 to 1951, al Qutb returned to Egypt with special antipathy towards the United States, its culture, and its people.

Al Qutb and the Muslim Brotherhood had crossed paths with the new government since the Free Officers' successful liberation of Egypt from Britain in 1952. Although initially supporting the government, the Muslim Brotherhood soon stood at odds with Nasser's secular state. Some members of the Muslim Brotherhood engaged in violence against state officials, including at least one assassination attempt against Nasser. Although al Qutb did not directly take part in such violence, he was tortured and imprisoned for many years. He was subsequently accused of plotting against the state and against its president. Nasser had him executed on 29 August 1966, elevating al Qutb to martyrdom status in the eyes of Islamic fundamentalists. Al Qutb's philosophical writings have become the holy writ of today's Muslim fundamentalist movements and he is said to have inspired Osama bin Laden.

Up until 1967, most Muslims looked up to Nasser, admired his pan-Arab nationalism, and his apparent modernization of Egypt. Islamic fundamentalists held relatively little power. The Israeli success in the Six Day War, however, had a devastating impact on the secular Arab governments. These governments were discredited in the eyes of their people. Because of the failure of these governments vis-à-vis Israel, domestically, the pendulum

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began to swing away from the secular modernizing governments epitomized by Nasser,[76] and by the Shah of Iran, to the "conservative" Muslim fundamentalists, epitomized by the Muslim Brotherhood.[77] As previously noted, there is a competition going on in the Islamic world between the "conservative" fundamentalists and the "liberal" modern secularists. In the last 40 years, we may still be witnessing the rise of fundamentalism in the Muslim world, with the possible exception of Iran. There, actual experience of living under a Muslim state has fuelled an active opposition, which, however, has not yet become strong enough to displace the mullahs.

"Conservative" fundamentalists have also been strengthened by internal domestic policies of Islamic states. Nasser, for example, ruled with an iron hand, imprisoning political opponents, torturing them and, in some cases, executing them. He took repressive measures against the Muslim Brotherhood, which had opposed his secularizing of Egyptian society. Lawrence Wright notes that the seeds for 9/11 may very well have been sown in Egypt's torture chambers.[78]

In addition to imprisoning political opponents, Nasser muzzled the press. His apologists note that he nationalized much of the economy, establishing state socialism, and that he broke up the large manors and engaged in land reform, distributing much land to the peasants. With its grip on most institutions and on newspapers, radio, and television, however, the Nasser regime censored much and allowed little press freedom. Like most controlled economies, Egypt's suffered and declined. Once a center of culture, debate, and publishing, Cairo lost its edge, later to be taken up by Beirut because of the latter's relative openness.

1.4 Anwar al Sadat

When Nasser died unexpectedly in 1970 of a heart attack, his lieutenants became the rulers of Egypt. But Anwar al Sadat, one of the original "Free Officers" in the war of independence, took control of the country in a military coup in 1971, dismissed Nasser's lieutenants from government, and became the President of Egypt.[79] He is most noted for three things: his attack on Israel on Yom Kippur in 1973; his trip to Jerusalem in 1977; and his agreeing to the Camp David Accords in 1979. The attack on Yom Kippur caught the Israelis off guard. During this attack, the Egyptians retook the entire Sinai. The US subsequently provided military supplies to Israel, including tanks and other weapons, helping Israel take the Sinai back. These efforts led directly to the Arab oil boycott of 1973. Yet Egypt's initial success probably enabled Sadat to go to Jerusalem and to agree to the Camp David Accords.

Although Sadat had never been elected and ruled by decree, he tried to dismantle the Nasser socialist economic policy by opening up the economy to private investment and by denationalizing a significant part of the government's holdings. He also widened press freedoms far more than Nasser had

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done. "There was relative freedom for Egyptians to speak their minds openly on political issues; something which was hardly possible under Nasser."[80]

The openness under Sadat allowed the Muslim Brotherhood to reestablish itself. Although Sadat cracked down on extremists from both the left and the right, his non-partisan approach did little to faze the fundamentalists. In 1981, he arrested "over 1,500 religious militants," a move that outraged the fundamentalist opposition.[81] Although generally popular in Egypt, Sadat had been reviled by Muslim fundamentalists such as the Muslim Brotherhood and by the Islamic Armed Group (Gamaa al Islamiya (GIA)). They could not forgive him for recognizing Israel or for his role in the trial and execution of their ideological high priest, al Qutb. (Anwar Sadat was one of the judges who ordered al Qutb's execution.)[82] An assassin said to be closely linked to the GIA and Egyptian Islamic Jihad (al Jihad), an organization later led by Ayman al Zawahiri, killed Anwar Sadat at a parade on 6 October 1981.

Richard Bernstein of the *New York Times* notes, two men "implicated in the Sadat assassination," later came to Peshawar, Afghanistan, to struggle against the Soviet aggression there. These men were the blind cleric Omar Abdel Rahman and Ayman al Zawahiri, later to become bin Laden's right hand.[83] The latter was arrested at the age of 15 for being a member of the Muslim Brotherhood; the former was the spiritual leader of those members of al Jihad that carried out the assassination of Sadat.[84] Rahman ultimately emigrated to the US and planned the 1993 World Trade Center bombing.

Hosni Mubarak, who succeeded Sadat in 1981, rules even more dictatorially. Mubarak has been in power as president of Egypt for over 25 years. During that period, the US has given to Egypt over $59 billion in military and civilian aid.[85] Under the Camp David Accords and the Special International Security Assistance Act of 1979 enacted to support the Israeli–Egyptian peace agreement, Egypt has received approximately the same amount of US aid as does Israel, roughly $2 billion a year.[86] Although such a payment appears benign, it probably has had the effect of helping a dictatorial regime stay in power. Mubarak has filled his prisons with secular opposition leaders as well as with Muslim fundamentalists from the Muslim Brotherhood. He is increasingly unpopular with his people.[87]

1.5 The US assumes the mantle of a colonial power

The US never colonized a Muslim nation. But it gradually assumed—at least for Muslims—the mantle of colonization over the Middle East, particularly after the Second World War. The US showed relatively little interest in the Middle East until American oil executives discovered oil in Bahrain and Kuwait in the 1930s.[88] From the end of the Second World War to the end of the Cold War in 1990, the US had three, sometimes conflicting and sometimes overlapping, concerns that drove its policies in the Middle East region: (1) ensuring the supply of oil; (2) supporting Israel; and (3) containing communism.[89] Given the huge amount of oil that US industry and people

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consume, keeping oil flowing from the Middle East to the American gas pump has concerned all US presidents since 1945. To guarantee that oil is readily available, the US has supported authoritarian regimes in the Arab world, including the House of Saud in Saudi Arabia, the Shah of Iran, and, initially, Saddam Hussein in Iraq, not to mention autocratic leaders of the tiny, oil-rich Gulf states. For most of its history, the US had been indifferent to the plight of Arab and Muslim peoples living in these countries, to their economic difficulties and to the human rights deprivations they have had to bear.[90]

Muslims were not the only parties in the Middle East who suffered conquest, colonization, and discrimination. The US policy towards Israel stems in part from the Christian West's attitudes and conduct toward the Jewish people. The Christian West has practiced virulent discrimination against Jews for over 2,000 years. Laying the foundation for such discrimination, early Christian leaders claimed the Jewish people were collectively responsible for the death of Jesus,[91] a claim that was repeated down through the centuries by Christian clerics, not to be repudiated by the Catholic Church until 1965. Space here does not permit a recounting anything close to the amount and degree of abuse to which Christians subjected Jews; below are just some examples.[92] The Jews were expelled from England in 1290, from France in 1306, and from Spain in 1492. If not expelled temporarily or on a more permanent basis, some European cities confined Jews to ghettos. Jews were generally prohibited from participating in politics and were excluded from many professions. On their way to the First Crusade in 1096, the European soldier crusaders killed thousands of European Jews and tortured others who refused to convert to Christianity. Upon retaking Jerusalem, the Crusaders gathered all the Jews in the city, put them in a synagogue, and burned it to the ground. Jews were blamed for the Black Plague when it swept through Europe in 1348 on the totally false charge that Jews had poisoned the well water. As a result of this baseless charge "[f]rom Christian Spain to Poland, Jews were slaughtered and burnt; but the worst massacres occurred in the German Empire."[93] A century later, Tomas de Torquemada, "Grand Inquisitor" of the Spanish Inquisition, led an institution that tortured and executed thousands of Jews.[94]

The so-called blood libel, a vicious myth that Jews would kill Christian children for their blood, was another ruse for persecuting Jews. For example, in the Italian city of Trent, in 1475, Bernardino de Feltre, "a Jew-baiting Franciscan preacher," incited the community to violence when a rumor spread through out the town that a two-year-old named Simon had gone missing. Consequently, "[t]he entire [Jewish] community was arrested and subject to torture, which led to conflicting confessions. Those sentenced were promptly executed while the remaining Jews were expelled."[95] In 1582, the infant Simon was officially beatified by the Catholic Church.[96] Only after the Vatican Council II in 1965 did Pope Paul VI revoke the beatification, remove Simon's feast day from the Church calendar, dismantle his shrine, forbid veneration of

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Simon and recognize that the Jews of Trent had been wrongfully convicted and sentenced.[97]

The discrimination continued in the modern era in the "civilized" West, with, for example, the framing of Captain Alfred Dreyfus around the turn of the nineteenth century in France, the continued exclusion of Jews from private clubs and from significant employment opportunities, and the use of restrictive quotas against Jews by prestigious universities. More gravely, Jews were subjected to pogroms[98] in Russia, Ukraine, and Germany, among other countries, and suffered genocide on an almost unimaginable scale: the Holocaust during the Second World War, in which Nazi Germany murdered six million Jews.[99]

The Roman Catholic Church and other predominantly Western Christian denominations[100] have done little to atone for the hateful conduct to which their adherents subjected the Jewish people since the first century after the birth of Christ. Outside of an apology by Pope Paul II[101] and statements abhorring anti-Semitism,[102] neither the Roman Catholic Church nor other Christian denominations have made much reparation[103] to the Jewish people for the monstrous wrong that Christians have inflicted upon them.[104]

The two-millennia history of persecution of Jewry has made an overwhelmingly compelling case for a Jewish homeland, a place that would serve, at the very least, as refuge for every Jew on the planet who feels at risk of being persecuted. That the US has supported the creation of a Jewish State in the Middle East is a recognition of the suffering the Jewish people have endured through the centuries and in particular during the Nazi-inflicted Holocaust, which the US helped end.

Muslims, however, had governed the area now occupied by Israel since the seventh century CE.[105] The conquest of the Ottoman Empire in the First World War and Britain's *de facto* colonization of Palestine (as a "trust" territory) after that conflict permitted the modern state of Israel to emerge.[106] Historians indicate that the Jewish People, though at times subject to Babylonian rule, Assyrian rule, Greek rule, and Roman rule, had governed Israel for over a millennium, namely, from about 1200 BCE–1000 BCE to 135 CE.[107] In 70 CE and 135 CE, the Romans defeated Israeli uprisings. The latter uprising, called the Bar Kokhba Revolt, began in 132 CE with initial Jewish victories over the Romans, but ultimately the Romans brought in several legions from all over the empire, defeating the rebels, slaying the Israeli fighters, killing a great number of the remaining Jews or selling them into slavery.[108] The Romans also changed the name of the province from Judea to "Syria-Palestina."[109] Rabbi Joseph Telushkin described the effect of the Romans vanquishing the Jews: "The Great Revolt of 66–70 followed some sixty years later by the Bar-Kokhba Revolt were [*sic*] the greatest calamities in Jewish history prior to the Holocaust. In addition to the more than one million Jews killed, these failed rebellions led to the total loss of Jewish political authority until 1948."[110] Thus both the Israelis and the Muslims have suffered conquest and colonization or banishment from the territory that

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is now Israel. This work does not attempt to resolve the conflict between Israelis and Palestinians, the vast majority of whom are Muslim, but only to observe that the forces and consequences of conquest, colonization, and banishment, both ancient and relatively recent, are very much still in play.

The third concern of the US had been stemming the tide of communism. In the fierce post-Second World War battle between the US and the Soviet Union, the Middle East was a critical geopolitical region. The US moved aggressively to ensure that the Soviet Union would not extend its influence there. Among other things, the US engineered the coup in 1953 against the elected Prime Minister of Iran, Mohammed Mossadegh, because of largely unsupported claims that he was leaning toward the communists.[111] The US reinstalled the dictatorial Shah of Iran in his place. A military junta in Iraq was likewise implicitly supporting the Soviet Union. During the Kennedy administration, the CIA again engineered a coup, ousting communist-leaning General Abdel Karim Kassem and put in his place Abu Salam Arif of the Ba'ath Party in 1963. That ouster ultimately led to Saddam Hussein taking control of the country.

Nasser's decision to nationalize the Suez Canal came one week after the US refused to support a loan to Egypt that would have helped finance the Aswan Dam.[112] Egypt then turned to the Soviet Union for financial assistance to complete that project. Nasser's turn to the communist bloc led the US to work against him and helped solidify US support of Israel.[113]

The Islamic revolution in Iran upset the order that the US helped establish. The US support for Saddam Hussein's Iraq against Iran can be seen, to a certain extent, to fall within this context. The next major cleavage arose when Saddam Hussein invaded Kuwait. No longer considered a reliable US partner, Saddam Hussein was attacked by a broad coalition led by the US. Significantly, the repressive House of Saud requested that US post standing troops in Saudi Arabia as a protection force against Iraq. In this instance, however, the US was not acting through intermediaries. At one point, half a million US troops were stationed on the ground in the country containing the two holiest places in Islam, Mecca and Medina.[114]

All this behavior was not lost on the Muslims. With the end of the Cold War, the counterweight to the US, Russia, was a far less significant presence in the Middle East than the former Soviet Union had been. The US had now taken the step of actually stationing troops in the holiest land of Islam. Osama bin Laden's first fatwa, in 1996, was entitled, "Declaration of Jihad against the Americans Occupying the Land of the Two Holy Places." Reading Osama bin Laden's writings, one gets the clear impression that his holy war against the US and against all Americans was triggered more by the stationing of troops in Saudi Arabia[115] than by US support of Israel.[116] The invasion of Afghanistan, and even more importantly the 2003 invasion of Iraq, further underscored, in Muslim eyes, the US assuming the familiar role of Western colonial overlord.

In short, the history of the Arab and Muslim peoples creates within them a

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reservoir of righteous resentment, caused primarily by the West. To be sure, the Ottoman Empire, so dominant in the sixteenth century, failed to embrace the scientific method and thus missed the industrial revolution the scientific method spawned.[117] Islam has not had a reformation as did Christianity, and thus did not have a separation of church and state or plural institutions in which freedom of speech and thought could more easily develop.[118] The wealth that industrialization and capitalism created in the West was not generally created in the Arab and Islamic world. Yet, instead of helping the Arab world, the West and Russia conquered, colonized and exploited it. Such exploitation does not excuse those claiming to act in the name of Islam, who deliberately kill and terrorize innocent civilians. Nor did Britain's subjecting the Irish people in general and the Northern Irish Catholics in particular to continued British rule and to *de jure* discrimination excuse the Provisional Irish Republican Army from blowing up English pubs and committing other acts of violence. On the other hand, the individuals who carry out such acts cannot be dismissed as "mere" criminals or "evildoers." Yes—they are criminals—and yes—they do perpetrate acts of evil, but these often despicable deeds spring from soil that has been cultivated with hate, with conquest, with *de jure* and *de facto* discrimination, and with public humiliation of colonized peoples.

In other words, the heavy hand of history lies atop these peoples and influences what they will think and do, including a small remnant who will resort to violence. Not every people that has experienced colonization with the concomitant hatred and discrimination will necessarily give birth to a terrorist group. Not everyone who smokes a pack of cigarettes a day contracts lung cancer. Yet it is hard to deny that conquest, colonization and their companion, invidious discrimination, often give rise to terrorist movements.

Robert Pape, a professor at the University of Chicago, conducted research that supports this conclusion. He studied every suicide bombing from 1980 to 2003 and discovered that Muslims were neither the first nor the most extensive users of this tactic, but rather the Tamil Tigers were.[119] More importantly, he discovered that the vast majority of suicide bombings were carried out because those sponsoring the bombings believed that they were entitled to the land, the territory that another group was occupying. Pape concluded that private terrorist organizations resort to suicide bombers primarily "to compel modern democracies to withdraw their military forces from territory the terrorists consider to be their homeland."[120] If one probes into history a little, one finds that virtually all groups that sponsor suicide bombings have at least a colorable claim to the territory based on the contemporary right of self-determination. Almost every such group has likewise suffered colonization and conquest.

1.6 The counterterrorism response

When confronted with a megaterrorist event, governmental officials may be tempted to ignore the lessons of history and concentrate on getting vengeance

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and on achieving maximum security, regardless of cost. Their electorate will probably demand such a response. Perhaps only leaders with exceptional judgment, strength and integrity, and with an understanding of the world and world affairs, could withstand such a political onslaught in reaction to such monstrous violence. Consequently, governmental officials, in the face of such an attack, may cast aside both domestic and international law that restricts how the government carries out counterterrorism policy. History generally shows that such an approach is not only questionable legally and morally, but also questionable practically. Here, for example, Arab and Muslim peoples have an understandable, and to a certain extent justifiable, reservoir of resentment against the West in general and against the US in particular. In other words, changing the rules may be perceived as applying a double standard to Muslims, resulting in that people supporting rather than isolating extreme fundamentalist groups that have targeted the West. Little evidence suggests that the administration in power on 11 September 2001 appreciated how violating international law might ultimately affect the reputation of the US and its ability to stem the violence wrought by al Qaeda and its allies. This book will explore this issue, examining whether international law is an obstacle or a guide in the continuing struggle against transnational terrorism.

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Table 1.1 The Colonization of Countries with Large Muslim Populations[121]

Country	*Controlling power*	*Occupation time period*	*Type of colonial rule*	*Notes*
Afghanistan	Britain, Russia, and the US	1839–1919; 1953–89; 2001–present	indirect/ protectorate; occupation; occupation	Britain repeatedly tried to take control of the area occupied by Afghanistan, but never completely succeeded. Independence was declared for last time in 1919, but Soviet involvement began in 1953 at General Mohammed Daud's invite. A full-blown Soviet intervention began in 1980; they left in 1989. The US invaded in 2001.
Albania	Italy/ Germany	1939–44	occupation	Italy invaded in 1939; Germans replaced them in 1943 after Italian surrender in WWII; Germans left in 1944.
Algeria	France	1830–1962	direct	Local, non-Jewish population denied French citizenship under French rule.
Armenia	Russia	1916–18	annexed territory	Joined USSR in 1922. Independence gained in 1991.
Azerbaijan	Russia	1828–1918; 1920–91	occupation	
Bahrain	Britain	1913–71	protectorate	Prior to 1913, there was a dispute between Britain and the Ottoman empire regarding who properly controlled Bahrain. Britain and the Ottomans signed a treaty in 1913, purportedly recognizing the independence of Bahrain, but declaring that it was to remain under British administration.
Bangladesh (East Pakistan, formally part of India)	Britain	1858–1947	direct	The idea for a separate nation to house India's Muslim population was formally introduced in 1940. Pakistan was created in 1947 after British rule ended in India. Gained independence from Pakistan in 1971.
Benin (Dahomey)	France	1894–1960	occupation	Became an overseas territory of France in 1946, then became self-governing in 1958.
Borneo (Island of Kalamatan in Malay archipelago)	Netherlands, Britain, Japan	1824–1941; 1941–45	direct	After Indonesia gained independence in 1957, control of Borneo was divided between Indonesia, Malaysia and Brunei, who all currently share control.

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Table 1.1 Continued.

Country	*Controlling power*	*Occupation time period*	*Type of colonial rule*	*Notes*
Bosnia and Herzegovina	Austria–Hungary, etc.	1908–45	occupation	The geographical area comprising Bosnia and Herzegovina was annexed to Austria–Hungary in 1908. In 1918 it became part of the Serb, Croat, Slovene Kingdom. In 1941 it was annexed to the Croatian state and it became part of Yugoslavia in 1945.
Brunei	Britain	1888–1984	protectorate	Occupied by Japan from 1941 to 1945. In 1963, it decided to remain a British dependency instead of joining the Malaysian Federation. A written constitution first produced in 1959 declared Islam the state religion.
Burkina Faso	France	1896–1960	protectorate	Formerly Upper Volta, it was divided between Côte d'Ivoire and French Sudan in 1932. Upper Volta was established as a separate territory in 1947 and in 1958 it became an autonomous republic within the French Community. It became Burkina Faso in 1984.
Burma (Myanmar)	Britain	1852–1948	direct	The Arakan coastal strip was ceded to British India after the Anglo-Burmese war (1824–26) and, in 1852, it was annexed as a part of British India. In 1937 Burma was separated from British India and made it its own colony. The Japanese occupied the area from 1942 to 1945, but the British liberated Burma in 1945.
Cameroon	Portuguese; Netherlands; Germany; Britain and France; Britain	1520–1600s; 1600s–1884; 1884–1916; 1916–60	direct/slave trade; slave trade; protectorate; occupation/administration	This area was divided into French and British "administration Zones" in 1919. The League of Nations conferred mandates to Britain and France in 1922, which were subsequently renewed by the UN as "trusteeships." Self-government was granted in 1958. Southern Cameroon and the Republic of Cameroon unified in 1961; Northern Cameroon joined Nigeria.
Celebes (Indonesia)	Netherlands			This island is one of the four Greater Sunda Islands, Indonesia.

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Chad	France	1913–60	direct	Sudanese "adventurer" Rabih al Zubayr ruled from 1883 to 1893. France took control in 1900 and the area became an official French colony in 1913. In 1946 it became an overseas territory.
China	n/a	n/a	n/a	None.
Comoros	France	1886–1961	protectorate	Located off the eastern coast of Africa in Indian Ocean. In 1947, it became an "overseas territory" and was given representation in French Parliament. The Comoros were given autonomy in 1961 and they declared independence in 1975.
Côte d'Ivoire	France	1842–93; 1893–1960	protectorate; direct	This country became part of the French Federation of West Africa in 1904. In 1958 it became a republic within the French Community.
Cyprus	Britain; Turkey and Greece	1914–60; 1960–present	direct; occupation	Ruled by the Ottomans from 1600s to 1914.
Djibouti	France	1888–1977	direct; indirect	Islam introduced here in 825 CE. France acquired the port of Obock in 1862. The French colony of Somaliland was established in the area. Ethiopia acquired what is now part of Djibouti in a 1897 treaty with France. In 1946 Somaliland became an overseas territory of France and voted to join the French Community in 1958. It voted to stay a part of the French community in 1967.
Egypt	Britain	1882–1922; 1922–54 de facto control	protectorate (as of 1914)	Arabs conquered Egypt in 642 CE. Ottomans took control in 1517, the French invaded in 1798, and were repelled by British and Turks in 1801. The Ottomans took control again until 1882 and employed a "divide and rule" principle. Britain assumed control in 1882, then relinquished formal control in 1922. A republic was declared in 1953, but British forces and government did not really leave until 1954.
Eritrea	Italy; Britain; Ethiopia	1890–1941; 1941–62; 1962–93	direct; occupation/ trusteeship; annexed territory	Islam was introduced in 600 CE. The Ottoman empire annexed Eritrea in the 1500s. Italy occupied Eritrea from 1885 until the Italian surrender in WWII. Britain invaded in 1941 and, in 1949, the UN assigned the area to Britain as trusteeship. In 1952 the UN made Eritrea a federal component of Ethiopia.

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Table 1.1 Continued.

Country	*Controlling power*	*Occupation time period*	*Type of colonial rule*	*Notes*
Ethiopia	Italy	1889–96; 1935–41	protectorate/ occupation	Islam was introduced in sixteenth century. The Emperor signed a friendship treaty with Italy in 1889 and Italians interpreted this as Ethiopia conceding to protectorate status. Italy invaded in 1895. Italy recognized Ethiopian independence in 1896, but retained control and combined Ethiopia, Eritrea and Italian Somaliland to form Italian Eastern Africa. The British helped Ethiopia to regain self-control from the Italians in 1941.
Gambia	Portugal; Britain	1455–1889; 1894–1965	trading occupation; protectorate	Independence occurred in 1965; a republic was declared in 1970.
Georgia	Russia; USSR	1801–1918; 1921–91	occupation	
Ghana	Portugal; Britain	1482–1874; 1874–1957	trading occupation; direct	A republic was proclaimed in 1960.
Guinea	France	1891–1958	direct	France declared Guinea a colony separate from Senegal in 1891. In 1952 it became a part of the French West African Federation.
Guinea-Bissau	Portugal	1846–1974	direct	In 1951 it was declared a province of Portugal. The African Party for the Independence of Guinea and Cape Verde (PAIGC) declared independence on behalf of the area encompassed by Guinea-Bissau in 1973, which Portugal recognized in 1974.
India	Britain	1858–1947	direct	Britain implemented a "divide and rule" scheme here.
Indochina (Cambodia, Laos, Vietnam)	France			Home to somewhere between one half and one million Muslim Cham, an ethnic group thought to be descended from a fifteenth century kingdom in the area.
Indonesia	Netherlands	1670–1949		The Dutch colonists brought the islands of Indonesia under one government during the period of 1670–1900. In 1942, the Japanese invaded and, in 1945, they assisted independence leader Sukarno in returning from internal exile and declaring independence in 1945. The Dutch recognize Indonesian independence in 1949.

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Iran	n/a	n/a	n/a	Islam introduced here in 636 CE. Iran successfully resisted occupation after WWII.
Iraq	Britain	1919–32	protectorate	Britain was awarded the country after WWI as a League of Nations mandate. An independent republic formed in 1958.
Jordan	Britain	1919–46	protectorate	British troops completely withdrew in 1957.
Kazakhstan	Russia/ USSR	1731–1991	occupation	Islam was introduced here by Arab invaders in the eighth century.
Kenya	Britain	1895–1920; 1920–63	protectorate; direct	In 600 CE, Arabs began settling in coastal areas. The Portuguese tried to establish a foothold here in the sixteenth century, but were repelled. The British East African Protectorate was formed in 1895.
Kuwait	Britain	1899–1961	protectorate	This area became part of the Ottoman empire in the seventeenth century. Kuwait became a British protectorate in 1899 out of fear of direct rule from Turkey.
Kyrgyzstan	Russia/ USSR	1876–1991		Islam was introduced here by Arab invaders in the eighth century. Many sought refuge from the Russian/Soviet occupation and fled into China in 1916–17.
Lebanon	France	1920–26; 1940–41	protectorate	The French employed the "divide and rule" principle here. A League of Nations mandate granted this territory to France in 1920. The Lebanese declared an independent republic in 1926. France's Vichy government assumed control in 1940. Lebanon declared independence again in 1941 and French forces/government actually left in 1944.
Liberia	n/a	n/a	n/a	Africa's oldest republic. It was founded in 1847 with a constitution modeled on the US constitution.
Libya	Italy; France and Britain	1911–42; 1942–51	occupation	Islam was introduced into the area in 643 CE by Arab conquerors. Allied forces ousted Italians in 1942 and divided the territory between the French and the British.

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Table 1.1 Continued.

Country	*Controlling power*	*Occupation time period*	*Type of colonial rule*	*Notes*
Macedonia	Bulgaria; Germany; Yugoslavia	1914–18; 1939–45; 1945–91	occupation; occupation; annexed territory	Ottomans ruled from the fifteenth century to 1913. In 1913 control of the area was divided between Serbia, Bulgaria and Greece. It joined what became Yugoslavia in 1918.
Maldives	Portugal; Netherlands; Britain	1558–73; 1600s; 1796–1965	occupation; protectorate	Islam was introduced here in the twelfth century. The Portuguese occupied from 1558 to 1573 and the area was a Dutch protectorate during the seventeenth century. Britain took control in 1796 and the area formally became a British protectorate in 1887. The first democratic constitution was proclaimed in 1932 and independence was finally gained in 1965.
Malaysia	Britain	1826–1957	protectorate	Islam conversion began here in the fourteenth century. British settlement began in 1826 and the Japanese occupied from 1942 to 1945.
Mali	France	1898–1960	direct	This country was sometimes called French Sudan. Mali and Senegal formed the Mali Federation in 1959, then split in 1960.
Mauritania	France	1904–60	indirect; direct	French forces gained control in the 1850s. The colony was not established until 1904 and it became a part of French West Africa in 1920, administered from Senegal. In 1946 it became a French overseas territory and, in 1958, became self-governing.
Morocco	Spain; France	1884–1912; 1912–56	protectorate/ indirect	Arabs invaded in the seventh century. Spain and France carved out zones of influence in 1904. It became a French protectorate in 1912, but the Spanish continued to operate their coastal protectorate and the Sultan acted as a mere figurehead.
Niger	France	1890–1960	occupation	Became an autonomous republic of the French Community in 1958.

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Nigeria	Britain	1851–1960	direct/ protectorate	The slave trade sent millions to the Americas in the sixteenth–eighteenth centuries. In 1809, a single Islamic state was founded in the north of what is now Nigeria. Civil wars plagued the south from the 1830s to 1886. In the 1850s Britain established a political presence. Between 1861 and 1915, the British consolidated power and in 1922 a League of Nations mandate added part of the former German colony of Kamerun (Cameroon) to Nigeria.
Oman	Portugal	1507–1650	coastal occupation	Islam is introduced to the area in 700 CE. In 1507, the Portuguese capture the coast; they are not driven out until 1650. Though there is no real evidence of colonization by the British, Oman seems to have close ties to Britain going back to 1913.
Pakistan (West Pakistan – formally part of India)	Britain	1858–1947	colony	The idea for a separate nation to house India's Muslim population was formally introduced in 1940. Pakistan was created in 1947 after British rule ended in India.
Palestine	Britain	1917–47	protectorate	The British employed the principle of "divide and rule" in their governance. The San Remo conference assigned the area as a protectorate to Britain.
Qatar	Britain	1916–71	protectorate	From the eighteenth century to 1867, this area was widely recognized as a dependant of Bahrain.
Saudi Arabia	n/a	n/a	n/a	Remained unoccupied.
Senegal	Portugal; Netherlands; France; Britain	1444–1677; 1588–1677; 1659–1763, 1775–1960	slave trade/ indirect; annexed	Portuguese traders landed here in the 1440s. In 1588, Dutch slave traders established a port. France established a slave-trading port in 1659 and, in 1677, it took over the Dutch port. From 1756 to 1763, the British and French fight over the area and Britain won. France regained its holdings during the American Revolutionary War (1775–83) and in 1895 Senegal became part of French West Africa. In 1946 Senegal became part of the French Union and in 1958 it became an autonomous republic as a part of the French Community.

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Table 1.1 Continued.

Country	*Controlling power*	*Occupation time period*	*Type of colonial rule*	*Notes*
Sierra Leone	Britain	1808–1961	colony/ protectorate	British abolitionists established a settlement in Freetown for repatriated/rescued slaves. In 1808, Freetown became a British colony and in 1896 a British protectorate was established.
Somalia	Britain, Italy	1887–1960; 1889–1960	colony/ protectorate	In 1887, Britain proclaimed this area a British protectorate. In 1888, an Anglo–French agreement defined the land area in Somalia that belonged to the respective colonial powers. Italy established a protectorate in central Somalia in 1889 and, in 1940, Italy occupied British Somaliland. The British took over Italian Somaliland in 1941 and, in 1950, Italian Somaliland became a UN Trusteeship under Italian Control. Italian Somaliland was granted internal autonomy in 1956. The British and Italian parts of Somalia became independent in 1960 and merged to form modern Somalia.
Sudan	Egypt, Britain (Eastern Sudan); France (Western Sudan)	1899–1956	occupation	Sharia law was imposed in 1983.
Syria	The Ottomans; France	1500–1918; 1920–46	protectorate	The Ottoman empire ruled from 1500 to 1918. The British assisted in ousting the Ottomans and, in 1920 the San Remo conference established Syria as a French protectorate. The French employed a "divide and rule" approach to their government of Syria and agreed to independence in 1936, but maintained military and economic dominance until 1940 when Axis powers controlled the area after France fell to their control. Britain and France reclaimed control of Syria in 1941 and the French troops finally left in 1946.
Tajikistan	Russia (North) and Emirate of Bukhara (South); USSR	1860–1900; 1921–91	occupation and annexed territory	Islam was introduced to the area by Arab invaders in the eighth century. An increase in Islamist activity occurred in 1970 and seems to have endured.

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Tanzania	Portugal; Germany; and Britain	1506–1699; 1884–86; 1886–16; 1916–61	direct; occupation; protectorate; trusteeship	The Portuguese control most of East African coast from 1506 to 1699 when they were ousted by Omani Arabs. In 1884, the Germans began to acquire control of the territory. Britain and Germany later divided control of the territory: Germans got control of most of mainland Tanzania and Zanzibar became a protectorate of Britain.
Togo	Denmark; Germany; Britain and France	18th century; 1884–1914; 1914–60	coastal occupation; protectorate	The Danes occupied coastal areas throughout the eighteenth century. In 1922, the League of Nations issued mandates to France and Britain to administer the Eastern and Western parts of Togo(land), respectively. In 1956, the Gold Coast (later renamed Ghana) was added to the British territory of Togo(land).
Tunisia	The Ottomans; France	1600s–1881; 1881–1956	protectorate	Arabs conquered this area in the seventh century. The Ottoman Empire ruled from the 1600s to 1881. Tunisia became a French protectorate in 1881 and an independent republic was formed in 1957.
Turkey	Ottoman Empire	1299–1922	occupation	Successfully resisted occupation after WWI.
Turkmenistan	Russia/ USSR	1881–1991	occupation	Arab conquerors introduced Islam in the seventh century.
United Arab Emirates	Britain	1892–1971	protectorate	In 1820, Britain was given permission to combat piracy along the Gulf Coast. Iran occupied associated islands in November 1971.
Uzbekistan	Russia/ USSR	1865–1991	occupation	Arab conquerors introduced Islam in the seventh century.
Western Sahara	Spain	1884–1976	direct; protectorate	Spain ruled this area directly until 1934; then, it became a Spanish province. Modern Western Sahara has been the subject of a decades-long dispute between Morocco and the Algerian-backed Polisario Front, with most of the territory remaining under Moroccan control since 1976.
Yemen	n/a	n/a	n/a	Yemen, as a country, has remained unoccupied. Aden was occupied by Britain from 1830 to 1967, but was finally unified with Southern Yemen in 1970. Northern and Southern Yemen unified in 1990.

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Notes

1 By Muslim country is meant that the majority of the inhabitants are Muslims, not that the government is secular, on the one hand, or based on the Muslim religion, on the other.

2 Queen Elizabeth I gave the East India Company a royal charter in 1600 and the East India Company began its activities in the 1600s; the beginning of the British Empire in India, however, is generally dated from 1757, when Robert Clive, an agent of the company, defeated a Mughal governor in Bengal. *See* Lawrence James, The Rise and Fall of the British Empire 24–26, 127–128 (1997); Niall Fergusson, Empire: The Rise and Demise of the British World Order and the Lessons for Global Power 15, 30–32 (2004); Richard Allen and Harish Trivedi, Literature & Nation 30 (2001); Robert B. Marks, The Origins of The Modern World 129 (2006); MSN Encarta, Robert Clive, available at: http://encarta.msn.com/encyclopedia_761560186/Robert_Clive.html.

3 Library of Congress, A Selection of Historical Maps of Afghanistan, available at: www.loc.gov/rr/geogmap/pub/afghanistan.html (citing Afghanistan a Country Study 39–40 (Richard F. Nystrop and Donald M. Seekins eds., 1986).

4 John Darwin, Britain And Decolonisation 7 (1988).

5 *See* chapter 13 on colonization and self-determination for a more detailed discussion of this issue.

6 *See* United Nations Statistics Division, Per Capita GDP in US Dollars: All Countries for all Years – Sorted Alphabetically, available at: http://unstats.un.org/unsd/snaama/dnllist.asp; International Monetary Fund, World Economic Outlook Database (October 2008), available at: www.imf.org/external/pubs/ft/weo/2008/02/weodata/index.aspx.

7 *See* Howard J. Wiarda, The Crisis of American Foreign Policy 297 (2006); *see also* Hillel Frisch and Efraim Inbar, Radical Islam And International Security 48–49 (2008).

8 Freedom House, Freedom in the World 2009, available at: www.freedomhouse.org/uploads/fiw09/FIW09_Tables&GraphsForWeb.pdf (last visited 27, Mar. 2009). According to the 2008 Freedom House report, three Muslim countries are 'Free' and 20 more are 'Partly Free.' *Id*.

9 Transparency International, World Report 2008, available at: www.transparency.org/policy_research/surveys_indices/cpi/2008

10 *Turkey*, Amnesty International Report 2008, available at: www.amnesty.org/en/region/turkey/report-2008.

11 *Id*.

12 United Nations Development Program, Human Development Report 2007/2008 232, available at: http://hdr.undp.org/en/media/HDR_20072008_EN_Complete.pdf.

13 David Arnold, The Age of Discovery 1400–1600 at 10 (2d edition 2002); Edward Augustus Freeman, The Ottoman Power in Europe 127 (1877).

14 One scholar explains the position of the Ottomans vis-à-vis the Europeans in the fifteenth and sixteenth centuries: 'Europeans felt besieged by the richer, expansive Islamic world. . . . The Ottoman's were confident, sure of their power and cultural accomplishments. From the Ottoman perspective large parts of Europe were marginal, just as central Asia or sub-Saharan Africa was to the Victorian Englishmen.' Thomas Bender, a Nation Among Nations 26 (2007).

15 1 Stanford Jay Shaw and Ezel Kural Shaw, History of the Ottoman Empire and Modern Turkey 152 (1976).

16 David Sagiv, Fundamentalism and Intellectuals in Egypt 168–69 (1995); Kaegi, *infra* note 17, at 34, 61.

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17 Walter E. Kaegi, *Egypt on the Eve of the Muslim Conquest, in* 1 The Cambridge History of Egypt 34, 61 (Carl F. Petry, ed. 1998).
18 *See* Shaw and Shaw, *supra* note 15, at 8–9. That invasion had a far deadlier impact on Muslims than had the crusades. *Id*.
19 Emory C. Bogle, Islam: origin and belief 68 (1998). *See, e.g.*, Caroline Finkel, Osman's Dream: The Story of the Ottoman Empire, 1300–1923, at 110 (2006).
20 Shafik Ghorbal, The Beginnings of the Egyptian Question and the Rise of Mehemet Ali 280, 284 (1977); Karen Armstrong, Islam, a Short History 150–151 (2000).
21 Timothy Mitchell, Colonising Egypt 36–37 (1991); *see also* Jaques Berque, Egypt, Imperialism and Revolution (1972).
22 Arthur Goldschmidt Jr. and Lawrence Davidson, a Concise History of the Middle East 173–174 (8th edition 2006); Jason Goodwin, Lords of the Horizons: a History of the Ottoman Empire 296 (2003).
23 In return he, alone of all the viceroys of the Ottomon Empire, gained for his heirs the right of succession to the Egyptian viceroyship.
24 Edwin De Leon, The Khedive's Egypt; or, The old house of bondage under new masters 98–99 (1877).
25 Jimmy Dunn, *Suez Canal*: at: www.touregypt.net/featurestories/suezcanal.htm.
26 *Suez Canal*, MSN Encarta, http://encarta.msn.com/encyclopedia_761578705/suez_canal.html
27 De Leon, *supra* note 24, at 101–102.
28 *Id*. at 170.
29 10 William Ewart Gladstone, *The Gladstone Diaries* lxxi (1990); see also Berque, *supra* note 21 for a discussion of the debt before and after the First World War, at 291.
30 Donald Featherstone, Tel El-Kebir 1882: Wolseley's Conquest of Egypt 8–9 (1993); De Leon, *supra* note 24, at 98–99.
31 *Id*. at 11.
32 Ferdinand de Lesseps, The Suez Canal, Letters and Documents Descriptive of its Rise and Progress in 1854 to 1856 at 130–131 (1876).
33 Aside from improved communication to India, the Suez Canal opened up much more of Africa to European exploitation. See Eur, Europa Publications Staff, Africa South of the Sahara 26 (London: Routledge 2003); Featherstone, *supra* note 30.
34 *Id*. at 6, 7. See also Gladstone, *supra* note 29, at 327. The canal, which, in the words of one commentator, had become 'the highway to India'. *Id*. 'Almost unselfconscious because . . . before the occupation was decided upon, Gladstone mentions 'the rights of bondholders' [holders of the Egyptian debt] on a par with the rights of the Sultan, the Khedive [royal viceroy of Egypt] and the Egyptian people.' at lxii. (Gladstone himself was a bondholder.)
35 John Springhall, Decolonization since 1945 at 87 (2001); *see also* Berque, *supra* note 21, at 263 (noting that 'on its own authority, it [Great Britain] rejected Ottoman sovereignty, dismissed the Khedive, imposed its Protectorate unilaterally').
36 *Id*. at 88. Bernard Reich, Political Leaders of the Contemporary Middle East and North Africa 190–191 (1990).
37 Mitchell, *supra* note 21, at 16. Mohammed Ali started the shift towards cotton as the main cash crop, but Britain took measures, largely demanding a low tariff, which prevented the growth of Egyptian industry.
38 *Id*.
39 The Earl of Cromer, *Modern Egypt* 428 (1908).
40 *Id*.
41 Erez Manela, The Wilsonian Moment 40 (2007). '[O]ther nationalities which

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are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development.' President Woodrow Wilson, Address to a Joint Session of Congress on the Conditions of Peace (Jan. 8, 1918), available at: www.presidency.ucsb.edu/ws/index.php?pid=65405.

42 *See, e.g.*, British Mandate for Palestine confirmed by the Council of the League of Nations on 24 July 1922, 3 League of Nations O.J. 1007 (August 1922) available at: http://avalon.law.yale.edu/20th_century/palmanda.asp.

43 *See* Berque, *supra* note 21, at 269. William L. Cleveland. A History of the Modern Middle East 163–64 (2d edition, 2000). (For the Arabs, the aftermath of the war [World War I] produced feelings of bitterness toward the western powers and a deep-seated conviction that they [the Arabs] had been betrayed'). Note after the First World War, the British supported 'Syrian unity and Iraqi independence', but refused to loosen the British grip on Egypt. *Id*. at 271.

44 Cleveland, *supra* note 43, at 161 ('[T]he mandate system was little more than nineteenth-century imperialism repackaged to give the appearance of self-determination.').

45 Tom Reiss, The Orientalist: Solving the Mystery of a Strange and Dangerous Life 117–118 (2006); see also *Ataturk and the Last Caliph, 1922–24*, available at: http://faroutliers.blogspot.com/2006/08/13/ataturk-and-last-caliph-19224.htm

46 Debjani Ganguli, Rethinking Ghandi and Nonviolent Relationality 251 (2007).

47 Cleveland, *supra* note 43, at 193.

48 *Id*.

49 Dona Stewart, The Middle East Today: Political, Geographical and Cultural Perspectives 95 (2009) (noting that the Allies wanted to insure that the Ottoman Empire would never rise again).

50 P.J. Vatikiotis, The History of Modern Egypt 293 (1991).

51 Springhall, *supra* note 35, at 88.

52 Nejla M. Abu Izzeddin, Nasser of the Arabs 5 (1975).

53 *Id*. at 5–6.

54 See Izzeddin, *supra* note 52, at 192.

55 *Id*.; see also David Tal, The 1956 War: Collusion and Rivalry in the Middle East 104 (2001) ('The belief that Egyptian management of the canal would be either incompetent or maliciously partisan or both was not at all upheld.').

56 A decade later the United States Supreme Court refused to apply this formulation for legal nationalization because of, *inter alia*, uncertainty whether it still amounted to customary international law. *See* Banco Nacional de Cuba v. Sabbatino, 376 U.S. 398 (1964).

57 Izeddin, *supra* note 52, at 89. See also Tal, *supra* note 55, at 180 (quoting an aide to Israeli General Moshe Dayan observing the French bombing of Egyptian military bases, "The camps became an inferno.")

58 Izzeddin, *supra* note 52, at 189–90.

59 Hugh Thomas, Suez 134 (1967).

60 *See* Izzeddin *supra* note 52, at 192.

61 Hall Gardner, American Global Strategy and the "War on Terrorism" 87 (2007).

62 Furthermore, Britain's defeat marked it as a second-rate power.

63 Izzeddin, *supra* note 52.

64 Nasser, however, continued to try to keep good relations with the United States.

65 Deborah J. Gener, One Land, Two Peoples 111–12 (1994). Richard Bordeaux Parker, The Six Day War 8–9 (1996); Christopher Gelpi, The Power of Legitimacy 141 (2002).

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66 *1967: Israel launches attack on Egypt, On this Day 1950–2005*, BBC, at: http://news.bbc.co.uk/onthisday/hi/dates/stories/june/5/newsid_2654000/2654251.stm
67 Gelpi, *supra* note 65, at 141–142.
68 Letter from Daniel Webster to Lord Ashburton (6 Aug 1842), available at: http://avalon.law.yale.edu/19th_century/br-1842d.asp.
69 Michael Walzer, Just and Unjust Wars 85 (4th edition 2006). *See also* Alan M. Dershowitz, Preemption: A Knife That Cuts Both Ways 82 (2007); Yoram Dinstein, War, Aggression and Self-Defence 192 (4th edition 2005). UN Security Council Resolution 242 requires return of occupied territories, on the one hand, and recognition and guarantees for the security of Israel, on the other. See chapter 13 for a more detailed discussion of this issue.
70 Musa Husaini, The Moslem Brethren 5 (1955).
71 *Id*. at 1–2.
72 *Id*. The group formed under the name, "Association of the Moslem Brethren."
73 Karen Armstrong puts the number of members in the "millions . . . by 1948." Armstrong, *supra* note 20, at 156.
74 Youssef M. Choueiri, Islamic Fundamentalism 40 (2002).
75 David Bukay, From Muhammad to Bin Laden 215–216 (2007).
76 On the other hand, the Egyptian people forgave Nasser. After the Six Day War, Nasser tendered his resignation. His people would not accept it, loudly proclaiming their loyalty to him. When he died unexpectedly of a heart attack three years later, millions came to his funeral.
77 Vatikiotis describes the aftermath of the defeat and its strengthening extreme fundamentalists:

> In fact, inter-communal conflict began to gather momentum soon after the military debacle of June 1967. It was, in a sense, one of the inevitable consequences of the disappointment with and the insecurity felt under the Nasser regime. There was steady proliferation of militant religious organizations in both the Muslim and Coptic communities, especially among university students. This process of militant religious resurgence was accelerated by Nasser's failing socialist policies followed by Sadat's pro-Western economic liberalization [policy and his alliance with rich, conservative oil-producing Arab states after 1971]. A suitable climate for religious militancy was created by both leaders, especially Sadat.

Vatikiotis, *supra* note 50, at 420–21.
78 Richard Wright, The Looming Tower 52 (2007).
79 Vatikiotis, *supra* note 50, at 414–15.
80 *Id*.
81 Vatikiotis, *supra* note 50, at 420, 424.
82 *See* Sagiv, *supra* note 16, at preface (unnumbered). *See also* Berman, *infra* notes 39–57 in chapter 10, and accompanying text for a deeper discussion of al Qutb.
83 Richard Bernstein, Out of the Blue 16 (2002).
84 *Id*., at 40.
85 *See* Congressional Research Service, Egypt: Background and U.S. Relations 25–27 (2008), available at: www.fas.org/sgp/crs/mideast/RL33003.pdf.
86 *See* A Framework for Peace in the Middle East Agreed at Camp David, Egypt-Isr., 17 Sept 1978, 17 I.L.M. 1466 (1978); Special International Security Assistance Act of 1979, 22 U.S.C. §§ 3401–3408 (2009).
87 Tatah Mentan, Dilemmas of Weak States 327 (2004).
88 The Gulf War and the New World Order 59–60 (Tareq Y. Ismael and Jacqueline Ismael, eds. 1995).
89 *Id*.

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90 One commentator notes that "[t]he tragedy of U.S.–Middle East policy is that the United States has not been celebrated for its selfless devotion to democracy, but rather it has been bitterly criticized for not showing the slightest commitment to democracy whether in Turkey, Iran[, and] country after country in the Arab and non-Arab Middle East with the sole exception of Israel." Andrew Ross and Kristin Ross, Anti-Americanism 115 (2004) (quoting Rashid Khalidi).

91 *See* Mark W.G. Stibbe, John's Gospel 109–110 (London: Routledge, 1994). Paul Johnson points out that Greek anti-Semitism predates the Christian, implying that they combined in the first century. Paul Johnson, A History of the Jews 133–34 (1987). The plain meaning of parts of John's Gospel appears directly anti-Semitic, *see* John 8.31–59. Johnson asserts that meaning was misinterpreted but notes that passages from Matthew appear even more anti-Semitic, passages implicitly condemning Jews and their heirs to collective responsibility for Christ's death. *Id*. at 145–46. Mel Gibson's film "The Passion of the Christ" (2004), was criticized for likewise implying collective Jewish responsibility for the crucifixion of Christ.

92 For a far more complete discussion of this topic, *see* A History of the Jewish People (H.H. Benson, ed. 1976); Johnson, *supra* note 91.

93 *Id*. at 486–87. To his credit, Pope Clement VI issued a papal bull that "contradicted the allegation . . . and argued that the Jews were suffering [from the plague] as badly as any other element of the population." Johnson, *supra* note 91, at 216. Unfortunately, the papal decree had little effect.

94 Terence Alan Morris, Europe and England in the Sixteenth Century 111 (1998); David Bridger and Samuel Wolk, The New Jewish Encyclopedia 220 (1962); Himilce Novas, Everything You Need to Know about Latino History 45 (4th edition 2008). Torquemada also played a direct role in persuading King Ferdinand and Queen Isabella to expel all Jews from Spain in 1492.

95 *Id*. at 580.

96 St. Simon of Trent Blood Libel, Zionism and Israel—Encyclopedic Dictionary, at: www.zionism-israel.com/dic/Simon_of_Trent_blood_libel.htm.

97 *Id*. *See also* Documents of the II Vatican Council, available at: www.vatican.va/archive/hist_councils/ii_vatican_council/index.htm (follow "Nostra Aetate" hyperlink); see also Robert Drinan, Can God and Caesar Coexist? 196–197 (2005); Richard S. Levy, Antisemitism 734 (2005).

98 Pogroms are "organized riots accompanied by murder and pillage of the Jewish community." Joseph Telushkin, Jewish Literacy 660 (1991). Between 1903 and 1906, there were 600 pogroms in Russia, prompting mass emigration to the US and to other countries. *Id*.

99 Leni Yahil, The Holocaust 43 (1991). Holocaust Memorial Museum, Holocaust Encyclopedia, available at: www.ushmm.org/wlc/Article.php?lang=en&ModuleId=10005143 (last visited 28 March 2009); International Military Tribunal, Nuremberg, Judgment of the International Military Tribunal for the Trial of German Major War Criminals: Kaltenbrunner Judgment (30 Sept–1 Oct 1946), Avalon Project, at: www.yale.edu/lawweb/avalon/imt/proc/judkalt.htm.

Attorney-General Hausner's Opening Speech, Session nos. 6, 7, 8 of the district court of Jerusalem in *Eichmann* trial, (*infra* note 107 in chapter 6) (17–18 April 1961), available online at: www.nizkor.org/hweb/people/e/eichmann-adolf/transcripts/Sessions/Session-006-007-008-01.htm; *Attorney General v. Eichmann*, 36 *International Law Reports* (*ILR*) (Dist. Ct) (1968)18; Martin Gilbert, The Holocaust: A History of the Jews of Europe During the Second World War 26, 280–85 (1985); Raul Hilberg, The Destruction of the European Jews 1321 (3d edition 2003).

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100 Martin Luther also preached anti-Semitism: his writings include "On the Jews and Their Lies (1543)," which said "that rabbis should not be allowed to teach or to travel; banking and commerce should be professions closed to Jews; and, to settle the matter finally, this people ought to be expelled from German lands as France, Spain, and Bohemia had done." Gerald S. Sloyan, *Christian Persecution of the Jews over the Centuries*, The Centre for Advanced Holocaust Studies, available at: www.ushmm.org/research/center/church/persecution/

101 At Yad Vashem, Israel's memorial to the Jews who died in the holocaust, the Pope stated, "As bishop of Rome and successor of the Apostle Peter, I assure the Jewish people that the Catholic Church, motivated by the Gospel law of truth and love, and by no political considerations, is deeply saddened by the hatred, acts of persecution and displays of anti-Semitism directed against the Jews by Christians at any time and in any place." *Pope's Address at Yad Vashem*, BBC News, 23 March 2000, available at: http://news.bbc.co.uk/2/hi/middle_east/688059.stm. In 1997, the French Catholic bishops apologized to Jews regarding the French Church's inaction during the Holocaust, stating, "Today we confess that silence was a mistake. . . . We beg for the pardon of God, and we ask the Jewish people to hear this word of repentance." Roger Cohen, *French Church Issues an Apology to Jews On War*, N.Y. Times, 1997, Oct. 1, available at: www.nytimes.com/1997/10/01/world/french-church-issues-apology-to-jews-on-war.html.

102 Specifically, the Second Vatican Council documents state:

> True, the Jewish authorities and those who followed their lead pressed for the death of Christ; still, what happened in His passion cannot be charged against all the Jews, without distinction, then alive, nor against the Jews of today. Although the Church is the new people of God, the Jews should not be presented as rejected or accursed by God, as if this followed from the Holy Scriptures. All should see to it, then, that in catechetical work or in the preaching of the word of God they do not teach anything that does not conform to the truth of the Gospel and the spirit of Christ.
>
> Furthermore, in her rejection of every persecution against any man, the Church, mindful of the patrimony she shares with the Jews and moved not by political reasons but by the Gospel's spiritual love, decries hatred, persecutions, displays of anti-Semitism, directed against Jews at any time and by anyone.

Declaration on the Relation of the Church to Non-Christian Religions, Nostra Aetate, Proclaimed b Pope Paul VI, 28 October 1965, para. 4, II Vatican Council Documents, *supra* note 97, at: www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_nostra-aetate_en.html.

103 It is undeniable the Second Vatican Council initiated a far better relationship between Catholics and Jews. See *Nostra Aetate: Transforming the Catholic-Jewish Relationship*, Anti-Defamation League, 20 Oct 2005, at: www.adl.org/main_Interfaith/nostra_aetate.htm. Those ecumenical efforts are to be commended. However transformative, they have, nevertheless, not come close to 'wiping out' the wrong that Christians have perpetrated against Jews over 2,000 years. Cf. *Chorzow Factory Case*, 1928 P.C.I.J. (ser. A), No. 17 ('[R]eparation [under international law] must, as far as possible, *wipe out* all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed.') (emphasis added).

104 After the Second World War the Allied powers and particularly, the US, did demand that the new West Germany make reparations to Jews and to Israel. Under the reparations agreement, Western Germany did make some reparations, agreeing to pay the new state of Israel $750 million in goods, and to pay $107 million into a claims fund. In addition, West Germany made individual

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payments, which led to $1.7 billion being added to the Israeli economy. Itamar Rabinovich and Jehuda Reinharz, Israel in the Middle East: documents and readings on society, politics, and foreign relations, pre-1948 to the present 106 (2008).

105 The European Crusaders did defeat the Muslims in 1090 and held Jerusalem for nearly one hundred years until Saladin conquered it in 1187. Sir George W. Cook, *Saladin Takes Jerusalem from the Christians*, at: http://history-world.org/saladin_takes_jerusalem.htm.

106 See Martin Sicker, Reshaping Palestine: From Muhammad Ali to the British Mandate, 1831–1922, at 17 (1999); Beverley Milton-Edwards and Peter Hinchcliffe, Conflicts in the Middle East since 1945, at 11–12 (3d edition 2008); Dore Gold, The Fight for Jerusalem 122–123 (2007); Thomas M. Leonard, Encyclopedia of the Developing World 69–70 (2006).

107 Abraham Malamat argues that because the Egyptians lost the Battle of Kadesh in 1285 BCE, a loss that led to "loosening control" in Canaan, because Sihon, King of the Amorites, arose "shortly after" that battle, and because the Israeli tribes subsequently conquered Sihon, the Israeli victories over Canaan must have occurred some time after 1285 BCE. Abraham Malamat, *Origins and the Formative Period*, A History of the Jewish People, *supra* note 92 at 23, 55, 56. See also Shaye J.D. Cohen, From the Maccabees to the Mishnah 29–30 (1987). Johnson, *supra* note 91, at 44–45. Daniel Gavron, The Other Side of Despair xi (Rowman and Littlefield 2003). Note, however, that Professor Dershowitz states that the figure is 1600 years, not 1000. Alan M. Dershowitz, The Case for Israel 15, 17 (2003). *See also* TimeLine of Zionism, Israeli and Palestinian History and the Conflict, Zion-Israeli Encyclopedic Dictionary, at: www.zionism-israel.com/zionism_timeline.htm.

108 Johnson, *supra* note 91, at 138–43.

109 A History of the Jewish People, *supra* note 92, at 334.

110 *See* Telushkin, *supra* note 98, at 134; Johnson, *supra* note 91, at 143 ("The two catastrophes of AD 70 and AD 135 effectively ended Jewish state history in antiquity").

111 Stephen Kinzer, Overthrow: America's Century of Regime Change from Hawaii to Iraq 122 (2007). There is some evidence suggesting that though American authorities knew that Mossadegh was not a communist or even communist leaning, there was fear that should he be overthrown, communists would come to power. *Id*. Iraq had the largest communist party of all the Arab states.

112 Richard H. Immerman, John Foster Dulles 149 (1998).

113 Although the US opposition to the Anglo-French effort to retake the Canal was received positively in the Arab world, that stance was not enough to outweigh other measures taken by the US that appeared hostile to Arabs and Muslims.

114 Toby Jones, *Shifting Sands*, 85 Foreign Affairs, no 2, 1 Mar 2006, 2006 WLNR 3634272 (noting from the high in Desert Storm that a "substantial presence" of US troops was maintained in Saudi Arabia until the pullout after April 2003).

115 The fatwa, however, characterizes "the enemy" as the "the American-Israeli alliance occupying the country of the two Holy Places. . . ." *Bin Laden's Fatwa*, PBS NewsHour (quoting *Al Quds Al Arab*, Aug 1996), available at: www.pbs.org/newshour/terrorism/international/fatwa_1996.html.

116 Robert Pape makes the further point that all the 9/11 suicide bombers came from countries where the US had stationed troops or had military bases: "My study assesses the complete set of Al Qaeda suicide attackers, the 71 terrorists from 1995 to 2004 willing to kill themselves for Osama bin Laden. More than two-thirds come from Sunni Muslim countries where the United States has tens of thousands of combat troops in Saudi Arabia, countries on the Arabian Peninsula, Turkey and Afghanistan." Robert A. Pape, *Al Qaeda Strategy{:} Target*

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Europe, Int'l Herald Trib., 12 July 2005, at 7, 2005 WLNR 10892074.
Aside from Iraq and Afghanistan, the US maintains military bases in Qatar, Bahrain, Kuwait, Oman and United Emirates. Dep't of Defense, *Base Structure* Report: Fiscal Year 2007 Baseline 77–95 (2006), available at: www.defenselink.mil/pubs/BSR_2007_Baseline.pdf. US troops are stationed in an additional 29 Muslim countries. Dep't of Defense, Active Duty Military Personnel Strengths By Regional Area and by Country (2008); available at: http://siadapp.dmdc.osd.mil/personnel/MILITARY/history/hst0809.pdf.

117 Armstrong, *supra* note 20, at 142–46.

118 *Id*. at 157–58.

119 Robert Pape, Op-Ed., *Blowing Up an Assumption*, N.Y. Times, May 18, 2005 (his study of all suicide bombings from 1980 to 2003, 315 total revealed that the Tamil Tigers of Sri Lanka were the biggest 'instigators of suicide attacks': "This group committed 76 of the 315 incidents, more than Hamas (54) or Islamic Jihad (27).") available at: www.nytimes.com/2005/05/18/opinion/18pape.html.

120 Robert A. Pape, Dying to Win 4 (2006). De Leon, *supra* note 24, at 98–99.

121 This table was prepared and written by my research assistant, Jessica Rhodes-Knowlton, A.B., Wellesley College, 2005, J.D., Pace University School of Law, 2009.

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