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ISLAMIC HISTORY & AL-QAEDA: A PRIMER TO UNDERSTANDING THE RISE OF ISLAMIST MOVEMENTS IN THE MODERN WORLD

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[*] J.D. Candidate, Stetson University College of Law, 2013. B.A. Hofstra University, *magna cum laude*, 2009. This paper is dedicated to my parents, Richard and Deborah, who instilled in me the value of education and hard work. Special thanks to Professor Luz Nagle for her support throughout this project. Following the original submission of this article in the Fall of 2012, subsequent events — such as the attack on the U.S. mission in Libya and the bombing of the Boston marathon — have affirmed the continued threat of extreme interpretations of the Islamist ideology to U.S. interests.

A decade following the 9/11 attacks, the objectives and motivations of Osama Bin Laden and Al-Qaeda remain largely unknown to the American public. Since the mission of Al-Qaeda is embedded in its interpretation of the history and traditions of Islam, increased analysis on the intellectual framework of Al-Qaeda provides valuable insight into this dangerous ideology that will remain a strategic threat to the United States for the foreseeable future. While more recent successes against the Al-Qaeda organization have encouraged talk of "the end of Al-Qaeda," the broader ideology remains alive and well. The rise in support for the Islamist groups in Egypt and North Africa, increasing terrorist attacks in Afghanistan and Pakistan, and the escalating sectarian war in Syria all affirm the continued relevance of this topic and its interdisciplinary relationship with national security, global affairs, and international law. This thesis provides a brief primer of what the Islamist ideology stands for, its relationship to the Islamic religion, and how understanding this history can play a central role in assessing long-term American interests.

> There are no concrete answers as to how to address the terrorist threat Al-Qaeda poses, and solutions are as varied as the very problem itself. Knowledge and understanding of the enemy are important in the War on Terrorism. It allows the United States and its allies to evaluate their strategies and adjust their tactics to combat Al-Qaeda effectively. The challenge for military and civilian leaders is to try to objectively understand Al-Qaeda through its evolution, recognize its dangers, and understand how their action can influence the current war against it.[1]

     -U.S. Army Major Sean Wilson

I.   INTRODUCTION

The 2011 death of Osama Bin Laden at the hands of U.S. forces in Pakistan seemed to bookend a decade-long effort of the United States to dismantle the Al-Qaeda network. To Americans in the millennial generation, Bin Laden represented the face of Islamist terrorism akin to how previous generations of Americans perceived the extraterritorial threats posed by Adolf Hitler, the Nazi leader of Germany, and Joseph Stalin, the leader of the rivaling Cold War superpower, the Soviet Union. How-

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[1] Sean P. Wilson, The Evolution of Al-Qaeda (June 15, 2007) (unpublished M.A. thesis, American Military University), *available at* http://www.dtic.mil/dtic/tr/ fulltext/u2/a471461.pdf.

ever, unlike the defeat of Nazi fascism in World War II or the collapse of the Soviet Union in 1989, the death of Bin Laden did not end the long-term threat of Islamist terrorism to the United States.

Following the formal announcement of Bin Laden's assassination, politicians and pundits opined on the impact of Bin Laden's death for American national security interests in the fight against Islamist terrorism. Many answers were given in the form of quick one-liners that often offered little more than a mere expression of celebratory American nationalism. As I watched the news I became both frustrated and perplexed: having spent the majority of my academic research on issues surrounding Islam, the Middle East, and global terrorism, I was stunned by the inability or unwillingness of many political leaders to articulate comprehensive analysis related to the objectives of Al-Qaeda and the larger issues surrounding the Islamic world.

In 2004, the 9/11 Commission Report powerfully noted that "[t]he history, culture, and body of beliefs from which Bin Laden has shaped and spread his message are largely unknown to most Americans."[2] Of greater concern, however, were the subsequent findings of a 2006 New York Times article that asked leading policymakers, including a Congressman and a top counter-terrorism official, a relatively simple question: What is the difference between Sunni and Shia Islam?[3] The responses depicted a lack of elementary knowledge of Islam, with one Congressman, who was unable to answer, poignantly stating, "Now that you've explained it to me. . . what occurs to me is that it makes what we're doing over there extremely difficult, not only in Iraq but that whole area."[4] Since the objectives of Al-Qaeda are embedded in their interpretation of Islamic history, the continued lack of knowledge of Islam by both policymakers and the larger American public inhibits the ability of the United States to optimally conduct counter-terrorism policy. As former CIA analyst Michael Scheuer notes:

> Bin Laden is fully conscious of the historical resonance of his activities, and the importance of Islamic history and its heroes in his rhetoric cannot be overestimated. Although largely illiterate, the Muslim masses know their faith's history – particularly military – and its heroes far better than

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[2] NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., THE 9/11 COMMISSION N REPORT: FINAL REPORT OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE U.S. 48 (2004).

[3] Jeff Stein, *Can You Tell a Sunni From a Shiite?*, N.Y. TIMES, Oct. 17, 2006, http://www.nytimes.com/2006/10/17/opinion/17stein.html?pagewanted=all.

[4] *Id.* (In 2006 the article had unique importance because at the time Iraq was disintegrating into a civil war between Sunni and Shia Muslims).

Westerners know theirs. Through sermons, storytelling, and oral histories, passed from one generation to the next down the centuries, Muslims are intimately familiar with the Islamic past and tend to talk about it in their daily lives.[5]

If a sense of the historical continuity of Islam is not acquired by policymakers, the ability of the United States to properly calculate its long-term national security interests against Al-Qaeda and like-minded Islamist movements is severely compromised.

The primary thesis of this paper is that one cannot completely understand Al-Qaeda and the contemporary dynamics of the Islamic world without awareness of the previous religious and political events that gave rise to the modern alignments and ideologies of today. This unique and holistic approach to explaining the rise of Al-Qaeda through the lens of Islamic history will illuminate the fact that one is unable to decipher both the operational elements of the organization and the larger ideology without viewing its other interrelated parts. Although in isolation some of these topics may seem like disparate issues, their interconnectivity and significance are presented as pieces of a cohesive mosaic.

First, it is imperative to make a crucial distinction between the terms Islamic and Islamist – the latter, a term that is often used in modern political discourse but rarely, if ever, explained. The term Islamic broadly refers to anything related to the Muslim religion and its traditions. On the other hand, the term Islamist is a very specific designation primarily used by Western scholars to identify individuals who support the concept of Islamism. Islamism concerns a textualist interpretation of Islam and its efforts to bring the modern Islamic community in line with the examples and teachings of early Muslims during the time of the Prophet. Daniel Pipes explains that:

> Islamism is an ideology that demands man's complete adherence to the sacred law of Islam and rejects as much as possible outside influence, with some exceptions (such as access to military and medical technology). It is imbued with a deep antagonism towards non-Muslims and has a particular hostility towards the West. It amounts to an effort to turn Islam, a religion and civilization, into an ideology.[6]

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[5] MICHAEL SCHEUER, OSAMA BIN LADEN 167 (2011).

[6] Daniel Pipes, *Distinguishing between Islam and Islamism,* DANIEL PIPES MIDDLE EAST FORUM (June 30, 1998), http://www.danielpipes.org/954/di stinguishing-between-islam-and-islamism; *but see* John Esposito, *Islamic Fundamentalism,* BRITANNICA ONLINE (Nov. 7, 2012, 2:57 PM), http://www.ag-afghanistan.de/funda.htm (arguing against the usage of the term Islamic fundamentalism: "The term *Islamic fundamentalism*, while commonly used, is regarded by many as misleading. The term *fundamental-*

While Al-Qaeda is considered an Islamist organization – arguably the most violent and extremist – it is only one of many that share similar ideological objectives. Although the specific platform of each Islamist group is slightly different, generally they share the goal of creating a 'true' Islamic state with the strict implementation of Islamic law, *Sharia*.[7] Al-Qaeda, cemented in the Western conscious as the world's most notorious Islamist organization, is the cornerstone of modern analysis because of its unrivaled leadership in Islamist terrorism during the past twenty years.

It is of utmost importance to note that the majority of the world's Muslims do not support the militant objectives of extremist Islamist movements. In 2009 a survey by the Pew Global Attitudes Poll asked Muslim respondents if they supported Bin Laden in world affairs, with the percentage of respondents who answered yes as follows: Jordan 28%,

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ism is laden with Christian perspectives and Western stereotypes, and it implies a monolithic threat. More useful terms are *Islamic revivalism* and *Islamic activism*, which are less value-laden and have roots within a tradition of political reform and social activism." *Id.* While the author of this article believes Islamic extremism is an appropriate term to describe elements of the Islamist ideology, Islamic revivalism also provides an adequate description as well.).

[7] KNUT VIKOR, BETWEEN GOD AND THE SULTAN 257 (2005); *see* RUDOLPH PETERS, CRIME AND PUNISHMENT IN ISLAMIC LAW: THEORY AND PRACTICE FROM THE SIXTEENTH TO THE TWENTY-FIRST CENTURY 144 (2005) (Peters powerfully expands on the objectives of Islamists:

"The Islamists wanted to establish an Islamic state, and the main characteristic of an Islamic state was, for them, the enforcement of Sharia in all domains. . . .The introduction of the Sharia became a rallying cry of the religiously inspired political movements. The idea of going back to the cultural roots and of imposing Islamic norms on society was appealing to large segments of the population that were opposed to the increasing Western political and cultural influence. . . .

The crucial element is that Muslims, in order to be good Muslims, must live in an Islamic state, a state which implements Sharia. It is not sufficient that such a state gives Muslims the choice to follow or not to follow the Sharia: it must actually impose Sharia on them, by implementing Islamic criminal law. Preaching and admonition do not suffice, and a big stick is needed to change behavior in an Islamic direction. Islamic criminal law is a tool to impose a moral order on society, by enforcing rigorous rules, especially in the fields of sexual morality, blasphemy, and the consumption of alcohol and drugs.

The establishment of an Islamic state is presented as a religious duty for all Muslims and as an endeavor that may bring Paradise within their reach. And there is another felicitous prospect connected with it: that of a pious and virtuous community on earth that enjoys God's favor and is actively aided by Him to overcome poverty and humiliation. Such a community will be prosperous and strong. The reintroduction of Islamic criminal law is, from this perspective, a step towards salvation in the Hereafter as well as in this life. It is, therefore, much more than a merely technical reform of penal law.").

Indonesia 25%, Egypt 23%, Pakistan 18%, Israeli Muslims 16%, Lebanon 4%, and Turkey 2%.[8] In 2012 the same organization provided updated data on opinions of Al-Qaeda, with the favorable responses as follows: Egypt 21%, Jordan 15%, Turkey 6%, and Lebanon 2%.[9] The Pew study noted that in Pakistan, where Bin Laden was killed and a traditional stronghold for Al-Qaeda, 18% of the population did not participate because it was too dangerous for pollsters to conduct the survey.[10]

The above data demonstrates that Al-Qaeda is a peripheral organization that does not represent the views of a majority of the Islamic world. Nonetheless, the same polls also indicate that within the Islamic world there is a segment of the population that is sympathetic, if not supportive, of Al-Qaeda and its aggressive Islamist agenda. If the decade since 9/11 has revealed nothing else, it showed that all it takes is a few individuals to effectuate an attack or encourage others to join their cause. Thus it is the sizeable and vocal Islamist minority whose ideology must be understood by policymakers, as they remain, and will continue to remain, a potential threat to U.S. security interests. As this radical Islamist ideology emanates from the nuances of Islamic history, it is only with a broader working knowledge of Islam can the seemingly complex objectives of Islamists be properly understood.

The paper is divided into three sections of historical analysis: (1) the origins of Islam from the time of the Prophet Muhammad and the rise of the Islamic state in 633 until the collapse of the Abbasid caliphate in 1258, (2) the post-caliphate Islamic world and the growth of the Islamist ideology from the mid-thirteenth century until 1979, and (3) the impact of the U.S.S.R. invasion of Afghanistan in 1979 and the subsequent development of Al-Qaeda, the organization that orchestrated the attacks of 9/11 under the leadership of Osama Bin Laden. A second level of analysis chronicles Al-Qaeda following the 9/11 attacks and acknowledges recent developments in the Islamic world, including the "Arab Spring" and the assassination of Bin Laden. A conclusion provides final thoughts on the long-term challenges posed by Al-Qaeda and the Islamist ideology. Accordingly, the historical journey begins in seventh-century Arabia where the revelations of the Prophet Muhammad and the religion of Islam first originate.

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[8] Patrick Goodenough, *Support for Suicide Bombings and Bin Laden Still High Among Some Muslims*, CNS NEWS, Sept. 11, 2009, http://cnsnews.com/ node/53865.

[9] William C. Mann, *Poll: Little Muslim Support for Bin Laden's Group*, OMAHA.COM (Apr. 30, 2012, 5:36 PM), http://www.omaha.com/article/2012043 0/AP09/304309879.

[10] *Id.*

II. ISLAM AND HISTORY

A. *The Development of Islam under the Prophet Muhammad*

Islamic history begins in seventh century Arabia, which was characterized by tribal violence and stuck in the cross-roads of a regional war between the competing world powers of the time, the Byzantine and Persian Empires.[11] Born in 570 and orphaned at a young age, the Prophet Muhammad began work as a manager near commercial trading routes in the bustling city of Mecca, where he quickly developed a reputation among peers as a man of sound judgment.[12] Muhammad routinely traveled from Mecca to Mt. Hira where he engaged in reflective thought and, at the age of forty, it was at Mt. Hira that he received the first of his revelations from God through the angel Gabriel.[13] Over a period of twenty-two years, from 610 to 632, Muhammad received divine revelations from God that were later collected and recorded in the *Quran* ("The Recitation"), the Islamic holy book.[14]

During the early seventh century, polytheism in Mecca thrived. The Umayyads, the leading Meccan tribe and overseers of the Kaba (a shrine that held tribal idols), promoted the continuance of polytheism.[15] As the head of the Islamic nation, Muhammad led as a reformer who sought to bring the polytheistic Arabian people back to a monotheistic religion and reaffirm the idea of "one, true God" in the same tradition of Abraham, the first monotheist.[16] Citing the societal ills of Meccan life at the time, such as corruption and materialism, Muhammad believed the people of Arabia were in a state of ignorance and unbelief known as *jahiliyyah*.[17] Although Muhammad claimed the same monotheistic tradition of Adam, Abraham, Moses, and Jesus, Muhammad believed both Jews and Christians did not correctly reveal the word of God. [18] Thus, Muhammad called for the "total surrender or submission to Allah (*islam*) and the implementation of His will as revealed in its complete form one final time

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[11] JOHN ESPOSITO, UNHOLY WAR: TERROR IN THE NAME OF ISLAM 29 (2002) [hereinafter UNHOLY WAR].

[12] JOHN ESPOSITO, ISLAM: THE STRAIGHT PATH 5-6 (2005) [hereinafter THE STRAIGHT PATH].

[13] *Id*. at 6.

[14] *Id.* at 6-7.

[15] *Id*. at 8.

[16] *Id.* at 8, 12.

[17] UNHOLY WAR, *supra* note 10, at 11.

[18] THE STRAIGHT PATH, *supra* note 12, at 12.

to Muhammad, the last. . . of the prophets."[19]

The foundation of Islam is based on the Quran (the message of God transmitted by Muhammad) and the *sunna* (the actions and words of the Prophet recorded by his followers). The Quran, preserved in oral and written tradition during the lifetime of Muhammad and later codified in an official version between 644 and 656, is viewed by Muslims as the *literal* word of God transmitted through the angel Gabriel to Muhammad.[20] In addition, Muhammad was viewed as the example that all Muslims should strive to follow, and thus the actions of the Prophet were a central component of the early Islamic religious and legal traditions.[21] Since Muhammad was in effect a "living Quran," stories recounting the actions and words of the Prophet, known as the *sunna*, became an early source of Islamic law that equaled the importance of the Quran itself.[22] The individual stories of the Prophet, known as *hadith*, were collected in both oral and written form and all the hadith collected together formed the sunna.[23]

Muhammad's message during the first ten years of the Revelation – steadfastly supported by early converts that included Abu Bakr (a longtime companion of Muhammad who became the leader of the Islamic community following the death of the Prophet) and Ali (Muhammad's cousin and son-in law) – was met with suspicion and prosecution by the governing Meccan authorities.[24] In 622, while under siege by Meccan tribal rulers, Muhammad accepted an offer to serve as an arbiter between warring Arab tribes in the city of Medina, thus rising to a leadership position in the community.[25] Muhammad outlined the duties of all citizens in the Constitution of Medina and succeeded in unifying Arab tribes under the religious and governmental order of Islam, with the Prophet as its

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[19] *Id.*

[20] *Id.* at 6-7, 20-21.

[21] *Id.* at 11-12.

[22] *Id.* at 11.

[23] *Id*. at 80; *see* VIKOR, *supra* note 7, at 32 ("Muslim tradition came to accept [God's Revelation] as expressed in two ways: in the Koran, which contains God's own words; and through the Prophet's sunna, Muhammad's normative sayings and doings expressed in hadith. Both are revelation, but they are different in nature. The Koran has an established and certain content; there is no disagreement among Muslims over its actual words, but it needs to be read correctly to be understood. The other source, however, the sunna, does not have such a clear delimitation. It must go through a dual process; it must first be determined whether each individual hadith is actually a true expression from the Prophet before one can draw any normative inferences from its text. But both the Koran and true hadith are equally valid expressions of God's revelation.").

[24] THE STRAIGHT PATH, *supra* note 12, at 7-8.

[25] *Id.* at 8-9.

leader.[26]   In addition, the two hundred individuals that followed Muhammad from Mecca to Medina were considered the first members of the Islamic community, known as the *umma*.[27]   Once the Islamic state in Medina was established, Muhammad pursued the idea of capturing Mecca, the city at the heart of power and culture in Arabia, in the name of Islam.[28]

   The relationship between religion and political power in the Islamic tradition merits further discussion. Muhammad "served as both the religious and political head of Medina: prophet of God, ruler, military commander, chief judge, [and] lawyer."[29]   Religion and political power were "indissolubly associated" elements within the Muslim community, which led the celebrated scholar of Islamic history, Bernard Lewis, to powerfully comment, "the Founder of Islam was his own Constantine, and founded his own state and empire."[30]   For readers in the West it can be an arduous task, yet of utmost importance, to conceptualize this distinction between the Islamic and Christian traditions in their respective approaches to religion and political power. As Lewis notes, the dualistic approach of the Christian tradition which separates church and state – and guided by the oft-cited maxim found in Matthew XXII: 21, "render unto Caesar which are Ceasar's; and render unto God the things which are God's" – is not present in early Islamic history and jurisprudence.[31]

   Before returning to Muhammad's attempt to capture Mecca, it is important to address the topic of Islamic holy war, known as *jihad*. One of the central tenants of Islam is the idea of jihad, which has two meanings: (1) moral striving, and (2) armed struggle.[32]   Although some modern scholars have focused on the individual spiritual element of jihad, throughout the lifetime of the Prophet and the vast majority of Islamic history, jihad referred to Islamic holy war, especially when related to issues involving the non-Muslim world.[33]   This meaning of jihad is explained by Georgetown Professor of Islam John Esposito as follows:

> Those who wage war (*jihad*) for God engage in a religiopolitical act, a holy war. The God who commands this struggle against oppression and unbelief

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[26] *Id.* at 9-11.

[27] *Id.* at 10.

[28] *Id.* at 6-9, 20-21.

[29] *Id.* at 11.

[30] BERNARD LEWIS, THE CRISIS OF ISLAM: HOLY WAR AND UNHOLY TERROR 6 (2004).

[31] *Id.*

[32] *Id.*, at 29-30.

[33] *See id.* at 30--31.

will assist His Muslim holy warriors. . . . These holy warriors (*mujahidin*) will be rewarded in this life with victory and the spoils of war. Those who fall in battle will be rewarded with eternal life as martyrs (*sahid*, witness) for the faith.[34]

Islamic law authorizes jihad for enemies classified as infidels and apostates, and is a religious obligation of all Muslims.[35] While jihad will resurface again in contemporary discussions, it was Muhammad's conquest of Mecca in 624 that constituted the first example of Islamic jihad.[36]

The fight for Mecca commenced at the Battle of Badr in 624, where an outnumbered Muslim army traveled from Medina and defeated the army of the Meccan tribes.[37] Subsequent battles determined the fate of Arabia from 625 to 630, but by 630 Muslims succeeded in overtaking Mecca and converting its people to Islam.[38] From 630 until his death in 632, Muhammad consolidated power over Arabia by spreading the Islamic religion and implementing a successful system of taxation throughout the state.[39] In 632, Muhammad participated in the pilgrimage from Medina to Mecca for the final time and gave his last sermon to the Islamic community.[40] When Muhammad died later that year, he did so having achieved the once seemingly impossible objective of uniting the warring tribes of Arabia in the name of Islam.[41]

B.   *The Islamic State Following the Death of Muhammad – The "Rightly Guided Caliphs"*

Following the death of Muhammad a disagreement ensued in deciding who should serve as the leader of the Islamic people. A majority of Muslims believed that the head of the Islamic state, the *caliph*, should be chosen from the group of companions to Muhammad as selected by the leadership of the Prophet's tribe, the Quraysh.[42] A minority of Muslims, however, believed that only direct kin should follow in the line of suc-

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[34] THE STRAIGHT PATH, *supra* note 12, at 13-14.

[35] LEWIS, *supra* note 30, at 31-33.

[36] *Id.* at 33-34.

[37] THE STRAIGHT PATH, *supra* note 12, at 9.

[38] *Id.* at 10.

[39] *Id.*

[40] *Id.* at 10-11.

[41] *Id.* at 9-11.

[42] UNIV. OF PA., *A Concise Summary of the Evolution of Islamic Law (Sharia) From its Inception to the Present* (Mar. 7, 2012), http://www.upenn .edu/emeritus/IslamicLaw.pdf.

cession from the Prophet and that Ali (Muhammad's cousin and son-in-law who married his daughter Fatima) should be named the first caliph.[43] Ali, however, was passed over in favor of Muhammad's long time follower Abu Bakr, selected in 632 to serve as the first caliph.[44] The issues surrounding the leadership of Islam continually plagued the early Muslim community and provided the foundation for the future sectarian division between Sunni and Shiite (i.e. Shia) Muslims.[45]

The historical analysis of the Islamic caliphate is divided into three distinct eras: (1) the "Rightly Guided Caliphs" (632-661), (2) the Umayyad Empire (661-750), and (3) the Abbasid Empire (750-1258). The four Rightly Guided Caliphs – Abu Bakr (632-634), Umar ibn al-Khattab (634-644), Uthman ibn Affan (644-656), and Ali ibn Abi Talib (656-661) – were not only unique in the sense that they were all companions of Muhammad, but this era took on later significance in Sunni Islam as an idealized time period that all generations of Muslims should strive to emulate. Abu Bakr, the first caliph, took leadership of the political and military authority of the state and gained significant prestige within the religious community, best exemplified by his leadership in Friday prayers where Muslims venerated the name of the caliph.[46] During Abu Bakr's tenure as caliph he successfully repelled tribal rebellions precipitated by the death of Muhammad and further consolidated Islamic authority over the Arabian Peninsula.[47]

The death of Abu Bakr in 634 led to the rise of his successor, Umar, an acclaimed military leader who commenced a period of territorial expansion.[48] By 641, Umar presided over the rise of Islamic power through military endeavors into modern day Iraq, Syria, Palestine, and Egypt. Islamic historian Karen Armstrong notes that the Muslim wars of expansion were not a "divine mandate to conquer the world" but rather a desire to further the national interests of the state that were advanced by a unified Islamic community.[49] Upon his death in 644, Umar changed the methodology in the selection of his successor by appointing an election committee to choose the next caliph.[50] This process yielded the rise of Uthman, whose family was an opponent of Muhammad during his

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[43] *Id.*

[44] THE STRAIGHT PATH, *supra* note 12, at 36.

[45] *Id.* at 35-37.

[46] *Id.* at 36.

[47] *Id.*

[48] *Id.*

[49] KAREN ARMSTRONG, ISLAM: A SHORT HISTORY 27-30 (2002).

[50] THE STRAIGHT PATH, *supra* note 12, at 6.

lifetime, to become the third caliph. Uthman's reign was characterized by a lack of strong leadership and a rise in tribal factions, which eventually led to Uthman's assassination in 656.[51]

Uthman's death facilitated Ali, supported by some Muslims to become the first caliph instead of Abu Bakr, to now ascend to the position of the fourth caliph.[52] To the partisan supporters of Ali, the first three caliphs were usurpers of power who did not possess a legitimate claim to succeed Muhammad as the leader of the Islamic community. However, Ali came to power in 656 encumbered by two strong opposition movements that were aggrieved by Ali's failure to bring Caliph Uthman's murderers to justice.[53] These two separate challenges to Ali's authority were respectively led by Aisha, Abu Bakr's daughter, and Muawiyah, the Governor of Syria and nephew of Caliph Uthman.[54] While Ali was able to withstand the rebellion of Aisha's forces, the first time a caliph fought against another Muslim army, a more serious challenge was posed by Muawiyah. Muawiyah refused to acknowledge the appointment made by Caliph Ali to replace him as the Syrian Governor and he withstood an attack by Ali in 657 to retain power.[55] Upon the assassination of Ali in 661, Muawiyah ascended to the position of caliph and proceeded to turn the Islamic empire into a familial monarchy.[56]

C.   *The Islamic Caliphate During the Umayyad Empire (661-750)*

The death of Ali and the rise of Muawiyah to caliph in 661 ended the era of the Rightly Guided Caliphs and marked the commencement of the Umayyad Empire.[57] Under Muawiyah the seat of the caliphate was moved to Damascus and the bureaucratic and judicial spheres of the Islamic empire were strengthened.[58] Society in the Umayyad Empire was centered on the Arab military aristocracy which had already achieved an unprecedented expansion of the Islamic state. By the time Muawiyah became caliph, Islam had spread to Egypt, Libya, the Fertile Crescent, Syria, Iraq, Persia, and the borders of Afghanistan.[59] The expansionary

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[51] *Id.* at 36-37.

[52] *Id.* at 37.

[53] *Id.*

[54] *Id.*

[55] *Id.* at 37-38.

[56] *Id.* at 38.

[57] *Id.* at 40.

[58] UNIV. OF PA., *supra* note 42, at 1.

[59] THE STRAIGHT PATH, *supra* note 12, at 40.

military conquests under the Umayyad Empire additionally led to Islamic control over the Mahgreb (North Africa), Spain, and Portugal.[60]   The purpose of these conquests was not to mandate the adherence of Islam to outsiders, but rather to bring those living in ignorance and unbelief (*jahiliyyah*) into Islam, as the Prophet himself did in Mecca during the Revelation.[61]   Since the primary mission of Islam is to end *jahiliyyah*, jihad was justified by early Islamic jurists to spread the word of God so the will of God would be implemented on Earth.[62]

D.   *Important Developments During the Era of Expansion Under the Umayyad Empire*

Islamic jurisprudence during the Umayyad Empire guided the trajectory of Islam through the development and implementation of Islamic law, *Sharia*. The geographical growth of the Islamic caliphate under the Umayyad Empire required the advancement of a legal system that allowed the centralized government in Damascus to exercise control over the far-away lands situated under its authority. The Umayyad Empire witnessed the changing role of the *qadi*, or judge, who originally served as an arbitrator but evolved into a legal authority where the qadi looked to the Quran to come to legal decisions.[63]   One of the unique decisions of the Umayyad's was to allow the qadi to use local customary law (*'urf*) in making legal judgments, which facilitated great diversity in early Islamic jurisprudence.[64]   During this time the evolution of a class of Islamic religious scholars (*ulama*) built the body of Sharia through individual legal opinions known as *fatwas*.[65]

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[60] *Id.* (discussing the Islamic military expansion in this era, Esposito notes "[The Islamic forces] marched across Europe until they were halted in the heart of France . . . at the Battle of Tours in 732.").

[61] UNHOLY WAR, *supra* note 11, at 33.

[62] *Id.*

[63] *Id.* at 34.

[64] UNIV. OF PA., *supra* note 42.

[65] UNHOLY WAR, *supra* note 11, at 34; *see* VIKTOR, *supra* note 7, at 10-11 (noting that the four Sunni schools of Islamic jurisprudence developed during this time were named after their founding scholars: (1) the Maliki school dominated North and West Africa, from the eastern parts of Sudan up into the southern parts of Egypt, (2) the Hanafi school evolved out of the Turkish and Mongolian lands and remains the school of Islamic law practiced from the Balkans to Pakistan and northern India, (3) the Shafi'i school influenced east Africa and Southeast Asia, and (4) the Hanabali school, the last major school to develop and considered by some to be the most conservative, gained modern relevance with the Wahhabi movement of the eighteenth century and remains influential throughout the Arabian peninsula.).

Two other important elements shaped the early years of Islamic political expansion and legal development: (1) the legal differentiation in Sharia between Christian and Muslim lands, and (2) reverence in the Quran for martyrdom. As the Islamic empire spread, Islamic law stipulated that it was a Muslim's duty to commit jihad against those who rejected Muslim rule.[66] John Esposito notes that verses in the Quran – now commonly referred to as the "sword verses" – were used by Islamic jurists during the era of the early caliphs to support the permissible territorial expansion of the empire through offensive jihad.[67] To support the territorial interests of the Islamic state, leading Muslim jurists argued that later parts of the Quran abrogated early ones that restricted jihad only for defensive war.[68]

Individuals in lands conquered by the Islamic empire had a choice: they could either convert to Islam or consent to Muslim rule and retain their religion, albeit subjected to a tax.[69] If they refused both options, however, they would be subject to prosecution.[70] Islamic jurists devised the legal distinction between *dar al-Islam* (land of Islam) and *dar al-harb* (land of war) and argued the duty of Muslims was to expand the *dar al-Islam* to allow the rest of the world to live in the Islamic political and social order designed by God.[71] It must be noted that although subject to higher taxes and required not to violate Sharia, Jews and Christians were allowed to practice their religion freely and provided positive contributions to Islamic society under the rule of successive caliphs.[72]

The second major development involves the reverence in the text of

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[66] UNHOLY WAR, *supra* note 11, at 35.

[67] *Id.* (noting that if the "sword verses" are read in their full context they will convey a message of peace if there is no interference with Muslims: "When the sacred months have passed, slay the idolaters wherever you find them, and take them, and confine them, and lie in wait for them at every place of ambush"); and The Quran 9:5 ("But if they repent and fulfill their devotional obligations and pay the *zakat* [tax for alms] then let them go their way for God is forgiving and kind.").

[68] *Id.*

[69] *Id.*

[70] *Id.*

[71] *Id.*

[72] UNIV. OF. PA., *supra* note 42; *see* ELIE KEDOURIE, POLITICS IN THE MIDDLE EAST 19 (1992) (Kedourie expands on the obligations of Jews and Christians under Muslim rule: "Jizya is the tribute, later understood to be a poll tax, which Christians and Jews had to pay in humility and in token of submission to the Muslim ruler. In return they received protection for good [behavior]. In the Muslim polity these non-Muslims were allowed by the ruler to organize their own communal affairs under their own leaders who enjoyed wide judicial and administrative powers in respect of their communities, each of which was allowed to follow its own (religious) law in matters of personal status and inheritance.").

the Quran for martyrdom. John Esposito cites two verses in the Quran that clearly express support for martyrdom: "Were you to be killed or to die in the way of God, forgiveness and mercy from God are far better than what they amass" (3:157); and, "Never think that those who are killed in the way of God are dead. They are alive with their Lord, well provided for." (3:169).[73] Hadith literature further affirmed Islamic reverence for martyrdom by depicting the rewards for those that die a martyr, including being free of sin in the afterlife (and thus not being subject to an interrogation by angels), and going to one of the highest locations in heaven close to the Throne of God.[74] Since the founding of Islam and the first jihad of the Meccan Arabs, martyrdom was valorized, and in many ways the culture of martyrdom was symbolic of the militant expansionary efforts of the Umayyads.[75]

E.   *The Official Split Between Sunni and Shia During the Umayyad Empire*

After the death of Muawiyah in 680, his son Yazid was named caliph and inherited a challenge to his power posed by the resurgence of the followers of Ali, now led by his son Husayn.[76] Husayn, who long-refused the validity of the Umayyad caliphate that rose to power following the death of his father, maintained political support among ethnic Persians who rejected the Arab-dominated Umayyad Empire.[77] Caliph Yazid attempted to quash the Husayn-led rebels by sending his army to fight, however they were surprisingly met with strong resistance.[78]

As accounted in Shia tradition, Husayn and his troops withstood six days of attacks until they were cut from their water supply which forced an imminent confrontation.[79] Husayn and his outnumbered forces charged Yazid's army but were massacred on the field of battle, becoming martyrs for their beliefs.[80] The distinction in Islam between Sunni

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[73] UNHOLY WAR, supra note 11, at 33.

[74] *Id.* at 34.

[75] *Id.* at 33-35; *see* THE STRAIGHT PATH, *supra* note 12, at 40-41.

[76] THE STRAIGHT PATH, *supra* note 12, at 43.

[77] VALI NASR, THE SHIA REVIVAL: HOW CONFLICTS WITHIN ISLAM WILL SHAPE THE FUTURE 40 (2007).

[78] *Id.* at 40-41.

[79] *Id.* at 41.

[80] *Id.*; *see id.* at 43 (noting from a contemporary standpoint that: "Shias have often invoked the Husayn story to define their conflicts in modern times: against the Shah's forces in Iran in 1979, against Israeli troops in southern Lebanon in the 1980s, and against Saddam Hussein's death squads in Iraq during the anti-Ba'thist intifada (uprising)

(the vast majority of Muslims who continued to support the Umayyad Empire and believed that the torch of Islam should be passed by the tribal elders) and Shia (the minority of Muslims who followed Ali and believed that the leaders of Islam should be based on the Prophet's familial relations) was cemented by this battle and led to the development of distinct religious, legal, and cultural practices within the two sects.[81] Contemporary Shia expert Vali Nasr analogizes the Sunni-Shia split to that of the Protestants and Catholics in Western Christianity, noting, "[J]ust as past intra-Christian politics shaped European politics, so the Sunni-Shia conflict continues to shape the history of the Islamic world and the broader Middle East."[82]

The ability of the Umayyad Empire to withstand the specter of revolt did not last long and by 720, various ethnic and tribal groups significantly challenged the ruling authority.[83] One notable faction consisted of pious Muslims from diverse ethnic backgrounds, who claimed the Umayyad Empire was departing from the Islamic way of life, condemning the policies of the Umayyads as "un-Islamic innovations."[84] In 747, a rebel group supported a freed Abbasid slave named Abu Muslim to lead the opposition against the Umayyads.[85] Backed by support from the Shia community, the rebellion led to the fall of the Umayyad Empire and in 750, Abu al-Abbas was named the first caliph of the Abbasid Em-

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that followed the first Gulf war in March 1991.").

[81] *Id.* at 42; see *id.* at 34 (expounding on the contemporary differences between Sunni and Shia: "Most Western discussions of Islamic matters or the Arab world tend to focus, often implicitly, on Sunnism. This is perhaps to be expected, since the overwhelming majority of the world's 1.3 billion Muslims are Sunnis. Shias number from 130 million to 195 million people, or 10 to 15 percent of the total. In the Islamic heartland, from Lebanon to Pakistan, however, there are roughly as many Shias as there are Sunnis, and around the economically and geostrategically sensitive rim of the Persian Gulf, Shias constitute 80 percent of the population.").

[82] *Id.* at 34; *see* BARNABY ROGERSON, THE HEIRS OF MUHAMMAD: ISLAM'S FIRST CENTURY AND THE ORIGINS OF THE SUNNI-SHIA SPLIT 347-48 (2007) (" . . . the Shia community would later venerate these men, the powerless descendants of Ali, as the 'true Imams' who should have ruled in this period. In this world-view Abu Bakr, Oman, and Uthman do not figure in the list of true Imams, let alone the criminal Umayyads of Damascus, nor the scheming Abbasid caliphs of Baghdad. The list of true Imams begins with Ali, then passes to his eldest son Hasan (the second Imam), followed by his martyred younger brother Husayn (the third Imam), then on down through Husayn's son Ali Zayn al-Abidin (the fourth Imam). All Shiites of whatever creed and persuasion follow this heritage but thereafter the paths of belief diverge so that there are a half a dozen traditions of loyalty.").

[83] THE STRAIGHT PATH, *supra* note 12, at 50.

[84] *Id.*

[85] *Id.*

pire.[86]

F.   *The Apex and Decline of the Islamic Caliphate under the Abbasid Empire (750-1258)*

Once Abu al-Abbas was named caliph in 750, the capital was moved from Damascus to Baghdad, which commenced an era of further cultural, economic, and legal development.[87]   As caliph, al-Abbas' first order was the consolidation of power, which entailed decimating the same Shia community that provided critical support in helping to overthrow the Umayyad Empire.[88]   While this further strained relations between the Sunni and Shia, the Abbasid Empire ruled in the name of Sunni Islam and heavily invested in the development of Islamic scholars (*ulama*) that provided the next wave of Islamic jurisprudence. One criticism levied by the Abbasids on the Umayyad Empire was that they failed to develop a fully integrated Islamic legal system, which led to strong Abbasid support for Islamic legal scholarship.[89]   As a result, mosques and academies of learning (*madrassas*) were established and research on the Quran and the traditions of the Prophet, the foundation upon which Islamic law is built, greatly expanded.[90]   Consequentially, unlike the Umayyad Empire, the Abbasids ceased using a local-based approach to Islamic law and moved towards a more streamlined jurisprudence with an elevated role for the ulama.[91]

Western history remembers the Abbasid Empire (750-1258) best for its great economic and cultural advancements, later viewed as the golden age of the Islamic civilization.[92]   The linguistic hegemony of the Arabic language in the extensive Abbasid territories facilitated greater communication over a wide geographical mass and thus became the language of choice for international academics and businessmen.[93]   Islamic study of

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[86] *Id.* at 50-51.

[87] *Id.*

[88] *Id.* at 51.

[89] *Id.* at 50-52; see ROGERSON, *supra* note 82, at 347 ("Abu Muslim would support the Abbasids . . . not the Alids (the descendants of Ali) . . . . [N]one of the lineal heirs of the prophet Muhammad through his daughter Fatimah and his cousin Ali (the Alids) actually exercised any political authority throughout the long period of Abbasid rule, from 750-1258.").

[90] Richard Martin, *Political Growth of the Islamic Empire*, *in* THE SPREAD OF ISLAM 79, 83 (Clarice Swisher ed., 1999).

[91] ARMSTRONG, *supra* note 49, at 59.

[92] LEWIS, *supra* note 30, at 4.

[93] M. Cherif Bassiouni, *Islamic Civilization*, MIDDLE E. INST. (Jan. 24, 2012),

philosophy and science produced great achievements in preserving the teachings of ancient Greek philosophy while the mathematical fields of algebra and geometry also witnessed substantial growth.[94] Islamic innovation helped move forward the burgeoning fields of chemistry, pharmacology, and veterinary science which in turn facilitated the growth of medical schools and hospitals.[95] Lastly, the period represented a renaissance in Islamic art and architecture, both of which remain vivid in the unique geometrical designs and wood carvings expressed in the many great Mosques constructed during the time period.[96] In a comparative perspective, the vibrancy of the Islamic world – espoused by its thriving cities such as Spanish Cordoba and Baghdad – stood in stark contrast to the simultaneous developments seen in the war-torn Dark Ages of European Christendom.[97]

The Abbasid Empire was unable to maintain sufficient governmental authority over its vast territory, however, and by the turn of the tenth century an era marred by rebellion and decline began.[98] While the level of cultural and scholarly achievement remained high throughout the entire Abbasid period, two groups gained control over the caliphate: the Buyids (945-1055), a Persian Shia dynasty, and the Seljuks (1055-1258), a Turkish Sunni dynasty.[99] Both of these military regimes presided over a deteriorating political unity, and although an Abbasid was selected to the position of caliph to preserve the unification of the empire, the real decision making powers were now vested in a military ruler known as the *sultan*.[100]

The ascent of the Buyids in the ninth century represented a brief decline in Arab influence within the Islamic state, replaced by a resurgence of Shia power and the re-emergence of Persian language and literature (this is sometimes labeled the "Iranian Intermezzo" in Middle Eastern history).[101] However, a competing, more extremist Shia state known as

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http://www.mei.edu/content/islamic-civilization.

[94] THE STRAIGHT PATH, *supra* note 12, at 53-54.

[95] Bassiouni, *supra* note 93.

[96] *Id.*

[97] THE STRAIGHT PATH, *supra* note 12, at 53, 55; see generally MARIA ROSA MENOCAL, ORNAMENT OF THE WORLD: HOW MUSLIMS, JEWS, AND CHRISTIANS CREATED A CULTURE OF TOLERANCE IN MEDIEVAL SPAIN, (2002) (depicting Medieval Spain under Islamic rule and argues that it provides an example of successful inter-faith tolerance.).

[98] THE STRAIGHT PATH, *supra* note 12, at 56.

[99] MARTIN, *supra* note 90, at 82.

[100] THE STRAIGHT PATH, *supra* note 12, at 56.

[101] BERNARD LEWIS, THE MIDDLE EAST: A BRIEF HISTORY OF THE LAST 2,000 YEARS 81-82 (1995).

the Fatimid caliphate was also enthroned in 908, and its influence in Egypt, Syria, and western Arabia challenged the power of the Abbasids.[102] The Seljuks seizure of the Abbasid caliphate from the Buyids in 1055 marked the growing Turkish influence in the Islamic world, and by 1079 the lands of Syria and Palestine were reclaimed by the Abbasids from a weakened Fatimid caliphate.[103] Notably, the Seljuks had returned the caliphate back to Sunni Muslim control and for a short time successfully reasserted authority over the Abbasid Empire.[104] It was not to last though, as the commencement of the Crusades soon posed significant challenges to the interests of the Seljuk-led Abbasid caliphate.[105]

The Crusades (1095-1453) began when the Abbasid Seljuk army defeated the Christian army of the Byzantine Empire, and, in response, Byzantine Emperor Alexius I called on a unification of Christendom to fight the "infidel" Islamic state and liberate Jerusalem from Muslim rule.[106] Although the centuries-long Crusades were based on political and military interests, the religious appeal of the battle drew support from the Christian masses throughout Western Europe.[107] Since 638 the Islamic empire ruled over Jerusalem, but still provided significant rights to Jews and Christians while in power.[108] The success of the First Crusade brought Jerusalem back into Byzantine control in 1099, but the brutality employed by the Christian forces was remembered by future generations of Muslims as a means of cultivating anti-Christian sentiment:[109] the attack by the Christian forces left no Muslim survivors and disrespectfully used the Islamic holy sites of the Dome of the Rock and the al-Aqsa mosque.[110] Bernard Lewis notes that although the events of the First Crusade are cited by modern Islamists as an injustice by the Christians – as stated in the contemporary rhetoric of Osama Bin Laden – the

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[102] *Id.* at 83-84.

[103] *Id.* at 89-90.

[104] *Id.*

[105] *Id.* at 90; *see* ROGERSON, *supra* note 82, at 352 ("Ultimately the Fatamid Empire would be centered on the great new city of Cairo, which at its height governed all of North Africa, Egypt, and Syria and most of Arabia. The Fatimid Caliphate would be extinguished in 1171 by the great Sunni hero Saladin. . . . Saladin reaffirmed the right of the Abbasid caliphs, who lingered on in Baghdad, to be considered the legitimate source of political authority, even though their real power seldom strayed beyond the walls of their palace-prisons.").

[106] THE STRAIGHT PATH, *supra* note 12, at 58-59.

[107] *Id.*

[108] *Id.*

[109] *Id.* at 59.

[110] *Id.*

historical record suggests that at the time the Islamic empire was indifferent to the loss of Jerusalem to the Crusaders.[111]

Christian rule over Jerusalem following the First Crusade did not last long, however, and in 1187 the famed Islamic military leader Saladin led the effort to recapture the city and return it to Islamic possession.[112] In response to the provocations of Reynald of Chatllion, a Crusader military leader who engaged in attacks on both Muslim caravans near the Islamic holy place of the Hijaz and pilgrims headed towards Mecca, Saladin proclaimed jihad against the Crusaders and Jerusalem was reconquered by his army.[113] Modern Islamic history, and in particular Islamist movements, make special note of the treatment of Jews and Christians under the new Muslim authority: in juxtaposition to the massacre of Muslims during the First Crusade, most prisoners of war captured by Saladin were later granted freedom.[114] The individual responsible for insulting the Islamic Holy Land was not granted such leniency, however, as Saladin beheaded Reynald himself.[115]

By the thirteenth century, political and religious factions within the vast territory of the Abbasid Empire left it weak and vulnerable to attack from outsiders.[116] Following the successful conquests of Genghis Khan's Mongol Empire throughout Central Asia, China, and Russia, in 1258 the Abbasid caliphate found itself subjected to the same fate.[117] When the grandson of Ghengis Kahn, Hulagu Kahn, eviscerated the capital of Baghdad and executed the caliph and his family, the reign of the Abbasid caliphate officially ended.[118] Out of the vestiges of the Abbasid Empire, only Egypt and Syria were able to withstand the Mongol forces, which led to the creation of a separate state known as the Mamluk sultanate.[119]

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[111] LEWIS, *supra* note 30, at 47.

[112] THE STRAIGHT PATH, *supra* note 12, at 59.

[113] LEWIS, *supra* note 30, at 49.

[114] *Id.*

[115] *Id.*

[116] THE STRAIGHT PATH, *supra* note 12, at 60.

[117] *Id.*

[118] *Id.*

[119] *Id.*; see JACOB M. FELLURE & BRIAN THORNTON, THE MIDDLE EAST: THE NATIONS, THEIR HISTORIES, AND THEIR CONFLICTS 99 (2009) (On the Mamluks: "Islam guided the Mamluks as they ruled largely Arab lands. As a result, Arabic culture and language thrived, and Cairo emerged as the heart of the Arab world. In a political maneuver that pleased the Arab masses and satisfied Mamluk religious convictions, a series of Arab men from the fallen Abbasid dynasty were named "caliph." Although these men continued the centuries-old Arab caliphate, these caliphs were actually puppets of the

III. THE FALL, RISE, AND FALL (AGAIN) OF ISLAMIC POWER AND THE DEVELOPMENT OF ISLAMIST MOVEMENTS (1258 – 1979)

Although the end of the Abbasid caliphate might have foreshadowed the imminent decline of Islamic political and religious influence in the centuries that followed, such dire prognostications never materialized. The emergence of three distinct Islamic empires in the fifteenth and sixteenth centuries,[120] each rivaling the other for political power, affirmed the lasting influence of Islam throughout the Middle East and Eastern world.[121] However, a growing number of Muslims believed Islamic leaders veered from the true path of Islam, and calls for a return to classical Islamic teachings became increasingly pronounced.

A.   *The Ideology of Ibn Taymiyya, the First Islamic Revivalist*

While the ideas of Ibn Taymiyya (1268-1328) originated many centuries ago, his work still resonates in the modern era and endures a special reverence among militant Islamists, including Osama Bin Laden.[122] Upon the Mongol defeat of the Abbasid Empire, a once unfathomable prospect, Taymiyya was forced to leave his home in Damascus and thereafter held a lifetime animus against the Mongols.[123] Taymiyya argued for the return to a textualist interpretation of the Quran and sunna to purify the Islamic religion and its people, and believed in emulating the teachings of the original Islamic community during the time of Muhammad.[124] John Esposito summarizes Taymiyya's message:

> A return to pristine purity of the period of Muhammad and the First Four Righteous Caliphs, he believed, was necessary to restore the Islamic community's power and greatness. He distinguished between Islam and non-Islam (the *dar al-Islam* and *dar al-harb*), the lands of belief and unbelief.[125]

Although the Mongol King had recently converted to Islam, Taymiyya justified jihad against the Mongols because of their continued attacks against the Muslim Mamluk rulers in Egypt and their failure to im-

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Mamluks, nominally presiding over Sunni Islamic orthodoxy.").

[120] ARMSTRONG, *supra* note 49, at 115.

[121] THE STRAIGHT PATH, *supra* note 12, at 60.

[122] UNHOLY WAR, *supra* note 11, at 44-45.

[123] *Id.* at 45.

[124] *Id.* at 45-46.

[125] *Id.* at 46.

plement the true interpretation of Sharia.[126]

As a professor of Sunni law in the conservative Hanabali school of Islamic jurisprudence, Taymiyya was unique in that he served as both an Islamic legal scholar and political activist.[127]   Contemporary analyst Sean Wilson explains:

> Critical to understanding Al-Qaeda's jihad is Taymiyya's notion of *takfir*. Taymiyya believed that Muslims who failed to follow the path of the *salaf* (the values and practices of the prophet and his companions) were apostates and enemies of Islam. Takfir was a means of excommunicating unfaithful Muslims. According to Taymiyya, there could not be peace between the *kafir* (infidels) and Muslims. It was every Muslim's duty through jihad to force the *kafirs* to see the true path of Islam.[128]

Although Taymiyya's ideas failed to gain momentum during his lifetime – in fact, his teachings led to his eventual imprisonment – his views played a considerable role in the growth of Islamist ideologies that spawned during the eighteenth and twentieth centuries.[129]

B.   The Three Post-Abbasid Islamic Empires: The Ottomans, Safavids, and Mongols

Global Islamic political power arguably reached an apex in the six-teenth century during the reign of three separate Muslim empires that competed with each other for regional geo-political influence.[130]   The

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[126] Christopher Henzel, *The Origins of Al-Qaeda's Ideology: Implications for U.S. Strategy*, PARAMETERS, Spring 2005, at 71.

[127] UNHOLY WAR, *supra* note 11, at 45; *see* VIKOR, *supra* note 7, at 101-02 (noting that the Hanbali school was formed about a century after the other three Sunni schools of jurisprudence with a stricter interpretation of hadith. On some issues, but not all, the Hanbali view is considered more conservative than the other schools and a more literal interpretation of the Quran and the sunna.).

[128] Wilson, *supra* note 1, at 3.

[129] UNHOLY WAR, *supra* note 11, at 45.

[130] THE STRAIGHT PATH, *supra* note 12, at 60; *see* ARTHUR G. SHARP, THE EVERYTHING GUIDE TO THE MIDDLE EAST: UNDERSTAND THE PEOPLE, THE POLITICS, AND THE CULTURE OF THIS CONFLICTED REGION 111 (2011) (The rise of the Ottomans led to the collapse of the Mamluk sultanate: "From the late 1300s to the early 1500s Egypt was ba-sically in a state of emergency as major economic problems, food shortages, and the Black Plague magnified existing dissatisfaction with the Mamluk sultans. Because of fatalistic religious ideas, little was done to contain the plague, resulting in the decimation of Cairo's population – with as many as 7,000 deaths per day during its worst period. With Cairo in disarray, Ottoman armies moved as far south as Mamluk-controlled Syria. Hoping to repel the Ottomans, cavalrymen raced from Egypt to Syria, but Ottoman can-ons overpowered the prideful Mamluks, who rejected gunpowder as a "weak man's weapon." Continuing south into Egypt, Ottoman firepower dealt the final deathblow, as

Turkish Ottoman Empire (1492-1918), the Safavid Dynasty of Persia (1500-1779), and the Mongols of India (1526-1730)[131] provided the catalyst for another era of political and cultural advancement within Islam.[132] While all three empires maintained distinct cultural and religious identities, each respectively developed stronger bonds between the state and Islamic institutions than during the Abbasid period: the Ottoman Empire codified Sunni Sharia, the Safavid Persians incorporated Shiism as the official religion of the state, and the Mongols were heavily influenced by a small sect of Islam known as Sufism.[133]

The Ottoman Empire developed out of the vacuum of power left by the successors of Genghis Kahn and maintained a proud Mongol-Turkish tradition that fused militancy and a strong connection to classical Islam.[134] The Ottomans were the primary flag bearers of the Islamic caliphal tradition and the most prominent representatives of Islam to the outside world in the West.[135] Under the leadership of the sultan – given names such as "Warrior of the Faith" and "Defender of the Sharia" – the Ottomans extended their dominance over the Arab Middle East and North Africa.[136] Subsequent Ottoman military victories also led to the incorporation of Greece, Cyprus, the Balkans, and the majority of Eastern Europe.[137]

Although efforts to further the Ottoman's expansionist jihad were kept in check by the victories of both Mediterranean Christians in 1580

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the Mamluks were overrun outside Cairo in 1517.").

[131] Martin, *supra* note 90, at 84-85.

[132] THE STRAIGHT PATH, *supra* note 12, at 60-61.

[133] ARMSTRONG, *supra* note 49, at 115-116; *see* THE STRAIGHT PATH, *supra* note 12, at 100-03 (noting that Sufism is a minority branch of Islam that is not discussed in this paper because it is largely peripheral to the contemporary issues surrounding the Islamist ideology and Al-Qaeda. For more information on Sufism, Esposito provides succinct analysis.).

[134] THE STRAIGHT PATH, *supra* note 12, at 61.

[135] *Id.*

[136] *Id.*

[137] *Id.*; *see* Bernard Lewis, *The Ottoman Empire and Its Aftermath*, 15 J. CONTEMP. HIST. 27 (1980) ("Islam was the traditional basis of the Ottoman state as of virtually all other states in the classical Islamic world. . . . The polity was conceived as the Community of Muslims, its head as the successor of the Sultans and Caliphs of the glorious past and as the holder of an Islamic sovereignty dedicated to the maintenance of Islam and the extension of its domain."); Rogerson, *supra* note 82, at 355 ("Later generations of Ottoman sultans would be acknowledged as the greatest rulers of the Muslim world, though their claim to the Caliphate emerged only in 1774 from the chance wording of a treaty with Russia. As an exclusively Turkish dynasty without a drop of Arab blood, let alone that of Prophet Muhammad, the Ottomans' claim to the Caliphate was not always accepted outside their own wide domains").

and Eastern Europeans in Vienna in 1683, the Ottoman Empire nonetheless buttressed a return of Islamic artistic and scholarly achievements last seen during the Abbasid period.[138] The Ottomans found great prosperity under the sultanate of Suleiman al-Qanuni (1520-1566), known as "the Lawgiver," who declared Sharia the official law throughout the empire and employed judges (*qadi*), Islamic legal advisors (*muftis*), and teachers in schools (*madrassas*) as agents of the state.[139] By the sixteenth century, however, the Ottoman grip on regional hegemony was challenged by the emergence of the two other rival Muslim empires: the Safavid Dynasty (in modern Iran) and the Mongol Empire (in the Indian subcontinent).[140]

The ethnically Persian and religiously Shiite Safavid Dynasty (1500-1779) came to power following the collapse of the Persian Empire, the historical link between Shia Islam and the modern state of Iran.[141] The first Safavid ruler, Isamail, claimed religious legitimacy when he linked his bloodline to the twelfth (hidden) imam and declared himself *shah*, the religious and political leader of the Shia state.[142] While the Sunni Ottomans and Shia Safavids fought many wars for regional hegemony, Safavid culture and scholarship thrived. Like the Ottomans, the Safavids produced works of magnificent architecture and oversaw the expansion of Shia jurisprudence.[143]

The third Islamic power of the era, the Indian Mongol Dynasty (1526-1730), was a Sunni Muslim state which, through its power base in the city of Delhi, successfully ruled over a majority Hindu population.[144] Not to be outdone by their neighboring Islamic rivals, the Mongols thrived in architecture and the arts, engineering the construction of the grand Taj Mahal and fusing the Ottoman and Persian traditions of artistic design in celebrated paintings. However, as the modern European nation-state system developed in the aftermath of the sectarian religious

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[138] THE STRAIGHT PATH, *supra* note 12, at 61.

[139] ARMSTRONG, *supra* note 49, at 132-33.

[140] THE STRAIGHT PATH, *supra* note 12, at 62.

[141] Martin, *supra* note 90, at 85.

[142] THE STRAIGHT PATH, *supra* note 12, at 62-63; *see* REZA ASLAN, NO GOD BUT GOD: THE ORIGINS, EVOLUTION, AND FUTURE OF ISLAM 184-93 (2005) (providing a concise explanation of the sects within Shiism and their respective belief systems regarding the secession of Imams.).

[143] NASR, *supra* note 77, at 65-66.

[144] Martin, *supra* note 90, at 85 (noting the Mongol Empire supporting the activities of Muslim missionaries throughout Southeast Asia – including Indonesia – which facilitated significant conversion to Islam throughout the region in the centuries that followed.).

wars of the Christian Dark Ages, an era of unprecedented European economic and political modernization commenced. Importantly, the advancements in Western Europe soon left the three Islamic empires in significant comparative decline.[145]

C.   *The Ascent of Islamic Revivalist Movements: The Rise of Wahhabism in Arabia*

On the precipice of the rapid decline in the power of the Islamic empires, some traditionalist Arabian Muslims gained momentum in their objective to effectuate a return to classical practices and teachings of Islam. Muhammad ibn Abd al-Wahhab, an Islamic legal theologian who ascribed to the ideas of Ibn Taymiyya and identified with the conservative Hanabali school, became the primary revivalist of the early eighteenth century.[146] Al-Wahhab, like Taymiyya before him, believed that the Islamic nation was living in a state of ignorance (*jahiliyyah*) similar to the Meccan community during the time of Muhammad.[147]

The developing political weakness of the Islamic states, to al-Wahhab, directly correlated to the deviation from classical Islamic practices. However, al-Wahhab preached that if Muslims began to live in accordance with life as it was during the time of the Prophet, as expressed in the Quran and sunna, prosperity would return to the Islamic people.[148] As John Esposito explains:

> For Ibn abd al-Wahhab . . . . [a]ll subsequent, post-Prophetic developments and the time-honored interpretations of the *ulama* and the law schools were subject to review and reevaluation in the light of Islam's fundamental sources. The purpose of *ijtihad* was a return to a purified Islam by weeding out those un-Islamic beliefs and practices that had infiltrated the law and life of Muslims. . . . For Abd al-Wahhab, the Islamic way of life was to be found in pure, unadulterated form in the seventh-century community.[149]

In 1765 al-Wahhab joined forces with Muhammad ibn Saud, a widely influential local tribal chief, and together they united factions in Arabia to implement their purist vision of Islam, thereafter known as the Wahhabi movement.[150] The lasting influence of al-Wahhab proved sig-

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[145] THE STRAIGHT PATH, *supra* note 12, at 64-67.

[146] *Id.* at 118-119.

[147] *Id.*

[148] *Id.*

[149] *Id.* at 119.

[150] *Id.* at 118-19; *see* LAWRENCE WRIGHT, THE LOOMING TOWER: AL-QAEDA AND THE ROAD TO 9/11 72-73 (2006) (commenting that al-Wahhab's theological innovations

nificant in shaping the growth of offspring ideologies in Africa and India, and to this day Wahabbi principles remain central to Saudi Arabia's modern application of Sharia.[151]

D. *The Decline and Collapse of the Islamic Empires and the Rise of European Colonialism*

The eighteenth century witnessed the deterioration of the three great Muslim empires, and unlike declines of the previous Islamic regimes, a resurgence of Islamic power never materialized.[152] The downward spiral of the Islamic empires – all built largely on agriculturally dominated economic programs – coincided with the Europeans unprecedented technological innovations in science, education, and industry that facilitated widespread commercial enterprise and an overall increase in the European quality of life.[153] As Bernard Lewis details:

> In the Middle Ages Europe had little to offer to the far more advanced and sophisticated societies of Islam. . . . [Islam] was immunized against anything coming from Christendom – that is to say, from a society which, according to the Muslim perception, represented an earlier and outdated stage of the religious civilization of which Islam represented the final perfection. . . . Such major movements as the Renaissance, the Reformation, the En-

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included: "God clothed Himself in a human form; he rejected the intercessory prayer of saints and expressions of reverence for the dead; and he demanded that Muslim men refuse to trim their beards. He banned holidays, even the Prophet's birthday, and his followers destroyed many of the holy sites, which he considered idols. He attacked the arts as being frivolous and dangerous. He gave a warrant to his followers that they could kill or rape or plunder those who refused to follow his injunctions.").

[151] THE STRAIGHT PATH, *supra.* note 11, at 119; *see* ASLAN, *supra* note 142, at 246 (noting the influence of Wahabbism in the subsequent development of Islamist organizations: "Thanks to Saudi evangelism, Wahhabi doctrine has dramatically affected the religio-political ideologies of the Muslim Brothers, Mawdudi's Islamic Association, the Palestinian Hamas, and Islamic Jihad, to name only a few groups. The Saudis have become the patrons of a new kind of Pan-Islamism: one based on the austere, uncompromising, and extremist ideology of Islamic fundamentalism, which has become a powerful voice in deciding the future of the Islamic state.").

[152] ARMSTRONG, *supra* note 49, at 137-38; *see* Ira Lapidus, *Islamic Revival and Modernity: The Contemporary Movements and the Historical Paradigms*, 40 J. ECON. & SOC. HIST. ORIENT 444, 449-50 (1997) ("In the course of the 18th century Islamic regimes everywhere collapsed or were in decline. The Safavid dynasty which had ruled Iran since 1500 was destroyed by Afghan and other tribal forces. The Ottoman Empire was in course of disaggregation as . . . notables established their locally based authority and small scale independent governments. Mongol suzerainty, challenged in the 18th century by Sikh, Maratha, and other provincial separatist movements, and by the rise of British power in Bengal, gave way to British paramountcy and was liquidated altogether after the Mutiny of 1857.").

[153] ARMSTRONG, *supra* note 49, at 142-43.

lightenment, and the Scientific Revolution passed unnoticed and without
effect. . . . There was no response to the European Renaissance, and no
Reformation. All these ideas and others that followed them were seen as
Christian and discounted accordingly.[154]

European capitalism furthered the economic expansion and domi-
nance of trade by the great powers of Christendom. It was not until the
eighteenth and nineteenth centuries that the Islamic empires even real-
ized the magnitude of the threat posed by the increasingly powerful Eu-
ropean states.[155]   Accordingly, during the mid-nineteenth century the
mercantilist objectives of the new world powers were fulfilled: the Euro-
pean and Eastern nations colonized a significant portion of the Islamic
world and forced economic modernization to further their own financial
interests.[156]

*E.   The Response of the Trilogy of Islamic Reformers: Al-Afghani,
'Abduh, and Rida*

The encroachment of Western European powers into Muslim lands
– the first experience of Islam as politically and economically subservi-
ent to Christian states – facilitated a resurgence in Islamic revivalism

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[154] LEWIS, *supra* note 101, at 316-17.

[155] Lapidus, *supra* note 152, at 449-50.

[156] ARMSTRONG, *supra* note 49, at 146; *see* Ted Thornton, *Colonialism in Africa and
the Middle East*, HIST. MIDDLE E. DATABASE, http://www.nmhtthornton.
com/mehistorydatabase/colonialism_in_africa_and_the_mi.php (last visited Nov. 14,
2012) (chronicling the development of the European colonial presence in Islamic territo-
ries: The British became involved in Egypt and the Sudan in the early 19th century; the
French and British built and controlled the Egyptian Suez Canal, constructed in 1869, to
further their commercial interests; Britain went to war with Iran in 1856 to solidify access
to trading routes; in 1860, the French reasserted their presence in Lebanon and Spain in-
vaded Morocco; the Berlin Conference of 1885 divided colonial rights to Africa between
the European powers; in 1907 Britain and Russia agreed to split colonial influence in
Iran; and, lastly, Italy commenced its colonial influence over Libya in 1911); *see also*
ASLAN *supra* note 142, at 222-223 (commenting on the impact of European colonialism
on the Islamic world: "To keep Europe's industries running, the colonized lands were
rushed towards modernization. European ideals of secularism, pluralism, individual lib-
erties, human rights, and, to a far lesser degree, democracy – the wonderful legacy of the
Enlightenment that had taken hundreds of years to evolve in Europe – were pressed upon
the colonized lands with no attempt to render them in terms the indigenous population
would either recognize or understand. Western technology was shared only insofar as it
increased production. New cities were built instead of old cities being developed.
Cheaply manufactured imports destroyed most local industries, and native markets had
little choice but to focus almost exclusively on the economic needs of the colonial pow-
ers. In return for the pillaging of their lands, the suppression of their independence, and
the destruction of their local economies, the colonized peoples were to be given the gift
of civilization.").

throughout the nineteenth century.[157] One of the leading revivalists was Jamal al-Din Al-Afghani (1838-1897) of Cairo who maintained influence throughout the ideologically disparate Islamic territories and even parts of Western Europe.[158] Paradoxically, Al-Afghani respected Western reasoning but diverged from most other Ottoman reformers who supported the liberalization and the adoption of Western education, science, and religious secularization as a means of catching up with centuries of European advancements.[159] John Esposito notes that in rejecting the doctrine of Western liberalism and secularization, Al-Afghani's ideas for reform were based on two main principles: "(1) Islam is a comprehensive way of life, encompassing worship, law, government, society; (2) the true Muslim struggles to carry out God's will in history, and thus seeks success in this life as well as the next."[160] Thus, to Al-Afghani reform did not mean Western liberalization, but rather a glorified return to the practices and teachings of the early Muslim tradition. An implementation of classical Islamic practices, Al-Afghani argued, would facilitate the re-emergence of the glorious cultural and intellectual achievements experienced by the Islamic civilization in previous centuries.[161]

Al-Afgani served as a harsh critic of the state-backed Islamic jurists, the *ulama*, and supported the purification of Islam through *ijtihad* (reinterpretation) of Sharia, a method of legal interpretation cited by Taymiyya and implemented in the preceding century by the followers of Al-Wahhab in Arabia. Moreover, Al-Afghani played a formative role in the development of *pan-Islamism*, a movement that fused Muslim nationalism with anti-colonial sentiment and found popular support within the larger Islamic community. In particular, Al-Afghani's anti-colonial doctrine led him to support constricting the power of Islamic rulers through constitutionalism and parliamentary government, which endeared him to a generation of Muslim youth. The teachings of the widely influential Al-Afghani heavily influenced Muhammad 'Abduh and Rashid Rida, his prized students who became the trailblazers of the next generation of Islamic reformers.[162]

Muhammad 'Abduh (1849-1905) was long considered the favorite pupil of Al-Afghani and heir to his ideological tradition: the two collabo-

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[157] THE STRAIGHT PATH, *supra* note 12, at 126.
[158] Henzel, *supra* note 126, at 72.
[159] *Id.*
[160] THE STRAIGHT PATH, *supra* note 12, at 128-29.
[161] *Id*. at 127-29.
[162] *Id.* at 127-30.

rated together in publications and 'Abduh joined his mentor when he was forced into exile in Paris following an unsuccessful nationalist uprising.[163]   When 'Abduh returned to Egypt, however, he became a lauded Islamic jurist within the ulama and obtained the most prominent status of Grand Mufti, the head judge presiding over the entire Sharia court system in Egypt. In diverging from some of the positions of his teacher Al-Afghani, 'Abduh argued that Islam and science were not inherently at odds with each other, believing that the decline of Islam was precipitated by both un-Islamic practices and a misplaced rigidity with which the ulama interpreted Sharia.[164]   Like his ideological predecessors 'Abduh supported the practice of private reinterpretation (*ijtihad*)[165], but unlike previous revivalists he provided an important distinction between fundamental unchanging truths in Islam and other lesser values that could shift in accordance with the passage of time.[166]   In that same vein, 'Abduh became a pioneering reformer who effectuated liberal reforms at the prominent Egyptian al-Azhar University, where he increased female educational opportunities and also criticized the negative impact of polygamy in the Muslim world.[167]

Over the course of the early twentieth century the teachings of 'Abduh were used to defend two competing objectives: liberal reformers supported the secularization of Islam justified by 'Abduh's progressive tendencies, while Islamists emphasized 'Abduh's teachings to follow the path of the *aslaf*, the uncorrupted and pure early followers of Islam.[168] Although 'Abduh became known as "the Father of Islamic Modernism in the Arab World," following his death, his protégé Rashid Rida carried the mantle of the Afghani-Abduh tradition, but then returned it toward the more conservative and militant sphere of revivalist teachings.[169]

Rashid Rida (1865-1935) believed the triumphs of early Muslims were God's reward for his faithful followers and blamed current deviations from the true practice of Islam on three factors: (1) imperial intrusions of the Europeans, (2) Western philosophy, and (3) the influence of Shiite Muslims.[170]   Furthermore, like his predecessors, Rida contended that state-sponsored Islamic scholars were unable to bring the Islamic

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[163] *Id.* at 130.

[164] *Id.* at 130-31.

[165] Henzel, *supra* note 126, at 72-73.

[166] THE STRAIGHT PATH, *supra* note 12, at 130-31.

[167] *Id. at 131*.

[168] Henzel, *supra* note 126, at 73.

[169] THE STRAIGHT PATH, *supra* note 12, at 130-32.

[170] Henzel, *supra* note 126, at 73.

community in line with the traditions and values of early Islam.[171] Rida affirmed the position of Al-Afghani, who first posited the pan-Islamic argument that the unification of the Islamic community would only be facilitated by the restoration of the Islamic caliphate and implementation of classical Sharia.[172]

Like Afghani and 'Abduh, Rida was motivated by celebrated revivalist influences – the doctrine of the conservative Sunni Hanabali school, Ibn Taymiyya, and the Wahabbi movement – and became increasingly Islamist throughout his lifetime. The impact of World War I on the Muslim world led Rida to increasingly speak out against modernism, which he believed would lead to the Western secularization of Islam. Rida's views against modernity added a strong anti-Western element to the Islamist ideology, and were reinforced by the Muslim Brotherhood and other like-minded organizations with a greater intensity in the years that followed.[173]

F.   *World Wars I and II and the Shaping of the Modern Islamic World*

The start of World War I in 1914 represented the culmination of centuries of decline in Islamic power relative to the growing influence of the West. Moreover, it was the aftermath of World War I that upended the political and religious order that had existed during the previous four centuries in the Islamic world.[174] In 1914, the Ottomans aligned with imperial Germany and the Austro-Hungarian Empire, joining a military alliance known as the Central Powers. Upon the defeat of the Central Powers, the victorious Allied powers of England, France, and Russia oversaw the international post-war environment that gave rise to three important developments in the Islamic world: (1) the disintegration of the Ottoman Empire and the subsequent creation of a secular Turkish state, (2) the creation of the modern state of Iran in the land of Persia, and (3) the official recognition of statehood for the Kingdom of Saudi Arabia.[175]

First, out of the ashes of the Ottoman Empire's collapse in 1919 came the rise of Kemal Ataturk in Turkey, who implemented an unprecedented program of economic modernization and religious secularization, which officially separated Islam from the governance of the state.[176]

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[171] *Id.* at 72-73.

[172] THE STRAIGHT PATH, *supra* note 12, at 133.

[173] *Id.* at 132-134.

[174] LEWIS, *supra* note 101, at 342.

[175] RAJ BHALA, UNDERSTANDING ISLAMIC LAW 250 (2011).

[176] LEWIS, *supra* note 101, at 345-46.

Second, the Eastern lands of the now-defunct Persian Empire became ruled by the dictatorship of Reza Khan, who seized power and proclaimed himself shah of Iran in 1925.[177] Although Reza Shah consolidated power and implemented an economic modernization program, unlike Ataturk he did not denounce or disentangle the roots of Shia Islam within the state or in Iranian civil society. Third, in 1924 'Abd al-'Aziz ibn Saud, the leading descendant of the Saudi tradition that embraced the Wahhabi ideology, gained control over the Arabian holy lands of Mecca and Medina (previously held by the Turks) and cemented his power with the formal recognition of statehood for the Kingdom of Saudi Arabia in 1932.[178]

Notably, the increased immigration of Eastern European Jewry to Palestine due to the rise of religious persecution throughout Europe following World War I furthered the momentum of the Jewish Zionist movement. The 1917 Balfour Declaration, which proclaimed British support for the creation of a "National Home for the Jews," was of significance in the Islamic world because Britain maintained administrative control over Palestine's majority Muslim population and the prospect of a Jewish state in Palestine potentially challenged Islamic interests.[179] Concurrently, there was a backlash in parts of the Islamic world in response to the economic and religious modernization programs implemented by mostly pro-Western Muslim leaders and a small percentage of the population that formed the aristocratic elite.[180]

The ideological fusion of ardent nationalism with fascist rule by the Italian and German governments in the inter-war years (1918-1939) attracted substantial Arab support, particularly for Nazi Germany. Notably, the Nazis cultivated the favor of Muslims through anti-Semitic propaganda promoted throughout the Middle East. As World War II (1939-1945) progressed, the Islamic territories were again turned into a battleground for the conflict between the great world powers, this time in the form of the bifurcated alignment between the Allied (U.S., Britain, and the recently established Soviet Union) and Axis (German, Italy, and Japan) forces. The success of the Allies in the War was followed by Western occupation of Islamic lands, and some elements of the colonial order

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[177] *Id.* at 345.

[178] *Id.* at 344.

[179] *Id.* at 348.

[180] *Id.* at 348; *see* FELLURE & THORNTON, *supra* note 119, at 133-46 (providing a succinct outline of the creation of the Israeli state and the ensuing conflict with the Palestinians that remains to this day).

remained, such as the British in India and the French in North Africa.[181]

G.   The New Islamists: Hasan al-Banna and Mawlanda Ala Mawdudi

The creation of two early twentieth century Islamist organizations, the Muslim Brotherhood in Egypt (led by Hasan al-Banna), and Jamaat-i-Islami in India (led by Mawlanda Ala Mawdudi), highlighted the rising influence of mainstream Islamist movements that merged anti-imperial sentiment with revivalist calls for a return to classical Sharia.[182]   Both groups developed in part as a reaction against British colonial influence and contained a message that rejected all Western elements of life, including science and technology as well as social elements such as music and dress.[183]   Moreover, the Muslim Brotherhood and Jamaat-i-Islami promulgated the view that modern Muslim society was plagued by ignorance (*jahiliyya*), which could only be remedied through the practice of reinterpretation (*ijtihad*).[184]

The messages of both groups resonated beyond the working class and found support among civil servants and educated professionals, as membership in the Muslim Brotherhood peaked somewhere between five hundred thousand to one million members. Although supportive of pan-Islamic values that called for the creation of a unified Muslim nation-state, the impact of al-Banna's Muslim Brotherhood and Mawdudi's Jamaat-i-Islami was primarily felt in local political efforts in Egypt and pre-partitioned Indian Pakistan, respectively. The lasting ideological and organizational influence of both groups was affirmed during the latter half of the twentieth century when both movements spread throughout the larger Islamic world: the Muslim Brotherhood continued to grow throughout Sudan, Syria, Jordan, Palestine, and Kuwait, while Jamaat-i-Islami expanded to India, Afghanistan, Kashmir and Pakistan.[185]

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[181] LEWIS, *supra* note 101, at 355.

[182] THE STRAIGHT PATH, *supra* note 12, at 152.

[183] *Id.*

[184] *Id.*

[185] *Id.* at 151-53; *see* Kedourie, *supra* note 72, at 328-29 (noting the influence on Rashid Rida on Hasan al-Banna and impact of the creation of the Muslim Brotherhood: "Rashid Rida's call to a purified Islam which would go back to its pristine state was not a specifically political [program], nor did Rashid Rida attempt to establish or to lead a political movement. Another much less learned and much more activist figure, the Egyptian Hasan al-Banna (1906-49), who was very much influenced by Rashid Rida's writings, did attempt to do so. . . . In 1928 Banna established the Muslim Brotherhood as an association devoted to the amelioration of the condition of the poor and the deprived, by teaching them ways of self-help, by restoring their self-respect, and tending to their spiritual welfare. Banna's activity was built on the premise that salvation lay in a return to

H.   The Long-Term Impact of the Post-War Era in the Islamic Heartland

The end of the World War era (1914-1945) resulted in seismic change in the geo-political landscape of the Middle East, which emanated from the protracted withdrawal of Western imperialist powers from the region. The end of the former colonial authorities led to the creation of independent nation-states throughout the Islamic world over the course of four decades. As Bernard Lewis summarizes:

> In the aftermath of the First World War, three states in the region, Turkey, Iran, and Afghanistan, possessed full sovereign independence and had lengthy experience in exercising it. The inter-war period added four Arab states, Saudi Arabia, Yemen, Iraq and Egypt . . . .The enforced departure of France from the Levant added Syria and Lebanon to the roster of Arab sovereign states. The League of Arab States was formed in March 1945 . . . . A year later . . . Jordan also gained independence.[186]

Along with the many Arab nations granted statehood during this period, 1948 marked the end of the British mandate over Palestine, which led to the creation of the Jewish state of Israel. In addition, from an economic perspective, technological innovations during the World War era witnessed the increased reliance of the major economies on petroleum, a commodity of abundant supply in the lands of the Middle East. While the Western powers used their political influence to facilitate advantageous deals for oil, the 1950's and early 1960's also saw the further disengagement of Western imperialism that led to the independence of an array of Arab states: Libya, the Sudan, Tunisia, Morocco, Mauritania, Kuwait, Algeria, and South Yemen.[187]

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the Koran and in the practice of solidarity and mutual help according to the maxim that all believers are brethren. The Muslim Brotherhood obviously answered a crying need, for during the 1930s it grew by leaps and bounds; it established an extensive network of branches and of co-operative enterprises and its teaching found [favor] not only among the poor and the illiterate, but also, increasingly, among the educated and within the professions. It was what may be called a grass-roots movement, in that it was neither the outcome of official action, patronage, or inspiration, nor was it indebted in any way to the Westernized political leaders who played the political game in Cairo.").

[186] LEWIS, *supra* note 101, at 357.

[187] *Id.* at 352, 358; *see* James Risen, *Secrets of History: The C.I.A. In Iran*, N.Y. TIMES (Apr. 16, 2000), http://www.nytimes.com/library/world/Mideast/04 1600iran-cia-chapter1.html. (The Iranian Parliament, under the leadership of Prime Minister Mohammed Mossadegh, voted in 1951 to nationalize the oil industry which coincided with the concurrent resurgence of the Communist party. In response, in 1953 British and American operatives worked together to remove Mossadegh from office and restore the authoritative power of the Shah, who subsequently reinforced Western friendly oil agreements. Risen provides an accurate summation of the historical record of the American involve-

I.   Egyptian Politics and the Suppression of the Muslim Brotherhood under Nasser

In July 1952 Gamal Abd-al Nasser rose to power by overthrowing the Egyptian monarchy with the aid of the Muslim Brotherhood, which appeared to signal an end to a century of Western-styled development in Egypt.[188] However, in seeking to consolidate power and expand his influence to the larger Arab world, instead of implementing Sharia (as was expected), Nasser devised a distinct program of nationalist Arab socialism. Nasserism, as it came to be known, was marked by state control of Islamic courts and Al-Azhar University, the influential Islamic center of learning, which were both used to legitimize Nasser's programs in the name of Islam. However, Nasser faced significant resistance from two sources: Saudi Arabia, which did not appreciate Nasser's condemnation of conservative Muslim regimes, and the Muslim Brotherhood, which felt betrayed by Nasser's failure to implement a traditional Islamic state and ordered its marginalization and prosecution. In 1965, Nasser arrested members of the Muslim Brotherhood suspected of plotting his assassination.[189] One of the leaders detained by Nasser was the outspoken Egyptian Islamist Sayeed Qutb.[190]

J.   Sayeed Qutb and the Rise of the Contemporary Islamist Ideology:

Sayeed Qutb grew up in Egypt where he was well versed in the classics of the European literary canon and influenced by Western dress and entertainment.[191] However, as an adult, Qutb became an ardent anti-colonial nationalist and a conservative Muslim.[192] In 1948, while serving as a bureaucrat in the Egyptian government's Ministry of Education, Qutb was sent to study at American universities.[193] Qutb shared the widespread Arab sentiment against Western support for the creation of Israel and maintained strong views on women and sexuality, which he

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ment in Iran during this time period.); *but see* STEPHEN KINZER, ALL THE SHAH'S MEN: AN AMERICAN COUP AND THE ROOTS OF MIDDLE EAST TERROR (2003) (Depicting the continued detrimental influence of Mossadegh's overthrow in contemporary U.S.–Iranian relations. While Kinzer sometimes indulges in Monday morning quarterbacking and places disproportionate blame on U.S. foreign policy, his account of history nonetheless serves as provocative commentary.).

[188] The STRAIGHT PATH, *supra* note 12, at 70.

[189] *Id.*

[190] *Id.*

[191] WRIGHT, *supra* note 150, at 10.

[192] *Id.* at 11.

[193] *Id.*

saw as a corrupting force in American society.[194] In 1949, when Qutb moved to the American West to further his graduate education, he was aghast at attending a college party and seeing, "dancing naked legs . . . arms draped around the waists, chests met chests, lips met lips, and the atmosphere was full of love."[195] Other similar impressions held a lasting impact over Qutb, and by the end of the year he was convinced of the moral degeneracy of the West. When Qutb left America he concluded that America was a "spiritual wasteland."[196]

Upon returning to Egypt in 1950, Qutb published his views of America and what he believed was its non-existent moral value system, proclaiming, " . . . the white man in Europe or America is our number-one enemy." Author Lawrence Wright comments on Qutb:

> His concern was modernity. Modern values – secularism, rationality, democracy, subjectivity, individualism, mixing of the sexes, tolerance, materialism – had infected Islam through the agency of western colonialism. America now stood for all that . . . . He intended to show that Islam and modernity were completely incompatible . . . . Separation of the sacred and the secular, state and religion, science and theology, mind and spirit, these were the hallmarks of modernity, which had captured the West. But Islam could not abide such divisions . . . . Islam was total and uncompromising. It was God's final word.[197]

While Qutb originally supported Nasser during his early years in power, it soon became clear that Nasser's program of Arab socialism did not comport with the objectives of Qutb, who held no desire for compromise in the demand for the implementation of Sharia. Qutb was imprisoned for his political activities for the first time in 1954, and although he was briefly released after three months in jail, he was again arrested later that year for his involvement with the Muslim Brotherhood's conspiracy to assassinate Nasser.[198] After his trial in 1966, a mere show trial for the increasingly totalitarian Nasser regime, Qutb stated, "I performed jihad for fifteen years until I earned this martyrdom. . . . My words will be stronger if they kill me." Accordingly, Qutb was hung in August 1966.[199]

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[194] *Id.* at 11, 14-15.

[195] *Id.* at 26.

[196] *Id.* at 27.

[197] *Id.* at 27-28.

[198] *Id.* at 33.

[199] *Id.* at 36-37.

IV. THE MODERN ISLAMIC WORLD AND THE CREATION OF AL-QAEDA

A.   Geo-Political Developments in the Muslim World during the 1960's and 1970's

Contemporary scholarship in the West has paid significant attention to the long-term influence of Qutb in the expansion of the Islamist ideology throughout the mid-twentieth century.[200] The 9/11 Commission Report accurately summarized the developments during the successive decades of the 1960's and 1970's in the Muslim world following the execution of Qutb:

> The secular regimes promised a glowing future, often tied to sweeping ideologies (such as those promoted by Egyptian President Gamel Abdel Nasser's Arab Socialism or the Ba'ath Party of Syria and Iraq) that called for a single, secular Arab state. However, what emerged were almost invariably autocratic regimes that were usually unwilling to tolerate any opposition – even in countries, such as Egypt, that had parliamentary tradition. Over time, their policies – repression, rewards, emigration, and the displacement of popular anger into scapegoats (generally foreign) – were shaped by the desire to cling to power.[201]

Relations between the Islamic world and Israel reached a low when the Israelis defeated the united Arab armies in the 1967 "Six Day War," which was a crushing military embarrassment for the Muslim community. Although often divided along nationalist and sectarian lines, efforts against Israel remained the one issue that the Muslim world continually rallied together to support. Following the Six Day War, many Muslims were attracted to the idea of a more conservative approach to religion as they blamed the shameful military defeat of 1967 on the deviation from classical Islam.[202] At the same time, the increasingly autocratic Islamic regimes successfully silenced or eliminated the more conservative Islamist dissidents in their predominately secular nation-states.[203] This dichotomy provided the foundation for the revolutionary fervor of 1979.

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[200] SCHEUER, *supra* note 5, at 42, 45 (arguing that some contemporary scholars erroneously credit Qutb as the first Islamist to call for a return to classical Islam with the use of violence as a justifiable means of obtaining that objective. Scheuer is correct in his assessment by citing Ibn Taymiyya, a figure detailed earlier in this paper).

[201] NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., *supra* note 2, at 52.

[202] ARMSTRONG, *supra* note 49, at 171.

[203] NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., *supra* note 2, at 52; *see* PETERS, *supra* note 7, at 153-164 (highlighting evidence of the move towards conservatism in the Islamic world, citing the implementation of classical Islamic criminal law in Libya (1972-1974), Pakistan (1979), and Iran (1979)).

B.   The Iranian Revolution, Sunni Extremism in Saudi Arabia, and the Afghan War

Significant events in 1979 changed the fundamental structure of the Islamic world, and this new era was best characterized by the emergence of previously silenced Islamists. The major developments of 1979 were highlighted by: (1) the Islamic Revolution of Iran and the rise of Ayatollah Khomeini,[204] (2) the revolt against the Saudi monarchy by dissidents,[205] and (3) the U.S.S.R. invasion of Afghanistan and the commencement of the Afghan War.[206]

The Islamic Revolution in Iran was the most visible of all three developments as it was ushered in by Iranian protesters against the Shah who held American citizens hostage at the U.S. embassy in Tehran. The global media chronicled the daily developments of protests by Iranians against the policies of the well-known Shah, long admired in the West for his progressive ideology that was favorable to their interests. The Iranian Revolution emanated in large part from the Shah's failure to successfully implement economic modernization and his increasingly dictatorial tendencies, which led to dissent among both the conservative Shia Islamic community and traditionalists in the professional class. Many Iranians believed Shia Islam provided a viable alternative to the Shah's efforts at Westernization and protesters used Shia religious symbols that linked the early struggles of Ali to the contemporary efforts against the Shah.[207]

A long-standing critic of the Shah, Shia legal scholar Ruhollah Khomeini, returned from political exile in France to lead the opposition movement.[208]   Khomeini fused strong anti-Western and anti-Israeli views with his conservative Shiite religious training, and upon the overthrow of the Shah, Khomeini was named the leader of Iran (the *Ayatollah*). As Ayatollah, Khomeini devised a unique system of Islamic governance that elevated the Shia clerical establishment to the primary source of political and legal authority.[209] Notably, immediately after the

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[204] *See* THE STRAIGHT PATH, *supra* note 12, at 179-86.

[205] *See id.* at 193-94.

[206] NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., *supra* note 2, at 55-56.

[207] THE STRAIGHT PATH, *supra* note 12, at 179-180.

[208] *Id.* at 183.

[209] *Id*. at 183-184; *see* WRIGHT, *supra* note 150, at 55 (Khomeini was the first major Islamic leader to directly challenge the Western notion of freedom. Khomeini stated: "Yes, we are reactionaries, and you are enlightened intellectuals: You intellectuals do not want us to go back 1,400 years. . . . You, who want freedom, you intellectuals: freedom that will corrupt our youth, freedom that will pave the way for the oppressor, freedom

regime change in Iran, in 1980 the Iran-Iraq War commenced. The War pitted the majority Shia, and ethnically Persian, state of Iran against Iraqi strongman Saddam Hussein, a Sunni Arab leader that ruled over a majority Shia, but ethnically Arab population.[210] The United States and other Sunni Arab states supported the Iraqis, yet the bloody and destructive war between the Iranians and Iraqis lasted for the next eight years.[211]

The second significant development occurred in Saudi Arabia, which witnessed the first manifestation of a rebellion by Islamists within its own borders. In November 1979, the Grand Mosque in Mecca was held captive for two weeks by hundreds of protesters who criticized the Saudi monarchy and called for the establishment of an even more conservative Islamic state.[212] While the Saudi leadership defused the situation by receiving a fatwa from the state-supported Islamic jurists (*ulama*) for Saudi forces to intervene, only a week later a Shia uprising ensued in the eastern part of Saudi Arabia, inspired by the recent ascent of Shia Aytollah Khomeini in Iran.[213] The Saudi Arabian Shia claimed discrimination by the Sunni majority (specifically, calling for a fairer distribution of oil wealth), and the Saudi Shiites were boosted by support from Ayatollah Khomeini, who used the uprising as an opportunity to criticize the rival Saudi regime and the other Sunni Arab states.[214] The events in Saudi Arabia signified two emerging challenges for the Kingdom: (1) the threat posed by Sunni Islamists, and (2) the rise of Shia Iran as its major economic, political, and religious competitor in the Islamic world.[215]

The third major development of 1979 began when the U.S.S.R. invaded Afghanistan, and the Islamic forces that organized in opposition to the Soviet invasion later provided the foundation for the creation of Al-Qaeda. Following the end of World War II the Soviets asserted geopolitical influence over most of Central and Eastern Europe, lands that were also home to many Muslims who now lived within the orbit of the Communist superpower.[216] A Communist uprising in 1978 in Afghani-

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that will drag our nation to the bottom" Islam says: "Whatever good there is exists thanks to the sword and in the shadow of the sword! People cannot be made obedient except with the sword! The sword is the key to paradise, which can be opened only for holy warriors!").

[210] LEWIS, *supra* note 101, at 368.

[211] *Id.* at 368-69.

[212] THE STRAIGHT PATH, *supra* note 12, at 194.

[213] *Id.*

[214] *Id.*

[215] *Id.*

[216] LEWIS, *supra* note 101, at 357.

stan was supported by the arrival of Soviet troops in 1979 to solidify Afghanistan within the sphere of Soviet power. However, in response the conservative leaders of the Muslim world called for jihad to resist the presence of the godless Soviets in Islamic lands.[217] Buoyed by decades of Islamist momentum and a move within the larger Islamic world toward more traditional Islam, the opportunity to fight jihad against the Soviets resonated with many Muslim men from the Middle East who traveled to Afghanistan and soon became known as the "Afghan Arabs."[218] One of the individuals that joined the jihad was a wealthy young man from Saudi Arabia named Osama Bin Laden.[219]

C.   *The Islamization of Osama Bin Laden*

Osama Bin Laden was the son of one of the most successful Saudi businessmen – one of fifty-four children from the elder Bin Laden's twenty-two wives – whose childhood was filled with soccer games and television.[220] At the age of fourteen, Bin Laden had a spiritual awakening that led him to believe Muslims had deviated from the true path of Islam, which moved him to personally become more pious and disavow Western dress and television shows.[221] In particular, Bin Laden maintained piety in relation to sexuality, once admonishing a friend of his brother who owned a pornographic magazine.[222] Bin Laden biographer Lawrence Wright noted that, "throughout his life, [Bin Laden] would hunger for austerity like a vice: the desert, the cave, and his yet unspoken desire to die anonymously in a trench in warfare."[223] In the early 1970's Bin Laden joined a Saudi affiliate of the Muslim Brotherhood, at the time an underground and non-mainstream Islamist movement in Arabia, and began to pray for the reestablishment of a unified Islamic state.[224]

In 1976 Bin Laden enrolled at the King Abdul Aziz University in Saudi Arabia to study economics, yet his attention remained focused on interpreting the Quran, jihad, and establishing an Islamic charity.[225] While at university, Bin Laden read Sayeed Qutb's novels and attended

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[217] NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., *supra* note 2, at 55.

[218] *Id.*

[219] *Id.*

[220] WRIGHT, *supra* note 150, at 86-87.

[221] *Id.* at 87.

[222] *Id.*

[223] *Id.* at 88.

[224] *Id.* at 90.

[225] *Id.* at 90-91.

the weekly speeches of Sayeed Qutb's brother, Mohammad Qutb, who served as a lecturer for the school.[226] At the time Mohammad Qutb was defending his brother's intellectual legacy from the ideas of Hasan Hudaybi, another Islamic scholar who argued the militant positions of Qutb had gone too far and Muslims should not judge the piety of other Muslims.[227] The opposing visions of Hudaybi and Qutb launched a debate within Egypt about what it meant to be a Muslim, and, while Bin Laden was originally persuaded by the ideas of Hudaybi, with the passage of time his views evolved to be much more in accordance with the militant Islamist ideology espoused by Qutb.[228]

D.   *Bin Laden Joins the Jihad*

In 1980, at the age of twenty-three, Bin Laden traveled to Afghanistan to join the fight against the Soviets but differed from other jihadists because of his wealth and family background.[229] The unique connections of Bin Laden led him to become a leading financier for jihad operations in Afghanistan, which were also being supported covertly by the United States which sought to halt the spread of communism.[230] Along with prominent Egyptian Islamist Dr. Abdullah Azzam, Bin Laden utilized his contacts in Pakistan to develop an organization that channeled both fighters and funding in efforts against the Soviets.[231] In part because of the efforts of Bin Laden, by 1988 between ten and twenty thousand fighters had completed training for jihad in Afghanistan.[232]

In 1987, as the Afghan War became heavily tilted in the Islamic resistance fighters' favor, the organizational infrastructure in Afghanistan and Pakistan developed by Azzam and Bin Laden evolved into the foundation for a new Islamist group called *Al-Qaeda* ("the base").[233] Upon the death of Azzam in 1989, Bin Laden stood as the uncontested leader

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[226] *Id.*

[227] *Id.* at 91-92.

[228] *Id.* at 92.

[229] NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., *supra* note 2, at 55.

[230] *Id.* at 55-56.

[231] Wilson, *supra* note 1, at 13.

[232] *Id.*; *see* WRIGHT, *supra* note 150, at 110-11 (noting that Bin Laden came to look to Azzam as a mentor during the Afghan War. Additionally, Wright comments on Azzam: "[he] combined piety and learning with a serene and bloody intransigence. His slogan was 'Jihad and the rifle alone; no negotiations, no conferences, no dialogues." Moreover, Azzam's wife added, "Jihad for him was like water for a fish.").

[233] Wilson, *supra* note 1, at 13.

of Al-Qaeda.[234]   At the time of the withdrawal from Afghanistan and subsequent collapse of the Soviet Union, the stated objective of Al-Qaeda was to overthrow Islamic dictators in the Middle East and return the Muslim community to the true form of classical Islam.[235] Bin Laden biographer Michael Scheuer emphasizes the transformative impact of the defeat of the Soviets in Afghanistan, the first military victory for Muslims in centuries, which evoked a sense of accomplishment and pride throughout the entire Islamic world.[236] According to Scheuer, through the eyes of Bin Laden, "Moscow's withdrawal from Afghanistan . . . gave instant plausibility to the idea that non-Muslim interference in the Muslim world justified a defensive jihad, and that such a jihad could succeed."[237]

E.   How the First Gulf War Leads Bin Laden and Al-Qaeda to View America as the Enemy

After a peace treaty was reached to end the Iran-Iraq War in Saddam Hussein's slight favor, it motivated the emboldened Iraqi dictator to undertake the annexation of an oil rich neighbor, the small Sunni Arab state of Kuwait.[238] In response Bin Laden offered Saudi Arabia, aligned in defense of the sovereignty of Kuwait, the support of Al-Qaeda to defend against the acts of Iraqi aggression.[239]   However, Bin Laden was spited by the Saudi leadership in favor of American forces, which utilized Saudi military bases within the territory of the Kingdom to successfully launch counter-attacks on Iraq in the Gulf War.[240] The rejection by Saudi Arabia, coupled with the utilization of American forces instead of Al-Qaeda in Islamic lands, incensed Bin Laden and left him convinced that the United States was the cause of the problems facing the Islamic community.[241]

Following the Afghan War, in 1991 Bin Laden moved to the Sudan where he consolidated his authority over Al-Qaeda and set up a platform for commercial operations that funded the terrorist activities of the or-

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[234] *Id.*

[235] *Id.*

[236] SCHEUER, *supra* note 5, at 49.

[237] *Id.*

[238] LEWIS, *supra* note 101, at 369.

[239] Wilson, *supra* note 1, at 14.

[240] *Id.*

[241] *Id.* (noting that although Bin Laden issued fatwas – Islamic legal rulings – he lacked formal training in Islamic jurisprudence required to do so).

ganization.[242] By this time Bin Laden had become a well-known Islamist in the ideologically influential areas of Egypt, the Arabian Peninsula, and the Afghanistan-Pakistan border region, and in 1992 Al-Qaeda issued its first fatwa against the United States for its occupation of Muslim lands during the Gulf War.[243] Later, in a 1996 fatwa Bin Laden called for an uprising against the monarchy in Saudi Arabia, as well as attacks against the United States, which he criticized as the enabler of wayward Muslim governments.[244] In the fatwa against Saudi Arabia and the United States, Bin Laden attempted to appeal to the larger Islamist cause with the hope that the mission of Al-Qaeda would transcend ethnic and geographic boundaries of the modern Islamic world.[245] Analyst Sean Wilson notes the 1996 fatwa outlined Al-Qaeda's three distinct objectives: "[1] the overthrow of the Saudi government for its betrayal of Islam; [2] the expulsion of the United States from Muslim lands; and [3] the establishment of a true Islamic state (the caliphate)."[246]

F.   *The Growth of Al-Qaeda under Bin Laden in Afghanistan*

When small attacks by Al-Qaeda between 1992 and 1996 failed to generate a significant response from the international community, Bin Laden sought to expand his jihad beyond the confines of the Islamic world. In a 1998 fatwa, Bin Laden first announced his intention to attack U.S. and European interests in their own homeland.[247] Upon pressure from the United States and Saudi Arabia, Bin Laden was expelled from the Sudan in May 1996 but quickly found refuge in Afghanistan. Central to Bin Laden's decision to go to Afghanistan was its geographical proximity to Pakistan, a traditionally secular Islamic state which experienced a resurgence of traditionalist Islamic teachings since the 1970's.[248]

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[242] NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., *supra* note 2, at 57.

[243] *Id.*

[244] Wilson, *supra* note 1, at 64.

[245] *Id.* at 64-65.

[246] *Id.* at 64; *see* BRUCE LAWRENCE, THE QUR'AN: A BIOGRAPHY 172-83 (2006) (providing further analysis on Bin Laden and his interpretation of Islamic law).

[247] Wilson, *supra* note 1, at 65.

[248] NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., *supra* note 2, at 63; *see* UNHOLY WAR, *supra* note 11, at 16 (expounding the ideological influence of the Deobandi movement: "The Taliban brand of Islamic radicalism has been significantly influenced by a militant neo-Deobandi movement in Pakistan. Ironically, the Sunni Deobandi began in the Indian subcontinent as a reformist movement. However, its political expression and ideology were transformed within Pakistan's Jamiyyat-i-Ulama-i-Islam (JUI), a religious party with a rigid, militant, anti-American, and anti-non-Muslim culture. Many of the Taliban were trained in the hundreds of JUI madrasas. Often run by semiliterate mul-

Southeast Asian Islamic revivalism – best exhibited by the Deoban-di movement, an Islamist ideology in existence since the nineteenth cen-tury that incorporated elements of Wahhabism – provided a fertile ideo-logical climate for Al-Qaeda and its objectives.[249] Bin Laden's arrival coincided with the 1996 capture of Kabul by the *Taliban* (translated as "students"), a group of ethnic Pashtun Sunni Muslims led by many indi-viduals who studied at Islamic schools (*madrassas*) and trained in camps created by Bin Laden.[250] Importantly, in 1995 the revivalist Taliban was recognized by the Pakistani government as the ruling power of Afghani-stan, and between 1995 and 2001, relations flourished between the Tali-ban and the Pakistani intelligence service, the Inter-Services Intelligence (ISI) agency.[251]

Once in Afghanistan, Bin Laden possessed a missionary zeal in his pursuit of attacking American interests and orchestrated the August 1998 bombings of U.S. embassies in Kenya and Tanzania. While the U.S. re-sponded with aerial strikes that unsuccessfully attempted to kill Bin Lad-en, Al-Qaeda struck again in October 2000 with an attack on the *U.S.S. Cole*. Notably, the attack on the *Cole* led Bin Laden to comment, "I knelt to thank God for this heroic operation that damaged the prestige of the United States and served as a warning for them to leave the Arab world . . . ."[252] After the attack on the *Cole*, Bin Laden further solidified his ties with Taliban leader Mullah Omar to prepare his organization for the aftermath of a large scale attack that he believed would initiate a di-

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lahs, these schools were first set up for Afghan refugees in the Pashtun-dominated areas of Pakistan, along the border with Afghanistan. Many were supported by Saudi funding that brought with it the influence of an ultraconservative Wahabbi Islam. Students re-ceived free education, religious, ideological, and military training. The Taliban teachers showed little knowledge or appreciation for their classical Islamic traditions or for cur-rents in the broader Muslim world today. They espoused a myopic, self-contained, mili-tant worldview in which Islam is used to legitimate their tribal customs and preferences. The classical Islamic belief in jihad as a defense of Islam and the Muslim community against aggression was transformed into a militant jihad culture and worldview that tar-gets unbelievers, including Muslims and non-Muslims alike.").

[249] NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., *supra* note 2, at 63; *see* Kristin Mendoza, Islam & Islamism in Afghanistan, Islamic Studies Program at Harvard Law School (2012) (unpublished graduate thesis, Harvard Divinity School) (on file with the Islamic Legal Studies Program), *available at* http://www.law.harvard.edu/programs/ilsp/research/alhp.php (analyzing the interpretation of Islam in Afghanistan).

[250] Patricia Grossman, *Afghanistan in the Balance*, 221 MIDDLE E. REPORT 8, 14 (2001), *available at* http://people.uncw.edu/ricej/SOC490/Afghan istan%20in%20the%20Balance%20by%20Patricia%20Grossman.pdf.

[251] *Id.*

[252] SCHEUER, *supra* note 5, at 118-119.

rect confrontation with the United States.[253] Upon receiving confirmation of the strike against America on 9/11, Bin Laden proclaimed, "[t]here is America, hit by God in one of its softest spots . . . God has divided the world in two-sides – the side of the believers and the side of the infidels . . . . Every Muslim has to rush to make his religion victorious. The winds of faith have come."[254]

V.   ON AL-QAEDA: 9/11 TO THE PRESENT

A.   *The Response Begins: The War in Afghanistan*

It is important to trace developments following 9/11 until the present that will likely shape the operative environment of Al-Qaeda and the Islamist ideology in the early twenty-first century. The attacks of 9/11 led to an immediate shift in President George W. Bush's political agenda from an initial focus on domestic initiatives to a two-term presidency consumed by foreign policy, most specifically the War on Terrorism.[255] Central to his administration's counter-terrorism policy was the enactment of the "Bush Doctrine," which held terrorist attacks would be treated as acts of war (and not crimes) and the U.S. would make no distinction between terrorists and the states that harbor them.[256] Within weeks of 9/11 the U.S. launched an attack on Afghanistan to overthrow the Taliban and capture or kill Bin Laden. While the capital city of Kabul was in American possession by mid-November, the Al-Qaeda leader evaded capture in Afghanistan and fled into the familiar – but to U.S. forces, territorially unfriendly – mountainous border region with Pakistan.[257] After overthrowing the Taliban, American forces presided over democratic elections in Afghanistan which led to the election of President Hamid Karzi in 2004 and a new parliament in 2005.[258]

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[253] *Id.*

[254] WRIGHT, *supra* note 150, at 417.

[255]   STEVEN HOOK, U.S. FOREIGN POLICY: THE PARADOX OF WORLD POWER 57 (2008).

[256] *Id.* at 58.

[257] *Id.* at 59.

[258] *Id.*; *see* Ron Moreau & Sami Yousafzai,'*You Have the Watches, We Have the Time'*, NEWSWEEK (Oct. 2, 2011), http://www.thedailybeast.com/news week/2011/10/ 02/10-years-of-afghan-war-how-the-taliban-go-on.html (explaining the efforts against the Taliban following the U.S. invasion which faced continued resistance and was epitomized by the Taliban slogan, "You have the watches. We have the time." A Taliban subcommander added, "Time in jail and time in the jihad mean nothing to us. Your watch's battery will run down, and its hands will stop. But our time in the struggle will never end. We will win."); *see also* Peter Ford, *Europe Cringes at Bush 'Crusade' Against Terror-*

B.   The War on Terror Expands: The Second Gulf War and the Removal of Saddam Hussein

Following the end of Taliban control in Afghanistan, the Bush administration shifted its attention toward Saddam Hussein, the Iraqi dictator whom neoconservatives now in a position to influence U.S. foreign policy long desired to remove from power.[259]   The primary justification provided by the Americans in their case against Hussein was his alleged possession of Weapons of Mass Destruction (WMD), a claim supported by flawed intelligence provided by Iraqi exiles in the 2002 U.S. National Intelligence Estimate. In October 2002, Congress authorized President Bush to form a coalition in preparation for invasion, and with primary allied support limited to that of Great Britain, in March 2003 the U.S. commenced Operation Iraqi Freedom. Although American forces easily secured control of Iraq and captured Hussein in December 2003, the situation in Iraq quickly deteriorated as Iraqi militias representing sectarian Sunni, Shia, and Kurdish interests led the country to the brink of civil war.[260]

C.   Outsourcing Islamism: The Rise of Al-Qaeda in Iraq (AQI)

While the U.S. engagement in Afghanistan ended the sanctuary status for Al-Qaeda training camps, the organization still remained operational to coordinate attacks in Indonesia, Kenya, Tunisia, Morocco, Egypt, Jordan, Turkey, Spain, and Britain.[261]   While diligent counter-

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ists, CHRISTIAN SCIENCE MONITOR (Sept. 19, 2001), http://www.csmonitor.com/2001 /0919/p12s2-woeu.html (discussing how following 9/11 President Bush commented, "this crusade, this war on terrorism, is going to take awhile." Ford cites the comments of Soheib Bensheikh, a French Grand Mufti, who criticized Bush's reference to the crusades that "recalled the barbarous and unjust military operations against the Muslim world.").

[259] HOOK, *supra* note 254, at 59.

[260] *See generally id.* at 57-61; *see generally* DEXTER FILKINS, THE FOREVER WAR (2008); *see generally* RICHARD HAASS, WAR OF NECESSITY, WAR OF CHOICE: A MEMOIR OF TWO IRAQ WARS (2009); *see also* MICHAEL OREN, POWER FAITH AND FANTASY: AMERICA IN THE MIDDLE EAST 1776 TO PRESENT 585-594 (2007); *see also* Tony Blair, *A Battle for Global Values*, FOREIGN AFFAIRS (Jan./Feb. 2007), http://www.foreignaffairs.com/articles/62271/tony-blair/a-battle-for-glo bal-values (justifying Western engagement in Iraq and the Islamic world).

[261] *Al Qaeda After Bin Laden Implications for American Strategy: Hearing Before the Subcomm. on Emerging Threats & Capabilities of the H. Comm. on Armed Services,* 112th Cong. 2 (2011) (statement of Brian Michael Jenkins, Senior Advisor, RAND Corporation), *available at* http://www.rand.org/content/dam/rand/pubs/testimonies/2011/ RAND_CT365.pdf; *see also* Bruce Riedel, *The Grave New World: Terrorism in the 21st Century*, BROOKINGS INST. (Dec. 2011), http://www.brookings.edu/research/art icles/2011/12/terrorism-riedel (discussing that most of the major international Al-Qaeda

terrorism reforms by national governments constricted the ability of Al-Qaeda to continue its spree of international terror, the sectarian violence in Iraq presented a new front for the organization to operate.[262] Following the U.S. invasion of Iraq, Islamist religious leaders – in particular those from Saudi Arabia – issued fatwas that called on Muslims to fight a defensive jihad, a message that resonated in particular with the Sunni community in Iraq.[263] Led by Abu Musab al-Zarqawi, an individual first introduced to Wahhabi Islam in a Palestinian refugee camp, Al-Qaeda in Iraq (AQI) served as an outsourced affiliate of the core organization built by Bin Laden. Using the internet as a means of recruiting and aided by the Abu Graib prison abuse scandal, AQI utilized both the quarter-million newly unemployed Iraqi men and foreign fighters who arrived for jihad against both the American forces and the Shia majority in Iraq.[264] At its apex of influence in 2006-2007, the AQI organization maintained the capacity to cause up to 185 casualties per day, an almost unfathomable figure indicative of the level of violence experienced during the worst days of the U.S. occupation.[265]

Policy analyst M.J. Kirdar notes that in the early stages of the American occupation AQI provided the core Al-Qaeda organization with three major objectives: (1) furthering their notion of a war on Islam by the powers of the West, (2) unifying disparate Islamist groups against a common enemy, the United States, and (3) serving as a sanctuary for Al-Qaeda operatives and foreign jihadists.[266] However, the tactical over-reach of AQI – exemplified by its Taliban-like attempt to implement Sharia and the refusal to cease its use of indiscriminate violence – led 100,000 individuals to disavow support for the organization.[267] As a result, the mass defection of AQI operatives damaged the local brand of Al-Qaeda and defectors provided valuable intelligence to aid in counter-terrorism efforts.[268] The death of Zarqawi in 2006, coupled with the

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attacks following 2001 were linked to Pakistan: "The July 7, 2005 attack in London, for example was carried out by British jihadists who were trained in Pakistan and connected to Al-Qaeda. Their martyrdom videos were played on Al-Qaeda's propaganda tapes with Bin Laden's deputy, Zawahiri, providing commentary.").

[262] *Al Qaeda After Bin Laden*, *supra* note 151.

[263] Rick Nelson & Thomas M. Sanderson, *Al Qaeda in Iraq*, CTR FOR STRATEGIC & INT'L STUD. 1, 8 (2011), *available at* http://csis.org/files/publication/110614 _Kirdar_AlQaedaIraq_Web.pdf.

[264] *Id.*

[265] *Id.*

[266] *Id.*

[267] *Id.*

[268] *Id.*

success of President Bush's "troop surge" under General David Petraus, led to a precipitous decline in violence and veered Iraq away from a civil war.[269]

D.   *Al-Qaeda: 2007 – 2010*

While the U.S. succeeded in quelling the sectarian violence in Iraq and containing the destructive capabilities of AQI, the larger Al-Qaeda organization remained a relevant threat to the United States and the international community. In 2007, Al-Qaeda affiliates assassinated the internationally admired Pakistani Prime Minister Benazir Bhutto for her attempts to crack down on the organization's presence within Pakistan's borders.[270] Not surprisingly, the long suspected ties between Al-Qaeda and the Pakistani Inter-Services Intelligence (ISI) were again affirmed as the ISI cleaned the crime scene prior to the procurement of evidence.[271] In November 2008, Pakistani jihadists in Mumbai, India, massacred civilians as the attackers held hostages at the famed Taj Mahal hotel in the single most deadly terrorist attack since 9/11. David Headley, a Pakistani-American with ties to the Pakistani ISI and Al-Qaeda, helped facilitate the attack by providing tactical information to Lashkar-e-Taiba, the Islamist group responsible for the plot and its implementation.[272]

As Islamist attacks were being launched on non-American interests, terrorist plots with links to Al-Qaeda continued to target the American homeland. In December 2009 a Nigerian jihadist with ties to Al-Qaeda unsuccessfully attempted to blow up an airliner during a flight from Amsterdam to Detroit with a bomb in his underwear that went undetected. Subsequently, U.S. counter-terrorism officials halted Al-Qaeda plots to attack the New York City subway system and Chicago cargo jets.[273] Again, in April 2010 a Pakistani, with ties to the Taliban, attempted to explode a car bomb in the middle of New York City's Times Square on a bustling Saturday evening. Only the diligence of a local street vendor, who noticed smoke coming from a suspicious vehicle, enabled the New York Police Department to stop the imminent and potentially devastating

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[269] *Id.*; *see generally* THOMAS RICKS, THE GAMBLE: GENERAL DAVID PETRAEUS AND THE AMERICAN MILITARY ADVENTURE IN IRAQ, 2006-2008 (2009).

[270] Riedel, *supra* note 261.

[271] *Id.*

[272] *Id.*; *see also* TERROR IN MUMBAI (HBO Documentary Films 2012) (providing real time phone conversations of the Islamist terrorists during the attack with insight into their motivations for committing jihad).

[273] Riedel, *supra* note 261.

attack from materializing.[274]

E.   *The 2010-2011 "Arab Spring"*

In December 2010 a twenty-six year-old Tunisian fruit and vegetable merchant, Mohamed Bouazizi, was harassed by the police to pay a bribe to allow him to continue selling his goods. Upon refusal, the police beat Bouazizi and proceeded to steal his produce and weighing scale. Following unsuccessful attempts to contact the Governor to voice his grievances, an infuriated Bouazizi soaked himself in petrol and lit himself on fire, causing burns on ninety percent of his body.[275] Bouazizi's actions set off a chain of events that led to an unexpected revolution throughout the Islamic world, now collectively known as the "Arab Spring."[276]

Bouazizi's story immediately unleashed a wave of protests and riots throughout the streets of Tunisia, a country plagued by chronic unemployment and inflation as well as rampant political corruption and cronyism. With historical precedent on his side, Tunisian President Ben Ali did not view the protesters as a real threat and had little reason to believe that the twenty-three year reign of his military autocracy was in jeopardy.[277] Upon the death of Bouazizi, however, the riots intensified and only nine days later Ali abdicated his position as president for political asylum in Saudi Arabia. BBC security correspondent Frank Gardner succinctly encapsulated the surprising developments: "The rule of President Ben Ali was over, triggered on the face of it, by the suicidal actions of a frustrated grocer."[278]

After the events in Tunisia, the momentum shifted to Egypt as a wave of reform rapidly spread throughout the Islamic world. National Public Radio (NPR) summarized the developments in December 2011:

Egypt: Government overthrown on February 11, 2011. President Hosni Mubarak steps down, faces charges of killing unarmed protesters. Elections held on November 28, 2011. Protests continue in Tahrir Square.

Libya: Anti-government protests begin on February 15, 2011, leading to civil war between opposition forces and Moammar Gadhafi loyalists. Trip-

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[274] *Id.*
[275] Frank Gardner, *Tunisia One Year On: Where the Arab Spring Started*, BBC NEWS (Dec. 17, 2011, 7:24 PM), http://www.bbc.co.uk/news/world-africa-16230190.
[276] *Id.*
[277] *Id.*
[278] *Id.*

oli was captured and the government overthrown on August 23, 2011. Gadhafi was killed by transition forces on October 20, 2011.

Syria: Protests for political reforms have been ongoing since January 26, 2011 with continuing clashes between the Syrian army and protesters. On one day in July, 136 people were killed when Syrian army tanks stormed several cities.

Yemen: Ongoing protests since February 3, 2011. President Ali Abdullah Saleh is injured in an attack on June 4, 2011. On November 23, 2011, he signs a power-transfer agreement ending his 33-year reign.

Other nations: Protests and uprisings related to the Arab Spring also took place in other countries as well, including: Algeria, Iraq, Jordan, Kuwait, Morocco, and Oman.[279]

   In analyzing the events of the Arab Spring, Islamic commentator Mansoor Moaddel distinguished the events of 2011 from the wave of reform that swept the Islamic world during the 1950's and 1960's, when Arab nationalism rose to prominence (i.e. Nasserism).[280] Moaddel optimistically noted that unlike the Arab nationalist movements which occurred over a half-century ago, the Arab Spring was largely non-ideological.[281] To support his position, Moaddel cited the 84% of Egyptians and 66% of Lebanese who responded to pollsters that the current movements were intended to produce freedom and democracy or economic prosperity.[282] Lastly, Moaddel emphasized the transformative nature of the internet and text messaging which provided new avenues for young activists to circumvent government authorities in organizing politically.[283]

   Although the events of the Arab Spring were welcomed with open

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[279] *The Arab Spring: A Year of Revolution*, NPR (Dec. 17, 2011), http://www.npr.org/2011/12/17/143897126/the-arab-spring-a-year-of-revolution.

[280] Mansoor Moaddel, *Trends in Values, the Arab Spring, and Implications for National Security Summary*, MIDDLE E. VALUES STUDY (last visited Feb. 11, 2013), http://mevs.org/files/tmp/TrendsSummary.pdf.

[281] *Id.*

[282] *Id.*

[283] *Id.*; see Richard Engel, Analysis: Egypt's Big Turn Under the Muslim Brotherhood, NBC NEWS (Aug. 9, 2012), http://worldnews.nbcnews.com/_news /2012/06/25/12398203-analysis-egypts-big-turn-under-the-muslim-brotherho   od?lite (highlighting the potentially dangerous implications of the ascent of the Muslim Brotherhood in democratic Egyptian elections following the Arab Spring.); *but see* Ellen Knickmeyer, *Saudi Tweets Spark Outrage, Death Threats*, WALL ST. J., Feb. 9, 2012, at A7 (explaining how social networking has played a key role in supporting the Arab Spring, increasingly Islamic conservatives and Islamists are using these same mediums to further their own religious and political objectives).

arms by many in the international community, the realist approach to international politics suggested a cautionary pause, as these events gave rise to an uncertain future and a vacuum of power in the Islamic world. Almost foreshadowing the predicament American policymakers find themselves in today, the current President of the Council on Foreign Relations Richard Haass noted in 2004 that, "a lesson we should have learned from what took place in Iran twenty-five years ago, namely, that unattractive authoritarian regimes can be replaced by something far worse."[284] Raghida Dergham, a journalist for the pan-Arab newspaper *Al-Hayat*, commented on the unsuspecting role of Islamists in Egypt following the overthrow of the Mubarak regime: while the youth led the protests with hopes of bringing Egypt into modernity, the more experienced and organized Islamist parties subsequently took advantage of the opportunity created by the protesters.[285] Imploring the women of Egypt to rise up, Dergham pessimistically concluded that if women failed to assert their voice in the political process, men will maintain the authority to interpret the laws of Sharia and the "Arab Awakening will end in the Slumber of Dark Ages."[286]

F. *The Assassination of Osama Bin Laden*

With the dust barely settled from the Arab Spring – and arguably, still settling – during the evening of April 30, 2011, President Obama summoned the American media for an unexpected presidential announcement. From the East Room of the White House, President Obama explained to the American people that on his orders U.S. forces killed Bin Laden in a targeted operation at a compound in Abbottabad, Pakistan. President Obama asserted:

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[284] RICHARD HAASS, THE OPPORTUNITY: AMERICA'S MOMENT TO ALTER HISTORY'S COURSE 64 (2005); *see* Daniel Byman, *After the Hope of the Arab Spring, the Chill of An Arab Winter,* WASH. POST (Dec. 1, 2011), http://www.washingtonpost.com/opinions/after-the-hope-of-the-arab-spring-the-chill-of-an-arab-winter/2011/11/28/gIQABGqHIO_story.html (acknowledging the challenges posed to American interests in light of developments following the Arab Spring's failure to facilitate a liberal awakening throughout the Islamic world. Some in the West began to refer to the Arab Spring as the "Arab Winter.").

[285] *The Arab Spring*, *supra* note 279.

[286] *Id.*; *see* Eric Reeves, *Sudan: Why Do People Want Change in Sudan? A Barbaric Penal Code is One Reason,* S. SUDAN NEWS AGENCY (July 16, 2012), http://www.southsudannewsagency.com/opinion/analyses/why-do-people-want-change-in-sudan-a-barbaric-penal-code-is-one-reason (analyzing the implementation of classical Sharia in South Sudan, arguably the most draconian incarnation of Islamic law in the modern world.).

For over two decades, Bin Laden has been Al-Qaeda's leader and symbol. . . . The death of Bin Laden marks the most significant achievement to date in our nation's effort to defeat Al-Qaeda. But his death does not mark the end of our effort. There's no doubt that Al-Qaeda will continue to pursue attacks against us. We must and we will remain vigilant at home and abroad.[287]

Following the announcement, the major American news outlets captured Americans – in particular, college-aged Americans – pouring into the streets outside the White House and Times Square to celebrate the death of the founder of Al-Qaeda.[288] Isobel Coleman, a contributor to the Council on Foreign Relations, noted that the reaction in Pakistan to the news of Bin Laden's death was significantly more nuanced: Coleman cited a reader's comment posted on the website of a leading Pakistani newspaper that stated, "My Muslim friends are happy that Bin Laden is dead, but they are afraid to say that publicly."[289]

VI. CONCLUSION

A.   *Al-Qaeda Today: A Three-Tiered Movement*

With both the historical background of Islam and development of Al-Qaeda until the present day established, one primary question remains: What is the state of Al-Qaeda today? Rick Nelson, Director of the Center for Strategic and International Studies, constructively labels the current structure of Al-Qaeda as a movement – not an organization – with three distinct branches: (1) Al-Qaeda core, (2) Al-Qaeda associated movements, and (3) Al-Qaeda inspired movements. Al-Qaeda core re-

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[287] Peter Baker et al., *Bin Laden is Dead, Obama Says*, N.Y. TIMES (May 1, 2011), http://www.nytimes.com/2011/05/02/world/asia/osama-bin-laden-is-killed.html?pagewanted=all.

[288] *Id.*

[289] Isobel Coleman, *Pakistani Reactions to Bin Laden's Demise,* COUNCIL ON FOREIGN RELATIONS (May 3, 2011), http://blogs.cfr.org/coleman/2011/05/03/ pakistani-reactions-to-bin-ladens-demise/; s*ee Pakistan Condemns Bin Laden Raid and US Drone Attacks*, BBC NEWS (May 14, 2011), http://www.bbc.co.uk /news/world-south-asia-13398281 (following the Bin Laden assassination the Pakistani government criticized both the raid and the numerous U.S. drone strikes within their territory. At the time correspondents commented that relations between Pakistan and the U.S. were "at an all-time low."); *see also* Nathan Gardels, *The Arab Spring After Osama: Ayaan Hirsi Ali vs. Tariq Ramadan*, HUFFINGTON POST (May 7, 2011 11:35 PM), http://www.huffingtonpost.com/nathan-gardels/the-arab-spring-after-osa_b_8 58956.html (contrasting viewpoints on the impact of the Arab Spring and the death of Bin Laden on the Islamic world).

fers to the command center of the organization formed by Bin Laden, traditionally based out of Pakistan and Afghanistan.[290] Information obtained from the compound of Bin Laden following his assassination suggested he remained more involved in the daily activities of the organization than previously believed, but his inability to control operatives such as Zarqawi of Al-Qaeda in Iraq (AQI) also depicts the limitations of the core leadership to control its affiliates.[291] Although the U.S. has predominately eliminated the original pre-9/11 infrastructure of Al-Qaeda, the groups and individuals acting in the name of Al-Qaeda remain a significant threat to American interests.[292]

The second group, Al-Qaeda associated movements, refers to the loosely affiliated organizations working under the larger mantle of Al-Qaeda, such as Zarqawi's AQI, al-Qaeda in the Arabian Peninsula (AQAP), and the Somali based groups, al-Qaeda in the Islamic Maghreb (AQIM) and al-Shabbab.[293] By establishing streams of revenue through the narcotics trade and kidnapping activities, Al-Qaeda associated organizations have ensured their medium-term financial sustainability.[294] Moreover, these smaller affiliate organizations pose unique challenges to American security interests because of their propensity to engage in frequent, but inexpensive attacks (such as the attempted Christmas Day bombing, which was facilitated by AQAP).[295]

The third group, Al-Qaeda inspired movements ("lone wolves"), is defined as individual cells unaffiliated with the official Al-Qaeda organization.[296] While lone wolf operations are a newer development, they have already been evidenced in the U.S. homeland, most notably by the attempt of the Times Square bomber and a 2009 shooting at the Fort Hood military base by Nidal Hasan, a U.S. army officer who attacked in protest of American involvement in Afghanistan and Iraq. Nelson concludes that at this juncture, Al-Qaeda affiliate groups and lone wolf operatives remain the greatest threat because of their focus on small scale at-

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[290]RICK NELSON, AL-QAEDA AND U.S. HOMELAND SECURITY AFTER BIN LADEN 4 (CERI Strategy Papers 2011), *available at* http://www.sciencespo.fr/ceri/sites/sciencespo.fr.ceri/files/n12_10112011-1.pdf.

[291] *Id.*

[292] *Id.*; *see* Peter Bergen, *Bin Laden: Seized Documents Show Delusional Leader and Micromanager*, CNN (May 3, 2012), http://articles.cnn.com/2012-04-30/opinion/opinion_bergen-bin-laden-document-trove_1_al-shabaab-al-qaeda-abbottabad?_s=PM:OPINION.

[293] Nelson, *supra* note 290.

[294] *Id.*

[295] *Id.*

[296] *Id.*

tacks and the limited financial resources available to American security officials to protect against such operations.[297]

B.   *Closing Argument*

The focus of this analysis depicts how the objectives of Al-Qaeda operate within a much broader story of Islamic history that remains largely unknown to the American public. As the historical record clearly delineates, Islamist ideas are embedded throughout the Islamic tradition and are not the machinations of a single crazed lunatic in an empty cave, as some in the West have satirically portrayed Bin Laden.[298] The astute Washington Post reporter David Ignatius used the one-year anniversary of the assassination of Bin Laden as an opportunity to acknowledge the historical nature of Islamist movements as it pertained to the Arab Spring:

> What's happened in the last year is a rejection of the super-violent tactics that Bin Laden and Al-Qaeda have used to try to purge this Western influence from the Islamic world. But the idea is still there, and the people who were the kind of ideological forbearers, Hassan al-Banna, the founder of the Muslim Brotherhood, [and] Sayyed Qutb, a key Muslim Brotherhood figure, those are the people that many of these new Islamist politicians who are in office, members of the Egyptian Parliament . . . . [T]hey look to these people and their indignation against the West and the desire to have a separate kind of life.[299]

[297] *Id.*; *see* U.S.-Born Cleric Anwaral-Awlaki Killed in Yemen, PBS NEWSHOUR (Sept. 30, 2011, 9:14 AM), http://www.pbs.org/newshour/rund own/2011/09/us-born-cleric-anwar-al-awlaki-killed-in-yemen.html (explaining that Awlaki served as a leader of AQAP in Yemen and influenced the 2009 Christmas bomber, the Times Square bomber, and the Fort Hood shooter. In September 2011, Awlaki was killed in a targeted U.S. drone strike.).

[298] *See also* Richard Esposito, Pierre Thomas & Jason Ryan, New York Man Guilty in 'South Park' Murder Threat, ABC NEWS (Feb. 9, 2012), http://abcnews.go.com/Blotter/york-man-guilty-south-park-murder-threat/story?id=1554 8422 (explaining that those that have attempted to negatively portray the Prophet through comedy have received threats from Islamists. Recently, in 2012, Jesse Morton – aka Yonus Abdullah Muhammad – pleaded guilty to encouraging Islamist attacks through his website named Revolution Muslim. The targets of Morton's conspiracy were an artist who organized an "Everybody Draw Muhammad Day" and the writers for the comedy show South Park, who portrayed the Prophet in a bear suit. In his plea deal, Morton admitted to supporting Osama Bin Laden and posting an article on his website entitled, "How to Make a Bomb in the Kitchen of Your Mom.").

[299] *PBS Newshour: A Year After Bin Laden's Death, How Strong is Al-Qaeda?* (PBS television broadcast Apr. 30, 2012), *available at* http://www.pbs.org/newshour/bb/military/jan-june12/alqaida2_04-30.html.

In the years and decades to come, the level of support for Al-Qaeda and its ideology is likely to be determined by the environment within the larger Islamic world. The destabilizing events of the Arab Spring provide the Islamic world with yet another opportunity for reform, but as the history contained in this thesis has shown, reform in Islam has recently veered more towards Islamist revivalism than liberalization. Will history repeat itself once again?

In a recent interview with the Wall Street Journal, Bernard Lewis – a leading British-American expert on Islamic history cited throughout this work – was asked about his views on the Arab Spring. In response, Lewis straightforwardly opined, "I think that the tyrannies are doomed, the real question is what will come instead."[300] While Lewis noted the influence of the young activists whose political mobilization led to significant changes in the Islamic world in the past two years, he cautioned that he had seen similar optimism before and remained reluctant to proclaim victory for the liberal reformers.[301] Lewis concluded the interview by stating, "I think the struggle will continue until [the Islamists] either obtain their objective or renounce it. At the moment, both seem equally improbable."[302]

Following the June 2012 U.S. drone assassination of Abu al-Libi, the number two leader of Al-Qaeda based out of Pakistan, the respected CNN terrorism analyst Peter Bergen commented that, "the terrorist group that launched the 9/11 attacks is now more of less out of business." Bergen noted Al-Qaeda has failed to successfully attack the United States in over a decade, and while he agreed lone wolf attacks remain a threat, he argued only seventeen Americans were killed in such attacks since 9/11.[303] In contrast, Bergen highlighted the average of fifty-four Americans killed each year by lightning, leading him to surmise that, "to the average American, lightning is about 30 times more deadly than jihadist terrorism."[304] Although Bergen's work is often laudable, by comparing the likelihood of jihadist terrorism to a bolt of lightning, Bergen is at risk

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[300] Bari Weiss, *The Tyrannies are Doomed*, WALL ST. J. (Apr. 2, 2011), http://online.wsj.com/article/SB10001424052748703712504576234601480205330.html.

[301] *Id.*

[302] Peter Bergen, *And Now Only One Senior Al Qaeda Leader Left*, CNN (June 5, 2012), http://articles.cnn.com/2012-06-05/opinion/opinion_bergen-al-qaeda-whos-left_1_abu-yahya-aqap-drone-strikes?_s=PM:OPINION.

[303] *Id.*

[304] *Id.*; *see* Jo Becker & Scott Shane, *Secret 'Kill List' Proves a Test of Obama's Principles and Will*, N.Y. TIMES (May 29, 2012), http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?pagewanted=all.

of trivializing the continued national security interest in understanding Islam, Islamic history, and the extremism espoused by Islamist ideas.

Beyond Al-Qaeda and other like-minded organizations, Islamism is alive and well, and the influence of the Islamist ideology remains wholly relevant to understanding the complexities of the modern Islamic world. Policy analyst Seth G. Jones provides an insightful conclusion on the threat posed by Al-Qaeda:

> [D]eclarations of victory, however, underestimate al-Qaeda's continuing capacity for destruction. Far from being dead and buried, the terrorist organization is now riding a resurgent tide as its affiliates engage in increasingly violent campaign of attacks across the Middle East and North Africa. And for all the admiration inspired by brave protesters in the streets from Damascus to Sanaa, the growing instability triggered by the Arab Spring has provided al-Qaeda with fertile ground to expand its influence across the region.[305]

The evolving dynamics of the Islamic world currently project an uncertain future as evidenced by the following: increasing violence in Afghanistan, Iraq, and Pakistan, the ascending prominence of the Muslim Brotherhood in Egypt, lingering questions surrounding the intentions of Iranian nuclear development, and continuing sectarian bloodshed in Syria. History strongly suggests the strategic challenges presented by elements of the Islamist ideology — most specifically, acts of violence perpetuated in its name — will remain wholly relevant to the national security concerns of America and many other members of the international community. American interests will be well served if our leaders understand and encourage meaningful dialogue related to the roots of modern Islamist movements and their interpretation of Islamic history.[306]

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[305] Seth G. Jones, *Think Again: Al Qaeda*, FOREIGN POLICY, May/June 2012, at 47.

[306] *See* Charles Moore, *Tony Blair: 'The West is Asleep on the Issue of Islamist Extremism'*, THE TELEGRAPH (July 24, 2012), http://www.telegraph.co.uk/news/politics/tony-blair/9420909/Tony-Blair-The-West-is-asleep-on-the-issue-of-Islamistextremism.html (noting former British Prime Minister Tony Blair's comments on the growing threat posed by Islamist extremism.).