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## TERROR IN THE NAME OF ISLAM—UNHOLY WAR, NOT JIHAD

Parvez Ahmed<sup>\*†</sup>

*Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. This is not a way of life at all, in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron.*<sup>1</sup>

### I. INTRODUCTION

The objective of this paper is to (1) analyze current definitions of terrorism, (2) explore the history of recent terrorism committed in the name of Islam, (3) posit causal links between terrorism and the United States' (U.S.) Cold War programs and policies towards the Middle East, and (4) propose remedies to minimize and preferably eliminate the threat of terrorism. Before beginning, it bears reminding the reader that explaining terrorism is not the same as justifying it. Terrorism is abhorrent, but has been around as long as civilization has existed. The heightened concern regarding terrorism is justifiable as modern weapons can unleash destruction hitherto unimaginable. Thus, it is more important now than ever before to analyze terrorism in order to suggest appropriate remedies.

On September 11, 2001, the worst terrorist attack ever to take place on American soil unfolded on live television. The carnage unleashed that day stunned Americans. It left Americans grappling with the question,

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† This paper was presented at the March 30, 2007, Roe Green Foundation Conference: "Sacred Violence: Religion and Terrorism," organized by the Institute for Global Security Law and Policy at the Case Western Reserve University School of Law. A webcast of the conference may be accessed at <http://law.case.edu/centers/igslp/webcast.asp?dt=20070330>. Comments from the conference participants are deeply appreciated. The views expressed in this paper are those of the author and not necessarily those of the Council on American-Islamic Relations or the University of North Florida. Errors and omissions are regretted.

<sup>1</sup> President Dwight D. Eisenhower, *Chance for Peace* (Apr. 16, 1953), [http://www.millercenter.virginia.edu/scripps/digitalarchive/speeches/spe\\_1953\\_0416\\_eisenhower](http://www.millercenter.virginia.edu/scripps/digitalarchive/speeches/spe_1953_0416_eisenhower).

“Why us?” The following day, September 12, 2001, President George W. Bush described the destruction caused in New York, Washington, D.C., and Pennsylvania as an act of war against “all freedom-loving people” and vowed that the United States would use all of its resources to avenge this attack.<sup>2</sup> This marked the beginning of the United States “war on terror” or in official Pentagon lingo, the “Global War on Terror” (GWOT), which is primarily a Pentagon operation.<sup>3</sup>

That ill-fated day the United States was not alone in its grief. People all across the world held prayer vigils and stood in solidarity with President Bush’s resolve. No one questioned America’s declaration of “war” on “terrorism.” Yet, can a war really be waged against terrorism?<sup>4</sup> After all “terrorism” was not invented on 9/11, nor is “terrorism” an ideology like communism. Terrorism is a tactic. How does one wage a “war” against a tactic? Regardless of this difficult question, up until the 2003 U.S. invasion of Iraq, the world followed the United States’ lead on GWOT. Since then, with the U.S.-led fiasco unfolding in Iraq and the roll-back of basic civil liberties in America, many are questioning not only the tactics, but also the very purpose of the GWOT. Some even question whether the threat of terrorism is as grave as it is made out to be. Mueller, for example, contends that the threat of terrorism has been “overblown.”<sup>5</sup> Despite the low odds of terrorists succeeding, Mueller contends that:

Politicians will be inclined sanctimoniously to play to those fears . . . bureaucrats will stoke the same fears . . . The entrepreneurs of the Current Danger industry . . . will first work very hard to sustain and milk the one currently within their grasp . . . And the press . . . will continue to make sure that what bleeds leads.<sup>6</sup>

Military Analyst William Arkin states that:

I think it is intellectually shallow to compare terrorists . . . with our enemies during the Cold War or the Second World War, who could have indeed destroyed our societies . . . Every time we pretend we are fighting for our survival we not only confer greater power and importance to terrorists than they deserve but we also at the same time act as their main re-

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<sup>2</sup> President George W. Bush, Remarks by the President in Photo Opportunity with the National Security Team (Sept. 21, 2001), <http://www.whitehouse.gov/news/releases/2001/09/20010912-4.html>.

<sup>3</sup> OFFICE OF MGMT. & BUDGET, EXEC. OFFICE OF THE PRESIDENT, BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 2006 (2005), <http://www.defenselink.mil/news/Feb2005/d20050207budget.pdf>.

<sup>4</sup> See ROBERT DREYFUSS, DEVIL’S GAME: HOW THE UNITED STATES HELPED UNLEASH FUNDAMENTALIST ISLAM 13 (2005).

<sup>5</sup> JOHN MUELLER, OVERBLOWN 196 (2006).

<sup>6</sup> *Id.*

cruiting agent by suggesting that they have the slightest potential for success.<sup>7</sup>

Overblown or not, no one can fault any government for erring on the side of caution. Nevertheless, being cautious does not imply discarding conventional wisdom, even when fighting an unconventional enemy. Unfortunately, the U.S. government, aided by a pliant media, made a great show out of announcing the arrests of “terror suspects”; later it was discovered that the government was on many occasions admittedly wrong or that the threat was exaggerated.<sup>8</sup>

In the months following 9/11, U.S. Attorney General John Ashcroft, acting pursuant to USA PATRIOT Act, section 412, rounded up and imprisoned over 1,200 Muslim and Arab men under the pretext of immigration violations.<sup>9</sup> Georgetown University Law Professor David Cole contended that, “[t]housands were detained in this blind search for terrorists without any real evidence of terrorism, and ultimately without netting virtually any terrorists of any kind.”<sup>10</sup> Elaborate Justice Department press releases accompanied the highly-publicized initial charges of terrorism. Later, the Justice Department either dropped or amended the terrorism charges, without much fanfare, to other, often minor, immigration-related violations. During his 2004 presidential campaign, Senator John Kerry remarked, “I think there has been an exaggeration [about the threat of terrorism]. They [the Bush administration] are misleading all Americans in a profound way.”<sup>11</sup>

Whether driven by politics or fear, terrorism remains a hot public issue. Politicians exploit it, the media hypes it, and late night comedians joke about it. Despite public interest, the discourse about terrorism is not one of serious debate. Rather it has degenerated into public posturing about

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<sup>7</sup> William Arkin, *Goodbye War on Terrorism, Hello Long War*, WASH. POST, Jan. 26, 2006, [http://blog.washingtonpost.com/earlywarning/2006/01/goodbye\\_war\\_on\\_terrorism\\_hello.html](http://blog.washingtonpost.com/earlywarning/2006/01/goodbye_war_on_terrorism_hello.html).

<sup>8</sup> See, e.g., Dan Eggen, *U.S. Settles Suit Filed by Ore. Lawyer: \$2 Million Will Be Paid For Wrongful Arrest After Madrid Attack*, WASH. POST, Nov. 30, 2006, at A3; Sam Skolnik, *Army Drops All Charges Against Muslim Chaplain*, SEATTLE POST-INTELLIGENCER, Mar. 20, 2004, at A1.

<sup>9</sup> U.S. Department of Justice, Office of the Inspector General, *The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks*, Apr. 2003, at 1, available at <http://www.fas.org/irp/agency/doj/oig/detainees.pdf>. The Office of Public Affairs stopped reporting the cumulative count of detainees after 1,200 because the “statistics became too confusing.” *Id.* at 1 n.2.

<sup>10</sup> Linda Feldmann & Warren Richey, *Has Post-9/11 Dragnet Gone Too Far?*, CHRISTIAN SCI. MONITOR, Sept. 12, 2003, at 1.

<sup>11</sup> Brian DeBose, *Kerry Says Threat of Terrorism is Exaggerated*, WASH. TIMES, Jan. 30, 2004, at A1.

who can “protect” us best and how one’s political opponents are “weak” or how their views “give comfort to the enemy.” Hoffman writes:

Terrorism is a pejorative term. It is a word with intrinsically negative connotations that is generally applied to one's enemies and opponents, or to those with whom one disagrees and would otherwise prefer to ignore. . . . Hence the decision to call someone or label some organization ‘terrorist’ becomes almost unavoidably subjective, depending largely on whether one sympathizes with or opposes the person/group/cause concerned. If one identifies with the victim of the violence, for example, then the act is terrorism. If, however, one identifies with the perpetrator, the violent act is regarded in a more sympathetic, if not positive (or, at the worst, an ambivalent) light; and it is not terrorism.<sup>12</sup>

Global patterns of terrorism show that terrorism is not exclusive to any one faith, ethnic group or ideology. Pape asserts that between 1980 and 2003, the Liberation Tigers of Tamil Eelam (LTTE), a group that recruits from the predominantly Hindu Tamil population in Sri Lanka and whose ideology is intertwined with Marxism, was the world’s leader in suicide terrorism.<sup>13</sup> Despite this, Islamic groups receive the most attention in Western media.<sup>14</sup>

Terrorist Incidents Range: 01/01/1968 - 02/26/2007				
Group Classification	Incidents	% of Total	Fatalities	% of Total
Anarchist	121	1%	1	0%
Anti-Globalization	216	2%	22	0%
Communist/Socialist	3,749	30%	2,857	11%
Environmental	72	1%	3	0%
Leftist	433	3%	125	0%
Nationalist/Separatist	4,867	39%	9,853	37%
Other	299	2%	338	1%
Racist	41	0%	7	0%
Religious	2,641	21%	13,338	50%
Right-Wing Conservative	127	1%	275	1%
Right-Wing Reactionary	14	0%	14	0%

Source: *MIPT Terrorism Knowledge Base*<sup>15</sup>

<sup>12</sup> BRUCE HOFFMAN, *INSIDE TERRORISM* 31 (1998).

<sup>13</sup> See ROBERT A. PAPE, *DYING TO WIN: THE STRATEGIC LOGIC OF SUICIDE TERRORISM* 139–154 (2005).

<sup>14</sup> *Id.* at 16.

<sup>15</sup> Terrorism Knowledge Base, <http://www.tkb.org> (follow “Incidents by Group Classification” hyperlink; then enter the start date “01/01/1968” and end date “02/26/2007”) (last visited Oct. 19, 2007).

That the 9/11 attacks were committed by Muslim men is one factor behind the popular assumption of a causal link between Islam and terrorism. This perception is greatly assisted by a veritable cottage industry of neo-experts pontificating with great certainty about the cause-effect relationship between Islam and terrorism. Is Islam a primary factor behind terrorism? Regardless of whether or not such a charge stands up to scrutiny, today there exists an unmistakable global trend of militant piety among people claiming to be representatives of their religions. Nevertheless, this trend is not exclusive to any one religion. This phenomenon has been described as “fundamentalism” in the West, although the term “extremism” would be more appropriate, especially in the context of Islam.<sup>16</sup> “Extremism” is a better descriptor of this militant piety because it denotes a deviation from the normative teachings of a faith.

In its fringe manifestation, extremism leads to violence and terrorism in the name of religion. Armstrong notes that in the past century these extremists have unleashed shocking acts, including: gunning down worshippers in a mosque, killing doctors and nurses working at abortion clinics, assassinating heads of states, blowing up embassies, and flying airplanes into buildings.<sup>17</sup> While such acts are in reality few and far between, the spectacular nature of the acts shatters our sense of security; this is precisely the intent of terrorists.<sup>18</sup>

The rest of the paper addresses the subject matter as follows. Section II explores the different definitions of terrorism and attempts to identify some common factors that underlie all terrorist acts. Section III discusses Islamic perspectives on terrorism. Section IV looks at how *jihad* is defined in normative Islam. Section V discusses the perceived link (or lack thereof) between terrorism and Islamic teachings. Section VI presents an overview of the fallout from the global war on terrorism. Section VII traces the antecedents of terrorism and violence in the name of Islam. Finally, Section VIII summarizes what terrorists want and how to prevent terrorism.

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<sup>16</sup> There is no universal definition of “Islamic fundamentalism.” The term ‘fundamentalism’ has Christian roots in a series of pamphlets published between 1910 and 1915. Entitled “The Fundamentals: A Testimony to the Truth,” these booklets were authored by leading evangelical churchmen and were circulated free of charge among clergymen and seminarians. BRUCE B. LAWRENCE, *DEFENDERS OF GOD: THE FUNDAMENTALIST REVOLT AGAINST THE MODERN AGE* 168 (Univ. S.C. Press 1995) (1989). Bruce Lawrence defines fundamentalism as “the affirmation of religious authority as holistic and absolute, admitting neither criticism nor reduction; it is expressed through the collective demand that specific creedal and ethical dictates derived from scripture be publicly recognized and legally enforced.” *Id.* at 27.

<sup>17</sup> KAREN ARMSTRONG, *THE BATTLE FOR GOD* ix (2000).

<sup>18</sup> *See id.*

## II. DEFINING TERRORISM

The words "terrorist" and "terrorism" were first used during the French Revolution in reference to the polices of "The Terror" initiated by the Jacobins.<sup>19</sup> The Jacobins not only provided an example of how to "terrorize" populations, but also inspired reactions by their opponents who also employed "terrorist" tactics such as assassination and intimidation to resist the Revolutionary agents. During the late nineteenth century, radical political groups used terrorist tactics to sow anarchy in nation-states.<sup>20</sup> Anarchists produced some striking successes, assassinating Russian, French, and American heads of state.<sup>21</sup> By the twentieth century, Nationalism replaced Anarchism as the ideological motivator of political terrorism.<sup>22</sup>

Recently, the *Christian Science Monitor* asked, "Can one man be both hero and terrorist?" Consider Ireland's Michael Collins. In the autumn of 1920, Collins' "Twelve Apostles" assassinated fourteen British officers in an effort to win independence. Many say Collins was a patriot. But was he a terrorist?"<sup>23</sup> This ambiguity is neither new nor surprising. Groups involved in "national liberation" struggles are usually labeled "terrorist" by the governments they oppose. Later, members of these same groups are oftentimes honored with peace awards.<sup>24</sup>

There is a famous saying that "one man's terrorist is another man's freedom fighter." In a world of heightened concerns about security it appears that all blame is usually placed at the feet of the oppressed and cornered "freedom fighters," and occupiers are often absolved of their crimes, even though studies show that occupation is the primary enabler of terrorism. Nonetheless, even "freedom fighters" cannot be exempted from adhering to standards of decency. Islamic ethos requires adherence to high standards even when engaging an enemy in warfare. "One can have a perfectly beautiful cause and yet if one commits terrorist acts, it is terrorism regardless" of the cause.<sup>25</sup>

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<sup>19</sup> Geoffrey Nunberg, *Head Games: It All Started with Robespierre*, S.F. CHRON., Oct. 28, 2001, at C-5.

<sup>20</sup> *See id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Perspectives on Terrorism: Defining the Line*, CHRISTIAN SCI. MONITOR, <http://www.csmonitor.com/specials/terrorism/lite/index.html> (last visited Apr. 26, 2008).

<sup>24</sup> For example, Menachem Begin, Yasser Arafat, and Nelson Mandela are Nobel laureates.

<sup>25</sup> Adrian Humphreys, *One Official's 'Refugee' is Another's 'Terrorist'*, NAT'L POST, Jan. 17, 2007, at A1.

*Webster's Dictionary* defines terrorism “as the use of violence and threats to intimidate or coerce, esp. for political purposes.”<sup>26</sup> The U.S. Department of Defense (DOD) defines terrorism as, “the calculated use of violence or the threat of violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological.”<sup>27</sup> The State Department, however, restricts its definition to international terrorism (e.g., “terrorism involving citizens or the territory of more than [one] country”).<sup>28</sup> Finally, the Federal Bureau of Investigation (FBI) defines terrorism as, “the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.”<sup>29</sup>

These definitions are not in complete congruence with each other, but they do have some common elements. Hoffman identifies certain common characteristics of terrorists:<sup>30</sup>

1. *Violence.* The criterion of violence alone is not useful. Violence includes many acts not usually considered terrorism, such as war, riot, organized crime or assault.
2. *Psychological impact and fear.* Each act of terrorism is a “performance,” devised to have an impact on a large audience. The 9/11 attacks are examples of this. Attacking the World Trade Center was symbolic; it demonstrated how a small group of people could threaten the economic foundation of a great power.
3. *Perpetrated for a political goal.* Terrorism is a political tactic used by some extremists when they perceive that no other means will bring about the kind of change they desire.
4. *Deliberate targeting of non-combatants.* The distinctive nature of terrorism lies in its intentional and specific selection of civilians as direct targets. Civilian suffering accomplishes the terrorists’ goals of instilling fear and getting maximum media coverage of the carnage. This serves as a message to a large audience with the goal of accomplishing a political end.
5. *Non-state actors or sub-national groups.* This point is controversial appearing to give the impression that there is no such thing as “state terrorism.” Hoffman argues that violent government action designed to instill fear to achieve political ends by targeting civilians does not constitute ter-

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<sup>26</sup> WEBSTER’S DICTIONARY, CLASSIC EDITION 681 (1999).

<sup>27</sup> 22 U.S.C. § 2656(d)(1) (2000). “The term ‘terrorism’ means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.” *Id.*

<sup>28</sup> The U.S. State Department uses, Title 22 of the United States Code, Section 2656(d). <http://www.state.gov/s/ct/rls/pgtrpt/2000/index.cfm?docid=2419>.

<sup>29</sup> 28 C.F.R. § 0.85 (2007).

<sup>30</sup> HOFFMAN, *supra* note 12, at 14–44.



rorism, as agents who are accountable to some legitimate governmental authority pursue such action.<sup>31</sup> In this view, governmental accountability can limit and restrain the violence. This view precipitates some definitional clarity by distinguishing between government-sponsored violence and terrorism. Nevertheless, it ignores the fact that it was French government action that defined the modern usage of the word terrorism. The *Oxford English Dictionary* defines terrorism as "government by intimidation as directed and carried out by the party in power in France during the revolution of 1789–94."<sup>32</sup> Terrorism was a government action directed against those who opposed a regime. We should consider governments that kill innocent people, thereby instilling fear to achieve political ends, as engaging in terrorism.

Despite these definitions having some common elements, their differences are noteworthy enough that one person's terrorist can easily be viewed as a freedom fighter or a defender of one's homeland or faith by the other side. This explains why no major international body has been able to reach a comprehensive and binding convention against terrorism. The most contentious part of this debate has been the role of states in sponsoring or supporting terrorism. Should conventions against terrorism apply to states like they are expected to apply to non-state actors? The answer is often influenced by political considerations, not moral principles.

### III. ISLAMIC PERSPECTIVES ABOUT VIOLENCE AND TERRORISM

Osama bin Laden has a history of conflating political rhetoric with religious imagery. In his August 23, 1996, "Declaration of War against Americans Occupying the Two Holy Places," bin Laden evoked powerful religious imagery while speaking about the occupation.<sup>33</sup> He said:

The people of Islam suffered from aggression, iniquity and injustice. . . . the latest and the greatest of these aggressions, incurred by the Muslims since the death of the Prophet . . . . in the occupation of the two Holy Plac-

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<sup>31</sup> *Id.*

<sup>32</sup> The word terror enters Western vocabulary as government repression by the French revolutionaries in 1793 and 1794 mainly in the form of executions. About 17,000 legal executions occurred during the Reign of Terror and 23,000 more occurred illegally. Since the French Revolution, the word terror expanded in scope and was used to describe Stalin's execution to still dissent within the Soviet Union. It is also used to describe actions by domestic opponents on government targets such as the Basque separatists in Spain, Irish Republican Army, and the Sri Lankan Liberation Tigers of Tamil Elam. The term subsumes a wide range of human cruelties. Charles Tilly, *Terror, Terrorism, Terrorists*, 22 *SOCIOLOGICAL THEORY* 5, 8–9 (2004).

<sup>33</sup> Osama bin Laden, *Declaration of War Against the Americans Occupying the Land of the Two Holy Places*, (Aug. 1996). [http://www.pbs.org/newshour/terrorism/international/fatwa\\_1996.html](http://www.pbs.org/newshour/terrorism/international/fatwa_1996.html)

es. Clearly after Belief (Iman) there is no more important duty than pushing the American enemy from the holy land.<sup>34</sup>

Such language helped catalyze the popular perception that some kind of religious motive was behind al-Qaeda's terrorism.

Pape suggests looking beyond the superficiality of language.<sup>35</sup> He contends that linking Islam, or specifically Islamic fundamentalism, to terrorism because of bin Laden's rhetoric is an oversimplification of a complex problem.<sup>36</sup> Extremism, no matter how abhorrent, cannot always be equated with violence. Only a tiny fraction of those who subscribe to these (fundamentalist) movements have engaged in acts of violence. Yet Islam is clearly in the crosshairs of the GWOT. On August 11, 2006, following the thwarted terrorist plot to simultaneously blow up several aircraft in Britain heading toward the United States, President George W. Bush said, "this nation is at war with Islamic fascists."<sup>37</sup> Such provocative statements are at odds not only with the reality that Islam unequivocally condemns terrorism, but also with the claim that the GWOT is not a war against Islam.

Islam provides a theology for peace and guidelines for living peacefully in a world with diverse people and nations. Indeed peace and justice are the foundational elements of Islam. The Qur'an preaches pluralism, "O men! Behold, We have created you all out of a male and a female, and have made you into nations and tribes, so that you might come to know one another. Verily, the noblest of you in the sight of God is the one who is most deeply conscious of Him. Behold, God is all-knowing, all-aware."<sup>38</sup>

The Qur'an also emphasizes the sanctity of life saying, "do not take any human being's life (the life) which God has declared to be sacred—otherwise than in (the pursuit of) justice: this has He enjoined upon you so that you might use your reason."<sup>39</sup> In addition, the Qur'an states, "that if anyone slays a human being—unless it be [in punishment] for murder or for spreading corruption on earth—it shall be as though he had slain all mankind; whereas, if anyone saves a life, it shall be as though he had saved the lives of all mankind."<sup>40</sup> Taken together, Islamic jurisprudence advocates the preservation of life, honor, and the dignity of all human life as a supreme endeavor.

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<sup>34</sup> *Id.*

<sup>35</sup> See PAPE, *supra* note 13, at 104.

<sup>36</sup> *Id.* at 102–105.

<sup>37</sup> *Bush: U.S. at War with 'Islamic Fascists,'* CNN, Aug. 10, 2006, [www.cnn.com/2006/POLITICS/08/10/washington.terror.plot/index.html](http://www.cnn.com/2006/POLITICS/08/10/washington.terror.plot/index.html).

<sup>38</sup> THE MESSAGE OF THE QUR'AN 49:13 (Muhammad Asad trans., The Book Found. 2003).

<sup>39</sup> *Id.* at 6:151.

<sup>40</sup> *Id.* at 5:32.

The American Muslim community has always taken a principled position on the issue of terrorism. Each gruesome act that shocked Americans—from the murder of Daniel Pearl in Pakistan, to the bombing of a Jewish Seder party in Israel, to the beheading of Nick Berg in Iraq, to the massacre in Beslan to the subway bombings in London—has equally shocked Muslims and brought with it swift and unequivocal condemnations.<sup>41</sup> American Muslim organizations rallied behind a *fatwa* (Islamic juristic opinion) against terrorism and extremism issued by American Muslim jurists.<sup>42</sup> More than 120 U.S. Muslim groups, leaders, and institutions endorsed this *fatwa*.<sup>43</sup> The *fatwa* stated in part:

Islam strictly condemns religious extremism and the use of violence against innocent lives. There is no justification in Islam for extremism or terrorism. Targeting civilians' life and property through suicide bombings or any other method of attack is *haram*—or forbidden—and those who commit these barbaric acts are criminals, not “martyrs.” . . .

In the light of the teachings of the Qur'an and Sunnah we clearly and strongly state:

1. All acts of terrorism targeting civilians are *haram* (forbidden) in Islam.
2. It is *haram* for a Muslim to cooperate with any individual or group that is involved in any act of terrorism or violence.
3. It is the civic and religious duty of Muslims to cooperate with law enforcement authorities to protect the lives of all civilians.

We issue this *fatwa* following the guidance of our scripture, the Qur'an, and the teachings of our Prophet Muhammad—peace be upon him.<sup>44</sup>

Other Muslim groups and scholars worldwide have issued similar *fatwas*.<sup>45</sup> In addition, Muslim groups have undertaken several other methods to disas-

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<sup>41</sup> On September 11, 2001, several major American Muslim groups issued the following statement, “American Muslims utterly condemn what are vicious and cowardly acts of terrorism against innocent civilians. We join with all Americans in calling for the swift apprehension and punishment of the perpetrators. No political cause could ever be assisted by such immoral acts.” Abdullah, *Worldwide Muslim Condemnation of Terrorism*, WHY ISLAM, [http://www.whyyislam.org/877/Social\\_Order/Muslim\\_Condemnation\\_of\\_Terrorism.asp](http://www.whyyislam.org/877/Social_Order/Muslim_Condemnation_of_Terrorism.asp).

<sup>42</sup> To view the entire text of the *fatwa* go to: FIQH COUNCIL OF NORTH AMERICA, *U.S. Muslim Religious Council Issues Fatwa Against Terrorism*, July 28, 2005, <http://www.cair.com/FatwaJuly2005.pdf>. The *fatwa* and accompanying public service announcements in English, Urdu and Arabic were released to worldwide audiences

<sup>43</sup> *See id.*

<sup>44</sup> *Id.* (emphasis added).

<sup>45</sup> *See* Charles Kurzman, *Islamic Statements Against Terrorism*, Sept. 11, 2006, <http://www.unc.edu/~kurzman/terror.htm>.

sociate terrorism and Islam, including but not limited to issuing full-page ads in newspapers.<sup>46</sup>

Furthermore, Islam forbids suicide. In the Islamic ethos, the beginning (i.e., the birth) and the end (i.e., the death) of life in this world (Muslims believe in an afterlife) is the will of God. God gives life and death to an individual according to His own absolute knowledge and wisdom. Suicide implies a lack of trust in God and a lack of faith in His benevolence, mercy, love, wisdom, and knowledge. The Prophet Muhammad said, “A man was inflicted with wounds and he committed suicide, and so Allah said: My servant has caused death on himself hurriedly, so I forbid Paradise for him.”<sup>47</sup>

#### IV. WHAT IS *JIHAD*?

Religious texts, from the Old Testament to the Qur’an, provide guidance to believers of faiths. The texts are open to interpretation by believers in every age. The challenge in interpreting religious text is to understand them in their proper context. Responsible and mainstream Islamic scholarship has gone to great lengths to distinguish between self-defense and aggression, between resistance and rebellion, and between national liberation and terrorism.<sup>48</sup>

Islamic scholars have said a lot about *jihad*. Linguistically *jihad* is an Arabic term derived from the root J-H-D, which means, literally, “to strive or exert effort.”<sup>49</sup> It has the same root from which the legal term *ijtihad* is derived. *Ijtihad* refers to the exertion of intellectual effort in order to develop an informed opinion on a new issue or problem. Thus, to Muslims and Arabs, *jihad* is a noble word. It is not uncommon to find parents naming their children *Jihad*.<sup>50</sup> In contrast, to the Western ear *jihad* translates as holy war. Certainly, Muslims who commit terrorism and claim to be engaging in

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<sup>46</sup> “We at the Council on American Islamic Relations (CAIR), along with the entire American Muslim community are deeply saddened by the massive loss of life resulting from the tragic events of September 11th. American Muslims unequivocally condemn these vicious and cowardly acts of terrorism. Our thoughts and prayers are with the families, friends and loved ones of those who have been killed or injured. We also extend our gratitude to all the heroic firefighters, police offices and emergency medical workers who continue to risk their lives in the ongoing rescue and relief efforts. We join all Americans in calling for the swift apprehension and punishment of the perpetrators of these crimes. May we all stand together through these difficult times to promote peace and love over violence and hate.” Council on American Islamic Relations, WASH.POST, Sept. 16, 2001, at A35.

<sup>47</sup> *Sahih Al-Bukari* 23:83:1364.

<sup>48</sup> See *Muslim Scholars Define “Terrorism” As Opposed to Legitimate Jihad*, MIDDLE EAST ONLINE, Jan. 11, 2002, <http://www.middle-east-online.com/English/?cat=main&page=1&id=174>.

<sup>49</sup> Jamal Badawi, *Muslim/Non-Muslim Relations: An Integrative Approach*, 8 J. ISLAMIC L. & CULTURE 23, 38 (2003).

<sup>50</sup> Even among Christian Arabs the name *Jihad* is not uncommon.

*jihad* contribute to this perception. Also contributing to the misperception are incorrect, but common, references in media and other discourses to *jihad* as “holy war.” The Arabic equivalent of the English expression “holy war” is *harb muqaddasah*, an expression that is not found anywhere in the Qur’an or in the authentic sayings of Prophet Muhammad.<sup>51</sup> Even when the Qur’an speaks about war, it usually does so in the context of defending oneself against aggression and never glorifies by ascribing any “holy” qualities to it. Rather, it is described as something that is inherently hated.<sup>52</sup>

The striving or *jihad*, in Islamic hermeneutics, has a vast number of connotations, including giving charity and feeding the poor, concentrating intently in one’s prayers, controlling one’s self and showing patience and forgiveness in the face of offenses, gaining authentic knowledge, and physical fighting in order to stop oppression and injustice, to name a few. Thus, *jihad* has usually been understood to possess both an outward and inward aspect. These two aspects are best illustrated by the words of Prophet Muhammad to his companions, as they were returning home from a military campaign, “We have returned from the lesser (*asghar*) jihad to the greater (*akbar*) jihad.” *Jihad* then can be categorized into three types:

1. *Personal Jihad*: This type of *jihad*, called the *jihadun-nafs*, is the intimate struggle to purify one’s soul of evil influences.
2. *Verbal Jihad*: To strive for justice through words and non-violent actions. When asked: “What kind of *jihad* is best?” Prophet Muhammad replied, “A word of truth in front of an oppressive ruler!”
3. *Physical Jihad*: Using physical force against oppression and transgression. The Qur’an states, “Fight in the cause of God those who fight you”<sup>53</sup> and “To those against whom war is made, permission is given [to defend themselves], because they are wronged.”<sup>54</sup>

Armstrong explains that while fighting and warfare is allowed and even deemed sometimes necessary in Islam, it is only a minor part of the whole concept of *jihad*.<sup>55</sup> The aforementioned saying of Prophet Muhammad, “We return from the smaller jihad to the greater jihad,” indicates that the more difficult and crucial effort to conquer the forces of evil in oneself and in one’s own society in all the details of daily life is a far more difficult, important, and rewarding endeavor than fighting on a battlefield.<sup>56</sup>

<sup>51</sup> Badawi, *supra* note 49, at 38.

<sup>52</sup> See THE MESSAGE OF THE QUR’AN, *supra* note 38, at 2:216–17.

<sup>53</sup> *Id.* at 2:190.

<sup>54</sup> *Id.* at 22:39.

<sup>55</sup> ARMSTRONG, *supra* note 17, at 238–239.

<sup>56</sup> See Gibril Haddad, *Documentation of “Greater Jihad Hadith,”* LIVING ISLAM, Feb. 28, 2005, [http://www.livingislam.org/n/dgjh\\_e.html](http://www.livingislam.org/n/dgjh_e.html). (explaining that greater jihad is “[t]he servant’s struggle against his lust”).

Even when fighting is permitted, it is not without rules of engagement. Abu Bakr, who was the first Caliph or head of the Islamic state after the death of Prophet Muhammad, formulated what are known as the ten rules of war in Islam:

Do not commit treachery or deviate from the right path. You must not mutilate dead bodies. Neither kill a child, nor a woman, nor an aged man. Bring no harm to the trees, nor burn them with fire, especially those which are fruitful. Slay not any of the enemy's flock, save for your food. You are likely to pass by people who have devoted their lives to monastic services; leave them alone.<sup>57</sup>

The basic principle of fighting in Islam is that retaliation is allowed in self-defense but only with proportional force.<sup>58</sup> Several verses in the Qur'an attest to this.<sup>59</sup> One of the conditions that allow fighting is to rescue "oppressed people."<sup>60</sup> Fighting is also allowed against those "who have broken their solemn pledges."<sup>61</sup>

Even when permitting war, the Qur'an emphasizes the wisdom of making peace when the circumstances outlined above cease to exist.<sup>62</sup> The so called "sword verse" is directed against a particular group accused of oath-breaking and aggression and exempts those polytheists who remained faithful to their existing treaty with the Muslims.<sup>63</sup> Verse 9:29 in the Qur'an is often misinterpreted as endorsing a war of aggression.<sup>64</sup> However, if read as a continuation of the previous verse, it becomes clear that the verse is directed to a particular group (the oath-breaking of "polytheists" of Mecca)

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<sup>57</sup> YOUSUF H. ABOUL-ENEIN & SHERIFA ZUHUR, *ISLAMIC RULINGS ON WARFARE* 22 (U.S. Army War Coll. Strategic Studies Inst. 2004).

<sup>58</sup> See Khaled Abou El Fadl, *Retaliation*, in 4 *ENCYCLOPEDIA OF THE QUR'AN* 436 (Jane Dammen McAuliffe et al. eds., 2004).

<sup>59</sup> See *THE MESSAGE OF THE QUR'AN*, *supra* note 38, at 2:190, 22:60, 42:41, 42:39–42.

<sup>60</sup> See *id.* at 4:75.

<sup>61</sup> *Id.* at 9:13.

<sup>62</sup> See *id.* at 2:193, 4:90, 8:39.

<sup>63</sup> See *id.* at 9:5 "And so, when the sacred months are over, slay those who ascribe divinity to aught beside God wherever you may come upon them, and take them captive, and besiege them, and lie in wait for them at every conceivable place! Yet if they repent, and take to prayer, and render the purifying dues, let them go their way: for, behold, God is much forgiving, a dispenser of grace."

<sup>64</sup> See *id.* at 9:29 "[And] fight against those who - despite having been vouchsafed revelation [aforetime] do not [truly] believe either in God or the Last Day, and do not consider forbidden that which God and His Apostle have forbidden, and do not follow the religion of truth [which God has enjoined upon them] till they [agree to] pay the exemption tax with a willing hand, after having been humbled [in war]."

during a particular time in history (at the time of Prophet Muhammad fourteen centuries ago).<sup>65</sup>

#### V. WHY THEN IS TERRORISM LINKED TO ISLAM?

The preceding section shows that the normative teachings of Islam do not condone any kind of violence that targets non-combatants and kills or injures innocent people. It should not surprise anyone that Muslims, like people of other faiths, do not always live up to the normative teachings of their faith. There are times when the actions of Muslims conform, to varying degrees, to the normative teachings of Islam. Nevertheless, there are also times when actions by Muslims are either independent of, or even in violation of, the normative teachings of Islam.<sup>66</sup>

Al-Qaeda is one such group whose actions are contrary to the teachings of Islam, yet they are often labeled as "Islamic." This may be due to the fact that the group's ideology emphasizes resistance to perceived Western "imperialism" and the establishment of an "Islamic" state. The references to Islamic history and texts by Osama bin Laden and other al-Qaeda leaders suggest that religion is the main force driving al-Qaeda's suicide operations. While al-Qaeda is certainly a Muslim group and they do indeed refer to Islamic texts to justify their actions, they cannot be considered "Islamic" because their actions clearly violate normative Islam. Just as, in the same vein, the Lord's Resistance Army in Uganda cannot be considered Christian despite their claims, that "they are fighting for the establishment of a government based on the biblical Ten Commandments."<sup>67</sup> According to Islamic law, there are at least five reasons why bin Laden's barbaric violence cannot fall under the rubric of *jihad*:<sup>68</sup>

1. Individuals and organizations cannot declare a *jihad* (defensive not holy war), only states can officially declare wars.
2. Even in war, one cannot kill innocent women and children.
3. One cannot wage war against a country in which Muslims can freely practice their religion (i.e., the United States).
4. Prominent Muslim jurists around the world have condemned bin Laden's ideology and tactics. Their condemnation forms a consensus, known

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<sup>65</sup> See *id.* at 9:28 "O You who have attained to faith! Those who ascribe divinity to aught beside God are nothing but impure: and so they shall not approach the Inviolable House of Worship from this year onwards And should you fear poverty, then [know that] in time God will enrich you out of His bounty, if He so wills: for, verily, God is all-knowing, wise!"

<sup>66</sup> See Badawi, *supra* note 49, at 43.

<sup>67</sup> See Descriptions of the Lord's Resistance Army in GlobalSecurity.org, <http://www.globalsecurity.org/military/world/para/lra.htm>.

<sup>68</sup> Op-Ed, *Two Views: Can the Koran Condone Terror?*, N.Y. TIMES, Oct. 13, 2001, at A15.

in Islamic jurisprudence as *ijma*, which has authority only next to divine injunctions.

5. The welfare and interest of the Muslim community, known in Islamic jurisprudence as *maslaha*, is harmed by bin Laden's actions. Thus, such actions are un-Islamic.

Pape suggests that al-Qaeda's principle motive is ending foreign occupation in Muslim countries, not precipitating a religious war.<sup>69</sup> He asks, "[w]ould religious or ideological provocations suffice, if United States and European allies did not station troops in the Middle East?" Presenting compelling statistical evidence, Pape concludes that the taproot of al-Qaeda's animosity to enemies is what they do, not who they are.<sup>70</sup>

Hamas and Hezbollah, among forty other groups, are on the U.S. State Department's list of Foreign Terrorist Organizations (FTO); this list is comprised of foreign organizations that the Secretary of State designates in accordance with section 219 of the Immigration and Nationality Act (INA).<sup>71</sup> In addition to violent resistance to occupation forces, Hamas and Hezbollah, like Sinn Féin and the Irish republican Army (IRA) or the LTTE of Sri Lanka, are active in politics and social work.<sup>72</sup> It is instructive that the African National Congress at one time was also designated a terrorist organization.<sup>73</sup> Today the African National Congress is a prominent political party in South Africa. Currently, Hamas and Hezbollah are both part of the official governing structure in their respective regions.

The United Nations (U.N.) Charter, as well as a number of U.N. resolutions including U.N. General Assembly Resolution 31/34 affirms the inalienable right of the "Palestinian People and of all peoples" to seek liberation from "foreign domination and alien subjugation."<sup>74</sup> This right to resistance, however, does not sanction the targeting of civilians.

<sup>69</sup> PAPE, *supra* note 13, at 102–125.

<sup>70</sup> *Id.* at 103–04, 125.

<sup>71</sup> OFFICE OF COUNTERTERRORISM, FOREIGN TERRORIST ORGANIZATIONS (2005), <http://www.state.gov/s/ct/rls/fs/37191.htm>. The legal criteria for classifying a group as a foreign terrorist organization are: (1) The organization must be a foreign organization; (2) The organization must engage in *terrorist activity*, or *terrorism*, or *retain the capability and intent to engage in terrorist activity or terrorism*; (3) The organization's terrorist activity or terrorism must threaten the security of U.S. nationals or the national security (national defense, foreign relations, or the economic interests) of the United States. 8 U.S.C. § 1189 (2000).

<sup>72</sup> See COUNCIL ON FOREIGN RELATIONS, HAMAS (2007), <http://www.cfr.org/publication/8968/>; John Kifner, *Hezbollah Leads Work to Rebuild, Gaining Stature*, N.Y. TIMES, Aug. 16, 2006, at A1, A8.

<sup>73</sup> See MEMORIAL INSTITUTE FOR THE PREVENTION OF TERROR TERRORISM KNOWLEDGE BASE, AFRICAN NATIONAL CONGRESS, <http://www.tkb.org/Group.jsp?groupID=305> (last visited Oct. 30, 2007).

<sup>74</sup> G.A. Res. 31/34, paras. 1–3, U.N. Doc. A/RES/34/31 (Nov. 30, 1976).



Both Hamas and Hezbollah have conducted suicide bombings that killed civilians. Unlike al-Qaeda, however, they do not embrace such violence as a matter of policy. These groups have not targeted people who are outside the land they view as occupied territories.<sup>75</sup> This suggests that their fury is directed towards people they view as occupying their homeland, rendering their position understandable, if unjustified. Sixty-five percent of Palestinians who supported suicide operations cited Israeli military incursions as the main reason for their anger.<sup>76</sup> Besides Hamas, suicide bombings are also carried out by the Marxist-oriented Popular Front for the Liberation of Palestine and the secular Al-Aqsa Martyrs Brigade.<sup>77</sup>

The founding of Hezbollah was a direct reaction to the Israeli invasion of Lebanon in June 1982.<sup>78</sup> Hezbollah directed much of its violence at the occupying Israeli army, and after Israel withdrew from Lebanon Hezbollah did not engage in cross-border terrorism.<sup>79</sup> In June 1967, Israel captured West Bank, the Gaza Strip, and East Jerusalem.<sup>80</sup> Israel immediately annexed East Jerusalem and since then the West Bank and Gaza strip have remained under Israeli occupation.<sup>81</sup> As of 2007, there are 3.8 million Palestinians living under Israeli occupation.<sup>82</sup> Non-violent resistance to Israel's occupation began in 1972, but beginning in 1987 Palestinian resistance grew progressively violent.<sup>83</sup> The first *intifada*, from 1987 to 1992, was unarmed but turned to suicide bombings by the second *intifada* in September 2000.<sup>84</sup>

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<sup>75</sup> PAPE, *supra* note 13, at 47–51.

<sup>76</sup> *Id.* at 50.

<sup>77</sup> HUMAN RIGHTS WATCH, ERASED IN A MOMENT: SUICIDE BOMBING ATTACKS AGAINST ISRAELI CIVILIANS 12 (2002), available at <http://www.hrw.org/reports/2002/isrlpa/ISRAELPA1002-03.htm>.

<sup>78</sup> MEMORIAL INSTITUTE FOR THE PREVENTION OF TERROR KNOWLEDGE BASE, HEZBOLLAH, <http://www.tkb.org/Group.jsp?groupID=3101> (last visited Oct. 30, 2007).

<sup>79</sup> *Contra* HUMAN RIGHTS WATCH, LEBANON/ISRAEL: HEZBOLLAH ROCKETS TARGETED CIVILIANS IN 2006 WAR (Aug. 29, 2007), <http://hrw.org/english/docs/2007/08/30/leban016740.htm> (During the 2006 war between Hezbollah and Israel, following Hezbollah's abduction of an Israeli soldier, Hezbollah fired rockets into Israel. According to Israel, these rockets were aimed at civilians.)

<sup>80</sup> JOEL BEININ & LISA HAJJAR, PALESTINE, ISRAEL AND THE ARAB-ISRAELI CONFLICT: A PRIMER 6–7 (Middle East Research & Information Project).

<sup>81</sup> *See id.* at 7 (Israel contends, however, that “the West Bank and Gaza strip are not technically ‘occupied’ because they were never part of the sovereign territory of any state.”).

<sup>82</sup> Central Intelligence Agency, The World Fact Book 2007, [www.cia.gov](http://www.cia.gov) (follow “World Factbook” hyperlink, select “Gaza Strip” in the “Select Country or Location” field); Central Intelligence Agency, The World Fact Book 2007, [www.cia.gov](http://www.cia.gov) (follow “World Factbook” hyperlink, select “West Bank” in the “Select Country or Location” field) (last visited Oct. 28, 2007).

<sup>83</sup> PAPE, *supra* note 13, at 47.

<sup>84</sup> *Id.*

Despite links to violence, former President Jimmy Carter, who monitored the Palestinian elections in which Hamas rose to power, holds out the possibility that Hamas could become a nonviolent organization.<sup>85</sup> President Carter said, “[Hamas leaders] told me they want to have a peaceful administration. They want to have a unity government.”<sup>86</sup> In addition, Hamas has adhered to a cease-fire since August 2004, which presents the possibility that the responsibility of governance can moderate their hard-line positions.<sup>87</sup>

Islam has not been the driving force behind Palestinian suicide bombings. The progressive intensification of the Palestinian rebellion along with the increased Israeli force against that rebellion is a major contributing factor. President Carter’s recent book, *Palestine: Peace Not Apartheid*, chronicles the impact Israel’s occupation has had on Palestinians.<sup>88</sup> In a recent interview he said:

When Israel does occupy this territory deep within the West Bank, and connects the 200-or-so settlements with each other, with a road, and then prohibits the Palestinians from using that road, or in many cases even crossing the road, this perpetrates even worse instances of apartness, or apartheid, than we witnessed even in South Africa.<sup>89</sup>

Mearsheimer and Walt’s taboo-breaking paper shows that the Washington establishment’s unwavering support of Israel has failed to moderate Israel’s occupation policy towards the Palestinians.<sup>90</sup> They write:

Palestinian terrorism is not random violence directed against Israel or ‘the West’; it is largely a response to Israel’s prolonged campaign to colonize the West Bank and Gaza Strip . . . . [T]he US has a terrorism problem in

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<sup>85</sup> *CNN Larry King Live Encore Presentation Interview with Jimmy Carter* (CNN television broadcast, Feb. 5, 2006), available at <http://transcripts.cnn.com/TRANSCRIPTS/0602/05/lk1.01.html>.

<sup>86</sup> *Id.* To give a historical context from the region, the Jewish Irgun was once considered a terrorist group by Britain. Later its leader, Menachem Begin, became the Prime Minister of Israel and won the Nobel Prize for Peace. LOUISE RICHARDSON, *WHAT TERRORISTS WANT: UNDERSTANDING THE ENEMY, CONTAINING THE THREAT* 10 (2006).

<sup>87</sup> “Hamas has stuck to the cease-fire it announced in February 2005.” *Beach Strike Shakes Hamas Cease-Fire: Seven Palestinians Die While Picnicking on Beach*, CNN, June 9, 2006 available at <http://www.cnn.com/2006/WORLD/meast/06/09/mideast>.

<sup>88</sup> JIMMY CARTER, *PALESTINE: PEACE NOT APARTHEID* 55–64 (2006).

<sup>89</sup> *Jimmy Carter: Israel's 'Apartheid' Policies Worse than South Africa's*, HA’ARETZ, Dec. 11, 2006, available at [www.haaretz.com/hasen/spages/799476.html](http://www.haaretz.com/hasen/spages/799476.html).

<sup>90</sup> See John Mearsheimer & Stephen Walt, *The Israel Lobby and U.S. Foreign Policy* 1 (John F. Kennedy Sch. of Gov’t Harvard Univ., Working Paper No. RWP06-011, 2006), available at [http://ksgnotes1.harvard.edu/Research/wpaper.nsf/rwp/RWP06-011/\\$File/rwp\\_06\\_011\\_walt.pdf](http://ksgnotes1.harvard.edu/Research/wpaper.nsf/rwp/RWP06-011/$File/rwp_06_011_walt.pdf).

good part because it is so closely allied with Israel, not the other way around.<sup>91</sup>

Groups like Hamas and Hezbollah consider their suicide missions “martyrdom” operations. Identifying suicide terrorist attacks as “martyrdom” operations is not the result of any religious tenet of Islam, but is an attempt to pin an identity of “altruism” to the act. Pape explains that linking suicide bombing to the “altruistic” act of sacrificing one to save others from the brutality of occupation is a conscious strategic choice by these groups.<sup>92</sup> Although religion may play a role, the main motivation for portraying suicide missions as “martyrdom” operations is to cement the perception that these acts are justifiable responses to the specific circumstances of a foreign occupation.<sup>93</sup> Hezbollah’s discourse also characterizes suicide bombings as “necessary” because of the military imbalance between the occupying powers and the occupied community.<sup>94</sup> It believes such operations are likely to be successful in removing occupying parties as the target society is “susceptible to coercive pressure.”<sup>95</sup>

The phenomenon of Palestinian suicide bombings is a recent tactic, gaining currency after 1994, almost thirty years after the occupation of West Bank and Gaza.<sup>96</sup> Why post-1994? Following the 1993 Oslo talks, the Israeli settler population doubled. At the same time, Israel constructed a network of roads to connect the settlements to each other and to Israel.<sup>97</sup> These roads were built on confiscated Palestinian land. Palestinians hoped that the United States would enforce the Oslo Accord on both sides and that enforcement would lead to an end of the occupation and the creation of an independent and viable Palestinian state.<sup>98</sup> Nevertheless, that dream remained distant as Oslo failed to address the fundamental power imbalance between the regional hegemony of Israel and the occupied population of Palestinians, who over a decade after Oslo remain stateless and in conditions far worse than

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<sup>91</sup> *Id.* at 5.

<sup>92</sup> PAPE, *supra* note 13, at 22.

<sup>93</sup> PAPE, *supra* note 13, at 126–138. The widespread reports that martyrs get seventy-two virgins in heaven is a myth. Neither the Qur’an nor the authentic Traditions (Hadith) of Prophet Muhammad mention “virgins” as a reward for martyrs. Islamic sacred texts promise “*hurs*” to those who enter heaven, either male or female. *Hur* is best translated as angel not virgin. In Islamic hermeneutics, “angels” are creations of God. They are made out of light, unlike humans who are fashioned out of clay. Angels, unlike human beings do not have free will and obey God’s commands without fail.

<sup>94</sup> *Id.*

<sup>95</sup> *Id.* at 189.

<sup>96</sup> PAPE, *supra* note 13, at 71–72.

<sup>97</sup> *Id.*

<sup>98</sup> *Id.* at 66.

ever before.<sup>99</sup> America allowed Israel, the more powerful party, to continue a policy of territorial expansion and unilateral action.<sup>100</sup> This context produced suicide bombers. It was a tragic outgrowth of a brutal occupation.

## VI. THE FALLOUT FROM GWOT

In 2002, a year after the launch of the GWOT, the U.S. State Department reported 2,013 terrorist incidents worldwide.<sup>101</sup> In 2004, that number had risen to 3,646. By 2005, the State Department eliminated numbers from its annual terrorism report, saying they were too difficult to track accurately.<sup>102</sup> Nevertheless, a later leak suggested that the reason for this suspension was that terrorist incidents worldwide kept increasing.

In the absence of any generally accepted definition of terrorism, tracking terrorism is difficult. The Memorial Institute for the Prevention of Terrorism through its Terrorism Knowledge Base (TKB.org) database attempts to record worldwide terrorism incidents.<sup>103</sup>

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<sup>99</sup> Gideon Levy, *Gaza's Darkness*, HA'ARETZ, Sept. 3, 2006 available at <http://www.haaretz.com/hasen/spages/757768.html>.

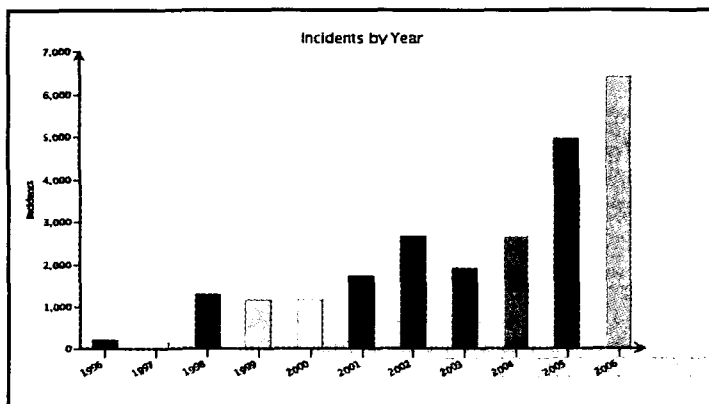
In large parts of Gaza nowadays, there is no electricity. Israel bombed the only power station in Gaza, and more than half the electricity supply will be cut off for at least another year. There's hardly any water. Since there is no electricity, supplying homes with water is nearly impossible. Gaza is filthier and smellier than ever: Because of the embargo Israel and the world have imposed on the elected authority, no salaries are being paid and the street cleaners have been on strike for the past few weeks. Piles of garbage and obnoxious clouds of stink strangle the coastal strip, turning it into Calcutta. More than ever, Gaza is also like a prison . . . Gaza is also poorer and hungrier than ever before . . . In the last two months, Israel killed 224 Palestinians, sixty-two of them children and twenty-five of them women. It bombed and assassinated, destroyed and shelled, and no one stopped it. No Qassam cell or smuggling tunnel justifies such wide-scale killing. A day doesn't go by without deaths, most of them innocent civilians.

<sup>100</sup> See John Mearsheimer & Stephen Walt, *supra* note 90, at 26–41.

<sup>101</sup> U.S. DEP'T OF STATE, *The Year in Review (Revised)*, in PATTERNS OF GLOBAL TERRORISM 2003 (2004), available at <http://www.state.gov/s/ct/rls/crt/2003/33771.htm>.

<sup>102</sup> See Susan B. Glasser, *Annual Terror Report Won't Include Numbers*, WASH. POST, Apr. 19, 2005, at A17 (explaining how the State Department withdrew a report in which it cited “great progress” in combating terrorism and “asserted that the number of terrorist acts had dropped to its lowest level in three decades” after outside reviews showed the data to be flawed).

<sup>103</sup> The National Memorial Institute for the Prevention of Terrorism (MIPT) is a non-profit organization dedicated to preventing terrorism and to mitigating its effects. MIPT was established after the April 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City. MIPT serves as a national point of contact for antiterrorism information sharing among Federal, State and local preparedness agencies, as well as private and public organizations. MIPT is funded through the Department of Homeland Security. See Memorial Institute for the Prevention of Terrorism, [www.mipt.org](http://www.mipt.org) (follow “About MIPT” hyperlink) (last visited



*Incidents of terrorism by year*<sup>104</sup>

Since the launch of the GWOT in late 2001, terrorism has increased as the figure above clearly demonstrates. Post-invasion of Iraq, the increase is exponential supporting the viewpoint that occupation remains the primary impetus for terrorism.

The Bush administration stated, with regard to the GWOT, “we’ll continue to take the fight to the enemy. That’s why we’re fighting them in Iraq, and we’re not fighting them here at home. We’re fighting them in Iraq so that we can defeat them abroad, so we don’t have to fight them here at home.”<sup>105</sup> So far “fighting there” has cost over \$300 billion. Joseph Stiglitz, a Nobel Prize-winning economist and self-described opponent of the war, puts the final figure at a staggering \$1 trillion to \$2 trillion, including \$500 billion for the war and occupation and up to \$300 billion in future health care costs for wounded troops.<sup>106</sup> Conservative estimates of the war suggest that it is costing the United States about \$200 billion annually.<sup>107</sup>

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Oct. 26, 2007); Memorial Institute for the Prevention of Terrorism, [www.mipt.org](http://www.mipt.org) (follow “Mission/History” hyperlink) (last visited Oct. 26, 2007).

<sup>104</sup> This chart was created using the “Terrorism Knowledge Base” website. To create the chart select “terrorist incident reports,” then “Incident Analysis Wizard,” and then select the buttons for “number of incidents,” “international,” “domestic,” “bar graph,” and “2-Dimensional.” Click “next,” and click the radio button “years.” Finally, enter the range “1996—2006.” Terrorism Knowledge Base, <http://www.tkb.org> (follow “Incident Analysis Wizard” hyperlink; select the radio buttons for “number of incidents,” “international,” “domestic,” “bar graph,” “2-Dimensional”; follow “next” hyperlink; select “years” hyperlink; enter the start date “1996” and end date “2006”) (last visited Oct. 19, 2007).

<sup>105</sup> Press Release, Scott McClellan, Press Sec’y, The White House, Press Briefing (June 27, 2005), available at <http://www.whitehouse.gov/news/releases/2005/06/20050627-3.html>.

<sup>106</sup> Martin Wolk, *Cost of Iraq War Could Surpass \$1 Trillion*, MSNBC, Mar. 17, 2006, <http://www.msnbc.msn.com/id/11880954/>.

<sup>107</sup> David Leonhardt, *What \$1.2 Trillion Can Buy*, N.Y. TIMES, Jan. 17, 2007, at C1.

The casualty data is somewhat contentious. As of February 2007, the number of American soldiers killed is over 3,100, while the Iraqi civilian casualty figure ranges from the low of over 56,000 by “Iraq Body Count,” to the high of over half a million by the British medical journal *Lancet*.<sup>108</sup> Clarke and Fallows argue that the invasion of Iraq made America less safe by turning attention away from al-Qaeda and the terrorists loosely linked with or inspired by it.<sup>109</sup> The fact that the war was launched based, at best, on faulty intelligence and, at worst, on outright lies has eroded America’s moral authority all across the world, especially in the Muslim world.<sup>110</sup> The “shock and awe” campaign appeared to most Muslims as indiscriminate and collective punishment for Iraqis. The subsequent problems at the Abu Ghraib prisons cemented the perception that the GWOT is actually a WOI—“war on Islam”—being executed with little regard for human rights or human life.<sup>111</sup>

On the domestic front, the Bush Administration argued that 9/11 changed everything and promoted the so-called “paradigm of prevention” in law enforcement.<sup>112</sup> On this theory, the Administration subjected 80,000 Arab and Muslim immigrants to fingerprinting and registration, sought out 8,000 Arab and Muslim men for FBI interviews, and imprisoned over 5,000 foreign nationals in antiterrorism preventive detention initiatives.<sup>113</sup> The Administration’s “preventive paradigm,” justifies the use of any coercive

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<sup>108</sup> See Bill Brubaker, *Four U.S. Soldiers Killed in Iraq*, WASHINGTONPOST.COM (Feb. 23, 2007), available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/23/AR2007022300986.html>; see also Les Roberts, *Iraq’s Death Toll is Far Worse Than Our Leaders Admit*, INDEPENDENT (Feb. 14, 2007), available at <http://comment.independent.co.uk/commentators/article2268067.ece>; see also Nick Turse, *Bombs Over Baghdad: The Pentagon’s Secret Air War in Iraq*, GLOBAL POLICY FORUM (Feb. 7, 2007), available at <http://www.globalpolicy.org/security/issues/iraq/occupation/2007/0207bombsbaghdad.htm>; see also Iraq Body Count, <http://www.iraqbodycount.org> (last visited Oct. 27, 2007); see also Nicolas J.S. Davis, *Estimating Civilian Deaths in Iraq—Six Surveys*, ONLINE JOURNAL (Mar. 29, 2006), [http://www.onlinejournal.com/artman/publish/article\\_643.shtml](http://www.onlinejournal.com/artman/publish/article_643.shtml).

<sup>109</sup> See RICHARD A. CLARKE, *AGAINST ALL ENEMIES: INSIDE AMERICA’S WAR ON TERROR* 273 (2004); see also James Fallows, *Bush’s Lost Year*, ATLANTIC MONTHLY, Oct. 2004, at 73.

<sup>110</sup> See PEW GLOBAL ATTITUDES PROJECT, *AMERICA’S IMAGE SLIPS, BUT ALLIES SHARE U.S. CONCERNS OVER IRAN, HAMAS* (2006), <http://pewglobal.org/reports/display.php?ReportID=252>.

<sup>111</sup> See Worldpress.org, *Iraq Prisoner Abuse Draws International Media Outrage*, WORLDPRESS.ORG, May 12, 2004, <http://www.worldpress.org/Mideast/1861.cfm>.

<sup>112</sup> See David Cole & Jules Lobel, *Why We’re Losing the War on Terror*, NATION, Sept. 24, 2007, at 11–12.

<sup>113</sup> These arrests and detentions did not result in the conviction of a single person for a terrorist crime. Thus, the U.S. government’s record for the largest ethnic profiling campaign stood at 0 for 93,000. *Id.* at 14.

action, whether it be detention, torture, or bombing, based simply upon speculation that something could happen in the future.<sup>114</sup>

These measures have harmed America's image around the world.<sup>115</sup> A Gallup World Poll indicates that majorities in every predominantly Muslim country surveyed view the United States as ruthless.<sup>116</sup> Furthermore, nearly eighty percent do not believe that United States cares about human rights in other countries.<sup>117</sup>

## VII. GOOD MUSLIM, BAD MUSLIM

The title of this section is taken from a book of similar name by Professor Mahmood Mamdani at Columbia University.<sup>118</sup> Mamdani's book posits that terrorism is a fruit, albeit a bitter one, of the Cold War.<sup>119</sup> During the Cold War, American foreign policy towards the Muslim world was based on the realpolitik of preserving American unipolar hegemony rather than advancing American ideals of democracy, justice, and freedom.<sup>120</sup> In this paradigm, America divided the Muslim world into those who were "with us" (good Muslims) and those who were "against us" (bad Muslims).<sup>121</sup> The "good Muslims," no matter how undemocratic or oppressive, are paraded as Westernized and secularized, while the "bad Muslims," even if elected by democratic means, are demonized as fanatical and insidious.<sup>122</sup>

In Afghanistan, the Central Intelligence Agency (CIA) covertly and overtly supported bin Laden's "*jihād*" and celebrated his band of loyal men as "*mujahids*."<sup>123</sup> A proxy war of a different sort ensued as the United States began to aid the *mujahideen* against the Soviet invasion of Afghanistan.

<sup>114</sup> David Cole, *Are We Safer?* N.Y. REV. OF BOOKS, Mar. 9, 2006, at 17.

<sup>115</sup> See generally John L. Esposito, *It's the Policy, Stupid*, HARVARD INT'L REV., May 2, 2007, <http://hir.harvard.edu/articles/print.php?article=1453> (discussing the differences between radical and moderate Islamists).

<sup>116</sup> *Id.* ("From North Africa to Southeast Asia, the Gallup World Poll indicates that an overwhelming majority of people (91–95 percent) do not believe that the United States is trustworthy, friendly, or treats other countries respectfully.")

<sup>117</sup> *Id.*

<sup>118</sup> See generally MAHMOOD MAMDANI, *GOOD MUSLIM, BAD MUSLIM: AMERICA, THE COLD WAR, AND THE ROOTS OF TERROR* (2004) (examining the causes of September 11 by exploring the rise of political Islam).

<sup>119</sup> *Id.* at 11.

<sup>120</sup> *Id.* at 15.

<sup>121</sup> *Id.*

<sup>122</sup> *Id.* at 24.

<sup>123</sup> See ALFRED W. MCCOY, *THE POLITICS OF HEROIN: CIA COMPLICITY IN THE GLOBAL DRUG TRADE*, 465 (Lawrence Hill Books 2003) (1972); see Remarks at the Annual Dinner of the Conservative Political Action Conference, 1 PUB. PAPERS 226, 227–228 (Mar. 1, 1985) (describing the Afghan and Nicaraguan freedom fighters as the "moral equal of our Founding Fathers").

Such proxy wars were quite common during the Cold War, but for the first time they were given a distinctive religious flavor. Zbigniew Brzezinski, President Carter's National Security Advisor, said in a 1998 interview:

According to the official version of history, CIA aid to the *mujahideen* began during 1980, that is to say, after the Soviet army invaded Afghanistan, December 24, 1979. However, the reality, secretly guarded until now, is completely otherwise. Indeed, it was July 3, 1979 that President Carter signed the first directive for secret aid to the opponents of the pro-Soviet regime in Kabul. And that very day, I wrote a note to the President, in which I explained to him that in my opinion this aid was going to induce Soviet military intervention.<sup>124</sup>

A few months after Brzezinski's note to then-President Carter, Soviet tanks rolled into Kabul.<sup>125</sup>

Afghans were caught in the crossfire of competing ideologies vying for world supremacy. Out of a population of roughly twenty million, a million Afghans died, an additional million-and-a-half were maimed, and five million became internally displaced.<sup>126</sup> Afghanistan became a brutalized society. But unlike the aftermath of World War II, where America undertook the responsibility of rebuilding Europe (through the Marshall Plan), no such efforts were undertaken to develop a civic society in Afghanistan. Instead, the CIA actively promoted violence in Afghanistan.<sup>127</sup> In addition, much of the financing for the Afghan War came from the drug trade.<sup>128</sup> McCoy asserts that the CIA's aid to the *mujahideen* guerillas in the 1980s

<sup>124</sup> Interview with Zbigniew Brzezinski, National Security Advisor, *Le Nouvel Observateur*, in Paris (Jan. 1998) (translation of the French article), available at <http://www.globalresearch.ca/articles/BRZ110A.html>.

<sup>125</sup> President Ronald Reagan signed National Security Decision Directive 166 in March 1985, which authorized laundering money from the "Golden Crescent" drug trade to provide "stepped-up covert military aid" in the form of "a dramatic increase in arms supplies - a steady rise to 65,000 tons annually by 1987," as well as "a ceaseless stream" of CIA and Pentagon specialists to Pakistani secret police. From there, Pakistan helped fund and "plan operations" for the Afghan *mujahideen* rebels. See Steve Coll, *Anatomy of a Victory: CIA's Covert Afghan War*, WASH. POST, Jul. 19, 1992, at A1.

<sup>126</sup> MAMDANI, *supra* note 118, at 252.

<sup>127</sup> Hoodbhoy writes that CIA funds went to buy advertisements inviting hardened and ideologically dedicated men to fight in Afghanistan, and a \$50 million U.S. Agency for International Development grant, administered by the University of Nebraska, Omaha, paid for textbooks that exhorted Afghan children "to pluck out the eyes of their enemies and cut off their legs." *Afghanistan and the Genesis of Global Jihad*, PUGWASH NEWSL. (Council of the Pugwash Conferences on Science and World Affairs, Nova Scotia, Canada), Dec. 2003 at 92, 95–96, <http://www.pugwash.org/publication/nl/nlv40n2/pugwash-newsletter.pdf>. A third grade mathematics book asked, "One group of mujahideen attack 50 Russian soldiers. In [the] attack 20 are killed. How many Russians fled?" *Id.* at 96. The program ended in 1994 but these books are still in circulation and were later approved for use by the Taliban. *Id.*

<sup>128</sup> See MCCOY, *supra* note 123, at 437, 465–466.



expanded opium production in Afghanistan and the drug trade throughout Pakistan.<sup>129</sup>

Post 9/11, Israel and its allies in the United States made a strategic choice of their own—connecting 9/11 to the violent resistance by Palestinians. Consequently, many Israeli actions, such as those in Jenin, were justified as legitimate actions undertaken to pre-empt terrorism. The Israeli incursion into the Jenin refugee camp resulted in fifty-two casualties and large-scale infrastructure damage, with 17.3 acres of buildings bulldozed to the ground.<sup>130</sup>

Such actions created the perception that the Israeli aim was to coerce Palestinians by using violence against civilians. American politicians, who never lose an opportunity to speak out in support of Israeli rights and Israel's national security, even when it means supporting Israeli aggression, seem content to leave the Palestinians with neither rights nor security. To the Muslim world, this is perceived as a double standard, fueling anti-American sentiments.

#### VIII. CONCLUSIONS

Following 9/11, terrorism in general and suicide bombings in particular have become subjects of public discussion. No religion or group is linked to suicide bombings as often as Islam or Muslims, despite incontrovertible evidence that shows suicide bombings being perpetrated by many other groups. The tactic of terrorism—and yes it is a tactic, not an ideology—has been deployed by a multitude of groups of different religions, ethnicities, and ideologies, and yet the Islamic faith, unlike any other, is erroneously and incessantly associated with terrorism. The association of a faith

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<sup>129</sup> See *id.*

<sup>130</sup> THE JENIN INQUIRY, A REPORT BY THE JENIN INQUIRY REGARDING THE ISRAELI INVASION OF THE JENIN REFUGEE CAMP FROM 3–18 APRIL 2002, 3, 6 (Brian Wood et al. eds., 2003) <http://www.jenininquiry.org/Jenin%20Inquiry%20Report.pdf>. Amira Hass writes:

Let's not deceive ourselves; this was not a mission to search and destroy the terrorist infrastructure. If the forces . . . thought that a list of weapons or wanted men was inside the disk, all they had to do was copy the information and pass it on to the Shin Bet. If they thought incriminating evidence was hidden in the Education Ministry and the International Bank of Palestine and in a shop that rents prosthetics, the soldiers would have examined document after document, and not thrown the files on the floor without opening them. . . . It's so easy and comforting to think of the entire Palestinian society as primitive, bloodthirsty terrorists, after the raw material and product of their intellectual, cultural, social and economic activity has been destroyed. That way, the Israeli public can continue to be deceived into believing that terror is a genetic problem and not a sociological and political mutation, horrific as it may be, derived from the horrors of the occupation.

Amira Hass, *Operation Destroy the Data*, HA'ARETZ, Apr. 4, 2002, available at [http://www.zmag.org/content/Mideast/hass\\_operationdestroy.cfm](http://www.zmag.org/content/Mideast/hass_operationdestroy.cfm).

practiced by 1.2 billion people worldwide to terrorism creates the perception that the GWOT is a War Against Islam.

Such perceptions are not without consequences. They help extremists justify violence, as it becomes easier for them to make the point that the world is against them and, in the absence of any political solution to their grievances, suicide terrorism becomes a strategy of coercion and a means to compel target governments to change policy. Calling terrorism committed by Muslims “Islamic terrorism” or “Islamic fascism” alienates over a billion Muslims worldwide. Streusand and Tunnell contend that correcting such faulty associations is necessary to win the support of mainstream Muslims.<sup>131</sup> They conclude that using terms like *jihadist* to describe terrorists misrepresent the legitimate Islamic concept of *jihad* as a striving for good, which in turn “aid[s] in the enemy recruitment of disenfranchised Muslims.”<sup>132</sup> They suggest developing alternative vocabulary so that the phenomenon of suicide terrorism is not only accurately described, but also is done without incriminating or alienating mainstream Muslims.

Suicide bombings are the product of modern political violence. Suicide bombings by Muslims are not the result of any Islamic ideology, but rather they are the result of the socio-political conditions of occupations (e.g., Palestine, Chechnya, Iraq) and the outcome of the proxy wars fought in Afghanistan, where America not only armed the *mujahideen*, but also enabled a culture of drugs and violence. After the Soviets were driven out of Afghanistan, the country stood ravaged, but unlike Europe, no Marshall Plan was enacted to rebuild the society. In this political and social vacuum violence became the law.<sup>133</sup>

Concurrently, the Muslim world watched in horror as the situation in the Holy Land deteriorated; the lack of any progress towards peace supplied the ingredients for a perfect storm. Large majorities of Muslims (not just Arabs) want a just resolution to this conflict.<sup>134</sup> They blame America for the failure to produce peace. Such perceptions may not be fair, but Lieven writes that America is “spiritually, politically and socially” intertwined with Israel; accordingly, the choices that Israel makes will have very grave im-

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<sup>131</sup> See generally Douglas Streusand et al., *Choosing Words Carefully: Language to Help Fight Islamic Terrorism*, May 2006, available at <http://www.ndu.edu/csc/docs/Choosing%20Words%20Carefully--Language%20to%20Help%20Fight%20Islamic%20Terrorism%2024%20May%2006.pdf>.

<sup>132</sup> *Id.* at 3–4, 7.

<sup>133</sup> See *id.* at 5–6.

<sup>134</sup> A 2006 survey by the Council on American Muslim Relations among American Muslim voters found a just resolution to the Israeli-Palestinian conflict as among their top three issues. See COUNCIL ON AMERICAN-ISLAMIC RELATIONS, *AMERICAN MUSLIM VOTERS: A DEMOGRAPHIC PROFILE AND SURVEY OF ATTITUDES 14* (Oct. 24, 2006), available at <http://www.cair.com/AmericanMuslims/ReportsandSurveys.aspx>.

plications for the national security of the United States.<sup>135</sup> America ought to use its aid and support of Israel as a powerful lever to influence and moderate Israeli behavior.<sup>136</sup>

Participation in an electoral process forces any party, regardless of ideology, to moderate its position if it wants to attract voters in large numbers. World political history is replete with examples of groups, considered terrorists at one point, that made the journey to respectability through sustained participation in routine democratic processes. Unfortunately, the kind of mature thinking that led the British to open dialogue with Sinn Fein and thus ultimately disarm the IRA, has not been visible so far within the State Department apparatus or within the Washington political establishment. For comprehensive peace to be attained in the Middle East all sides must be brought into a process that will recognize the rights of all other parties to the conflict to exist and live in peace with each other. Only programs that can sustain dialogue with all the major political actors in the region can ultimately lead to the acceptance of a negotiated solution that preserves the dignity of every side and upholds democratic ideals.

So what is the way forward? Using Richardson, I posit the following:

1. Terrorism is not new.<sup>137</sup> Violence by nonstate actors against civilians to achieve political aims has been going on since the time Jewish Zealots (known as the Sicarii) used it against the Romans and fellow Jews.<sup>138</sup> Similarly, Assassins, a Muslim sect in the Middle East, conducted a reign of terror with the goal of "purifying Islam" by targeting orthodox Muslim religious leaders.<sup>139</sup>
2. The saying "one man's terrorist is another man's freedom fighter" is not always accurate, but sometimes it does ring true.<sup>140</sup> Menachem Begin's Irgun organization killed scores of Palestinian civilians and British soldiers.<sup>141</sup> Begin later became Israel's Prime Minister.<sup>142</sup> Similarly, Yasser Arafat, the head of the Palestinian Liberation Organization was declared a terrorist,<sup>143</sup> but he, like Begin, was later awarded the Nobel Peace prize.<sup>144</sup>

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<sup>135</sup> See ANATOL LIEVEN, *AMERICA RIGHT OR WRONG: AN ANATOMY OF AMERICAN NATIONALISM* 185 (2004).

<sup>136</sup> See *id.* at 185.

<sup>137</sup> LOUISE RICHARDSON, *WHAT TERRORISTS WANT* 23 (2006).

<sup>138</sup> See *id.* at 23–24.

<sup>139</sup> See *id.* at 25–26.

<sup>140</sup> See *id.* at 10.

<sup>141</sup> See *id.*

<sup>142</sup> *Id.*

<sup>143</sup> See *id.* at 7; see also Kristina Nwazota, *Yasser Arafat Dies After Two-Week Illness*, NEWSHOUR EXTRA, Nov. 11, 2004 [http://www.pbs.org/newshour/extra/features/july-dec04/arafat\\_11-11.html](http://www.pbs.org/newshour/extra/features/july-dec04/arafat_11-11.html).

3. Terrorism is obviously a threat, but does not necessitate a declaration of war.<sup>145</sup> Good, old-fashioned intelligence work will be far more effective in disrupting terrorist networks than wholesale invasions of foreign countries.<sup>146</sup> Also, addressing the grievances of people who become vulnerable to terrorist recruitment is the best tool to drain the pond.<sup>147</sup>

4. Groups that commit terrorism, in many cases, believe they are acting defensively using the most effective (not necessarily the most moral) means at their disposal to remove their occupiers.<sup>148</sup> Sometimes the excessive media attention on acts of terrorism causes more harm than good by giving terrorists the notoriety they perceive will help their cause.<sup>149</sup>

5. There is no special link between Islam and terrorism.<sup>150</sup> All major religious groups have produced terrorists.<sup>151</sup> In addition, many terrorists are professed atheists.<sup>152</sup> If there is a particular prevalence of terrorism by Muslims today, this is not the product of Islam but of the current occupation (socio-political condition) that many Muslims find themselves in.<sup>153</sup>

6. Military action is sometimes necessary to combat terrorism, but often it is not the best option.<sup>154</sup> When Israel withdrew from southern Lebanon in 2000, after a twenty-two year occupation, it left behind a far stronger and more determined adversary in Hezbollah than it had started with.<sup>155</sup>

7. Armies often create more problems than they solve.<sup>156</sup> Recent polls show some sixty-one percent of Iraqis still approve of attacking Americans, and seventy-eight percent believe the U.S. presence in Iraq is “provoking more conflict than it is preventing.”<sup>157</sup>

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<sup>144</sup> Press Release, Nobel Foundation, The Nobel Peace Prize 1994 (Oct. 14, 1994) available at [http://nobelprize.org/nobel\\_prizes/peace/laureates/1994/press.html](http://nobelprize.org/nobel_prizes/peace/laureates/1994/press.html); RICHARDSON, *supra* note 137, at 10.

<sup>145</sup> RICHARDSON, *supra* note 137, at 170.

<sup>146</sup> *Id.* at 208.

<sup>147</sup> *Id.* at 220.

<sup>148</sup> *See id.* at 41–44.

<sup>149</sup> *Id.* at 218.

<sup>150</sup> *Id.* at 61.

<sup>151</sup> *See id.*

<sup>152</sup> *Id.*

<sup>153</sup> *Id.* at 68.

<sup>154</sup> *See id.* at 170.

<sup>155</sup> *See id.* at 181.

<sup>156</sup> *See id.* at 170.

<sup>157</sup> PROGRAM ON INTERNATIONAL POLICY ATTITUDES, THE IRAQI PUBLIC ON THE US PRESENCE AND THE FUTURE OF IRAQ: A WORLDPUBLICOPINION.ORG POLL 5, 8 (2006), available at [http://www.worldpublicopinion.org/pipa/pdf/sep06/Iraq\\_Sep06\\_rpt.pdf](http://www.worldpublicopinion.org/pipa/pdf/sep06/Iraq_Sep06_rpt.pdf).

8. Addressing the grievances of the terrorists cannot automatically be dismissed as appeasement.<sup>158</sup> Britain did not succeed in disarming the IRA by ignoring its demands but by engaging it.<sup>159</sup> In fact, the conversion of terrorist groups into peaceful political movements has occurred often because the group's rationale for violence has ceased to exist.<sup>160</sup>

9. Terrorism is likely to persist in the future.<sup>161</sup> Democracies and free societies are usually vulnerable to terrorism but can protect themselves through improved intelligence-gathering and sensible security procedures.<sup>162</sup>

10. Terrorists cannot derail any democracy.<sup>163</sup> Nevertheless, democracies can be severely undermined if policymakers enact laws that are contrary to the fundamental guiding principles of democracy.<sup>164</sup> In Ben Franklin's words, "They who would give up an essential liberty for temporary security deserve neither liberty nor security."<sup>165</sup>

Terrorism has nothing to do with religion. It is usually a by-product of the secular-political struggles against occupation. National liberation groups often use it when three conditions hold: (1) there is an ongoing occupation with no apparent political solution to solve it, (2) the occupying power has vastly superior military power, and (3) they believe that the occupying power is susceptible to coercive force.

Terrorism cannot be eliminated, for it is a tactic that requires little cost, expertise, or training to execute. During the Roman era, the Sicarii committed terrorism using nothing more than a knife. Today, groups place bombs on trains using common inflammable liquids like kerosene. Nevertheless, terrorism can certainly be reduced to a level of nuisance as it has been for much of human history. The way forward is to engage in common-sense methods of intelligence gathering without criminalizing entire groups of people, military strategies without resorting to large-scale indiscriminate bombings, and, most importantly, eliminating occupation of societies by foreigners.

Finally, why do they hate us? They (Muslims) do not hate us (Americans). They hate our policies, which they consider the primary cause of their downtrodden plight. Few Muslim countries offer their citizens either

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<sup>158</sup> See RICHARDSON, *supra* note 137, at 212.

<sup>159</sup> *Id.* at 231.

<sup>160</sup> *See id.*

<sup>161</sup> *Id.* at 237.

<sup>162</sup> *See id.*

<sup>163</sup> *See id.*

<sup>164</sup> *See id.*

<sup>165</sup> *Id.* at 206.

prosperity or democracy. The number of universities in the fifty-seven Muslim countries combined is fewer than the number of universities in Japan alone.<sup>166</sup> “The number of books published in the Arab world, with more than 250 million people, is less than those titles printed every year in Greek, which is the language of 16 million people.”<sup>167</sup> To top this off, Muslims witness daily scenes of humiliated Palestinians and civil war in Iraq. A week before 9/11, *Al-Hayat*, a leading Arabic newspaper, published a poem on its front page. A long lament about the plight of the Arabs, addressed to a dead Syrian poet, the poem ended as follows:

Children are dying, but no one makes a move.

Houses are demolished, but no one makes a move.

Holy places are desecrated, but no one makes a move. . . .

I am fed up with life in the world of mortals.

Find me a hole near you. For a life of dignity is in those holes.<sup>168</sup>

This was not written by anyone planning a suicide bombing. It was written by the Saudi Arabian Ambassador to London, a member of one of the most influential families in the kingdom and Washington’s closest Arab ally.<sup>169</sup>

It is time for U.S. policymakers to constructively engage mainstream Muslim voices both at home and abroad in order to prevent this sense of hopelessness and helplessness. There are three priorities that need to be addressed:

1. There is a paradigm shift in the Muslim world. The future of the Muslim world depends on the organized efforts of common citizens and not the goodwill of ruling elites. The young and restless want better relations with America and the West, but not at the expense of trading away their religious aspirations and identities. This rising religiosity needs to be engaged, not marginalized. America needs to develop more people-to-people diplomacy.

2. American policy needs to reflect American values. America is best served when its policies are rooted in the fundamental but forgotten American value of justice. For America to regain its moral standing, American foreign policy needs to be rooted in empathy and concern for human dignity and the valuing of all human life equally. One year after the tsunami in Indonesia (the largest Muslim country in the world), there has been a dra-

<sup>166</sup> The Nation on the Web. Nov 19, 2006. <http://www.nation.com.pk/daily/nov-2006/19/index4.php>.

<sup>167</sup> Husain Haqqani, *Cartoon Protests and Muslim Decline*, HUDSON INSTITUTE, Feb. 28, 2006, [http://www.futureofmuslimworld.com/research/id.18/corner\\_detail.asp](http://www.futureofmuslimworld.com/research/id.18/corner_detail.asp).

<sup>168</sup> Peter Ford, ‘*Why do they hate us*,’ CHRISTIAN SCI. MONITOR, Sept. 27, 2001, at 1–2.

<sup>169</sup> *Id.* This poem was written and published in *Al Hayat* by Al-Qusaibi, the Saudi Ambassador to the UK lamenting the death of a Syrian poet Qabbani. The Arabic version is *available at* <http://www.nizar.ealwan.com/poet.php?action=fullnews&showcomments=1&id=244>.

matic increase in Indonesian support for the United States and a continued erosion of support for bin Laden.<sup>170</sup> American humanitarian aid to tsunami victims caused this overwhelming change of opinion in Indonesia.<sup>171</sup> The fact that more than a year after American help, Indonesians continue to appreciate America's role is proof that just humanitarian missions are the most effective tool for winning hearts and minds.

3. American Muslims can greatly aid America's image in the Muslim world. American Muslims are highly-educated, well-integrated, and patriotic. They have deep appreciation and love for America just as they have empathy for and understanding of the Muslim world. Thus, American Muslims can serve as the perfect bridge between America and the Muslim world. To enable this aspiration, American policymakers need to constructively engage American Muslims. Today, American Muslim representation within most policy-making circles (congressional or executive) is almost non-existent. This trend can easily be reversed if policymakers take the time to visit American Muslim communities and make sure that credible and mainstream American Muslim groups are regularly consulted during policy development. Muslims in the West are accustomed to the ideas of plurality, equality, and freedom. When such ideas are absent from their own empowerment it can lead to disillusionment and even social disorder.

More research is needed about the factors that lead to terrorism. But more importantly, a change in attitude is needed. Answers and attitudes about terrorism cannot be boiled down to sound bites and slogans. Extant research clearly establishes terrorism as a complex phenomenon that requires further analysis and discussion. Doing so is neither unpatriotic nor treasonous. This paper is developed with the expectation of provoking thoughtful debate and discussion on the subject in order to craft sensible policies to overcome this challenge. Muslims have as much a stake in this issue as any other group or community. Most of al-Qaeda's victims are Muslims. Rather than treating Islam as the problem, it is more constructive to view it as a solution aimed towards achieving peace and justice.

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<sup>170</sup> See Ed Pound, *Indonesians turn supportive of United States*, U.S. NEWS AND WORLD REP., Feb. 23, 2006. <http://www.usnews.com/usnews/news/articles/060223/23indonesia.htm>.

<sup>171</sup> *Id.*