OSAMA BIN-LADEN, JIHÅD, AND THE SOURCES OF INTERNATIONAL TERRORISM

J. M. B. Porter*

I. INTRODUCTION

Two documents released in the 1990s—the 1996 “Declaration of War against the Americans Occupying the Land of the Two Holy Places”¹ and the 1998 “Declaration of the World Islamic Front”²—provide key insights towards understanding Osama bin-Laden’s vision of modern Islamist terrorism. These texts provide the philosophical and theological framework of jihåd as utilized by bin-Laden to justify international terrorism; they make clear that he sees the United States as not just an enemy but as a modern-day Crusader bent on occupying the holy places of Islam.³ Bin-Laden’s use of Crusade imagery in these texts is significant: he saw the American presence in Saudi Arabia before, during, and after the 1991 Gulf War as a “Crusader” occupation of the holy places of Islam and therefore “a clear declaration of war on God, his messenger [Mohammad], and Muslims.”⁴ To explain this metaphor, I will

* A.B., Wabash College; M.Phil., St. Andrews University; Ph.D., University of Nottingham. Lecturer, Change and Tradition Program, Butler University. This paper is an outgrowth of teaching classes on the Crusades at the University of Indianapolis and Islamic history in the Change and Tradition Program at Butler; I should like to thank my students and colleagues for their questions, insights, and advice. I should also like to thank Professors Louis Rene Beres, William C. Bradford, and Lee Schinasi for their comments and suggestions, the editors of this Review for converting my footnotes into law review format, and Inge V. Porter for encouraging its initial submission. Readers should note that there are several competing systems of Arabic transliteration; except in the case of titles of published works, transliteration has been silently standardized.


3. For an introduction to the conflict between Islamic and Western societies, see BERNARD LEWIS, WHAT WENT WRONG? THE CLASH BETWEEN ISLAM AND MODERNITY IN THE MIDDLE EAST 1 (2002).


5. See Text of Fatwah, supra note 2.
briefly investigate the Islamic idea of jihād before and during the Crusades, and how the idea of jihād began to take on a double meaning, as both a form of moral self-improvement and as holy war on behalf of the Islamic faith. I shall also analyze bin-Laden’s use of the concept of jihād, tracing its development and evolution from the earliest days of Islamic empire to the present day to show how this concept has been used and transformed by radicalized Islamacists, thus providing a historical background to international terrorism in the late twentieth and early twenty-first century.⁶

II. WHAT IS JIHĀD?

“Jihād is perhaps the most loaded word in the lexicon of Islam’s relations with the West;”⁷ its precise meaning has caused a great deal of controversy among Western scholars of Islam. Commonly translated as “holy war,”⁸ jihād literally means to strive, to exert oneself, to struggle, or to take extraordinary pains;⁹ it can mean a form of moral self-improvement as well as holy war on behalf of the Islamic faith.¹⁰

A. Greater jihād

Scholars make a distinction between the so-called “lesser jihād” of religiously-grounded warfare and the “greater jihād” against evil,¹¹ a distinction that originated with the Prophet Mohammad who told his followers

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⁸. Strictly speaking, there is no term in classical Arabic which means holy war. BERNARD LEWIS, THE POLITICAL LANGUAGE OF ISLAM 71 (1988). The closest equivalent would be “harb muqaddasah,” a term which does not appear in the Qur’ān or any other classical Arabic text. Id. at 71-72; see also Richard Ostling, Scholars Say Osama Bin Laden is Beyond the Bounds of Islamic Teachings on War, ASSOCIATED PRESS (Sept. 21, 2001).


¹⁰. The consequences of this definitional problem are highlighted by Daniel Pipes, Commentary: Jihad and the Professors, at http://commentary.org/ppipes.htm (last visited Apr. 8, 2003).

¹¹. See MALISE RUTHVEN, ISLAM: A VERY SHORT INTRODUCTION 115 (1997); see also FIRESTONE, supra note 9, at 17.
after a battle that "We return from the lesser jihad to the greater jihad," a more difficult and important struggle for one's soul.  

The Washington-based Council on American-Islamic Relations follows this interpretation, stating that "[j]ihad does not mean holy war:" instead, it "is a central and broad Islamic concept that includes struggle against evil inclinations within oneself, struggle to improve the quality of life in society, struggle in the battlefield for self-defense (e.g., having a standing army for national defense), or fighting against tyranny or oppression."  

If "militancy is not the essence of jihad," then the west sees jihad as an Islamic war against Christians only because western thought has been heavily influenced by the Crusades and medieval Christian ideas about holy war.  However, the doctrine of jihad was codified during the Muslim conquests of the eighth century, long before Pope Urban II preached the First Crusade in 1095.  

B. Lesser jihad  

"[T]he interpretation of jihad as intellectual struggle is a political accommodation not well founded on Islamic theology." As Bernard Lewis has noted, "the overwhelming majority of classical theologians, jurists, and traditionalists [who study the hadith tradition]... understood the obligation of jihad in a military sense." In the Qur'an, the word jihad is frequently followed by the phrase "in the path of God" in order to describe warfare against the enemies of Islam, thus "sacralizing an activity that otherwise might have appeared as no more than the tribal warfare endemic in pre-Islamic
Arabia; the word jihād has for centuries meant “fighting in God’s path” in ordinary Muslim usage. Generally speaking, jihād became understood as meaning “any act of warring authorized by legitimate Muslim authorities on behalf of the religious community and determined to contribute to the greater good of Islam or the community of Muslims, either in part or in whole.”

Its explicit political aim is the establishment of Muslim rule in a world divided into Muslim and non-Muslim camps, the Dar al-Islam (House of Islam) and Dar al-Harb (House of War). While this implies perpetual warfare between Muslims and non-Muslims, it does not mean the eradication or conversion of the latter, for the Qur’ān specifically forbids conversion by force.

The suppression of other faiths implicit in jihād is part of a struggle to establish God’s rule on earth by continuous military action against non-Muslims in order to create an opportunity for Muslims to create a just political and social order. This doctrine was applied by the Prophet Muhammad himself from the earliest days of the Islamic faith; not only did it continue to be applied for over a century until the last days of the Umayyad caliphate, it also provided the ideological framework for the caliphate, a caliphate that some have argued that Osama bin-Laden intended to restore.

20. See Streusand, supra note 9. But see Euben, supra note 12, at 367-68 (the means of struggle or striving “in the path of God” are varied in the Islamic sources and it is unclear if jihād is justified only in self-defense or if “expansionist conquests against unbelievers” is also permitted); see also Rudolph Peters, Jihad in Classical and Modern Islam 21-23 (1996).


22. Firestone, supra note 9, at 18.


25. See Streusand, supra note 9. It does not matter if non-Muslims embrace Islam or if they agree to pay the jizya, the poll-tax paid as protection money by non-Muslims, although those who accepted Islam received the most favorable treatment. See Blankinship, supra note 21, at 11; see also J. J. Saunders, A History of Medieval Islam 33 (1965).

26. See Blankinship, supra note 21, at 11; see also Saunders, supra note 25, at 33. The caliph is the political successor to Mohammad. See Ruthven, supra note 11, at 13.

27. See, e.g., James Buchan, Special Supplement, Terror in America Osama bin Laden: Inside the Mind of a Terrorist, The Observer, Sept. 16, 2001, at 9. But see Timothy R. Furnish, Bin Ladin: The Man Who Would Be Mahdi, The Middle East Quarterly 9.2 (Spring 2002), available at http://www.meforum.org/article/159 (last visited Apr. 7, 2003) (as bin-Laden has neither a territorial base nor the support of respected Islamic jurists, his claim to the caliphate has limited support outside his al-Qaeda movement; however, there is precedent for self-declared Madhist movements, most recently Muhammad Ahmad in Sudan in 1881 and
1. The Holy Qur’ān and hadith

The Qur’ān, of course, is the foundation of Islam; for the pious Muslim it is not the word of the Prophet Muhammad, but the unadulterated word of God revealed to the Prophet through the Archangel Gabriel. The doctrine of jihād is clearly spelled out in the Qur’ān: although the Qur’ān expressly forbids the killing of unarmed noncombatants, Muslims are required to “fight in the cause of God” against unbelievers or to make monetary contributions to the war effort. The sayings of Mohammad, or hadith, are second main source of Islamic religious law and doctrine. In the hadith tradition, jihād clearly means warfare: there are 199 references to jihād in the Bukhari hadith collection, and all 199 assume that jihād means fighting and war.

2. The Kharijites

This was clearly the case during the first centuries of Islam. The Kharijites—their name means “those who go out” or Seceders were the first radical Islamic splinter group. Perhaps best described as “ethical maximalists,” they adopted a radical and militant form of jihād, believing that they were “God’s army fighting a jihād against the forces of evil.” For the Kharijites, the Qur’ānic instruction to “Enjoin[] what is right and forbid[] what is wrong” must be applied literally and without qualification; Muslims who did not share their strict and uncompromising beliefs were sinners, apostates, and the enemies of God. The Kharijites were on the margins of Islamic society, both theologically and literally.

the 1979 seizure of the Great Mosque in Mecca that was part of an attempt to overthrow the Saudi monarchy).

30. See id. at 2:190, 244; 9:38-41.
31. See id. at 57:10.
34. See SAUNDERS, supra note 25, at 66.
35. See RUTHVEN, supra note 11, at 56.
37. See ESPOSITO, supra note 12, at 42.
39. See ESPOSITO, supra note 12, at 42.
III. INTERPRETATIONS OF JIHAD

A. Crusaders, Mongols, and Ibn Taymiyah

1. The Crusades

Bin-Laden's constant references to the Crusades in his pronouncements against the West both before and after September 11th is in line with recent Muslim—particularly Arab—scholarship which reinterprets the Crusades in light of the nineteenth and twentieth century history of colonialism, Arab nationalism, and the creation of the Israeli state. But the Crusaders' capture of Jerusalem initially attracted little attention in the Muslim world; although religiously significant, under Muslim rule Jerusalem was never politically or administratively important. Jerusalem was also in the middle of a conflict between the Isma'ili Shi'ite Fatamids in Egypt and the Sunni 'Abbasids in Baghdad, a struggle amplified by the Seljuq succession crisis that followed the death of Malikshah in 1092. The Muslim world did not see the Crusades as being something separate from the long series of enemies—Turks and Bedouin—that they regularly fought in the Holy Land. The Seljuq Turks saw the First Crusade as a distraction from their conflict with the Fatamids in Egypt; the Fatamids—who controlled Jerusalem in the 1090s—saw the arrival of European Crusaders as possible allies against the Seljuqs. Medieval Muslim writers do not reveal a sense of shock or religious loss and humiliation: the Syrian chronicler al-Azimi records simply that in 1099 "[the Crusaders] turned to Jerusalem and conquered it from the hands of the Egyptians." The great counter-Crusade of the Muslim leader Saladin did not begin until nearly a century later, and only then in response to the constant raids on Muslim caravans to Mecca by the Crusader Reynald of Châtillon, lord of Kerak in what is now southern Jordan. Furthermore, the Crusader

41. See HILLENBRAND, supra note 4, at 589-16. For the significance of bin-Laden's historical allusions, see Bernard Lewis, The Revolt of Islam, THE NEW YORKER, Nov. 19, 2002, at 50.
42. As the site of Muhammad's "Night Journey." See WILLIAMS, supra note 40, at 43-46.
44. See HILLENBRAND, supra note 4, at 17, 38.
46. See Robert Irwin, Muslim Responses to the Crusades, HISTORY TODAY, April 1997, at 44.
47. See EMMANUEL SIVAN, INTERPRETATIONS OF ISLAM: PAST AND PRESENT 76 (1985).
48. See HILLENBRAND, supra note 4, at 64.
49. See id. In 1182-83 Reynald attacked Muslim shipping on the Red Sea and the Arabian ports that served the Holy Cities of Mecca and Medina; in 1184-85 he attacked a caravan of pilgrims to Mecca in violation of a treaty guaranteeing safe passage for pilgrims.
Kingdom of Jerusalem had “transgressed Islamic sacred space” by occupying the holiest Islamic buildings in Jerusalem, decorating the Dome of the Rock with crosses and statues and billeting the Templars in the al-Aqsa mosque.  

2. Ibn Taymiyyah and the Mongols

The Crusades also produced a legal philosopher whose writing profoundly influenced modern radical Islamic ideology. Ibn Taymiyyah (1268-1328) advocated and participated in jihad against both Crusaders and Mongols, the latter, under the leadership of Genghis Khan’s grandson Hulagu Khan, conquered and looted Baghdad and deposed the ‘Abbasid Caliph Musta’sim in 1258. Like the Kharijites before him and Osama bin-Laden after him, Ibn Taymiyyah believed that Muslims who did not live according to God’s laws are unbelievers who should be excluded from the Muslim community. He also built upon the long Islamic tradition—dating back to the Kharijites—of proclaiming jihad against Islamic rulers considered to be insufficiently Muslim, in his case, the Mongols, who had adopted Islam but continued to observe their own traditional laws and not shari’ah, or Islamic law. This provided the justification for Ibn Taymiyyah’s fatwah against the Mongols: as they had not implemented shar’ia, they were apostates and as such, Muslim subjects of the Mongols were obliged to wage jihad against them. Ibn Taymiyyah’s anti-Mongol “war theology” was phrased in terms general and abstract enough to allow modern Islamicists to follow his lead in declaring jihad against both un-Islamic Muslim rulers and the West.

B. Twentieth-century Islamicists

1. Hasan al-Banna’ and Mawlana Mawdudi

This is the position adopted by Sayyid Qutb, “the Godfather . . . of Islamic radicalism,” who built upon the works of Ibn Taymiyyah, Hasan al-Banna’, and Mawlana Mawdudi to create the ideological framework of
For Hasan al-Banna' (1906-1949), the founder of the Muslim Brotherhood in Egypt, jihad described the process of reform, not revolution, first against European colonialism and later against corrupt, un-Islamic Muslim states: he saw jihad as defending the Muslim community and Islam itself against colonialism and injustice. Mawlana Mawdudi (1903-1979), the founder of the Jamaat-i-Islami in Pakistan and the first modern Islamicist writer to systematically study jihad, blamed British and French colonialism for the decline of Muslim rule in the Near East and South Asia; he believed that nationalism (particularly Hindu secular nationalism) threatened Muslim identity and unity by replacing Muslim identity with one based on language or ethnicity. Both Mawdudi and al-Banna' saw jihad as the means to bring about the Islamization of society and the world; for Mawdudi jihad was also something of a war of liberation to create a just Islamic state. Furthermore, Mawdudi approved of Ibn Taymiyyah's formulation that "ostensibly Muslim rulers who neglect or transgress Islamic law or portions thereof can be deemed infidels and legitimately killed."

2. Sayyid Qutb

But it is Sayyid Qutb (1906-1966) who is the intellectual father of jihad in the modern age. A champion of Islamic revival, he joined the Muslim Brotherhood in 1951, shortly after his return to Egypt from the United States. His advocacy of pan-Islamic radicalism brought him into conflict with Gamal Abdel Nasser, an Arab nationalist who seized control of the Egyptian government in July 1952. Imprisoned and tortured in the aftermath of the Brotherhood's failed attempt to assassinate Nasser in October 1956, Qutb developed his revolutionary rhetoric in prison, where he wrote his most influential work, Milestones. Initially circulated in samizdat form, when it was finally published in 1964 it was almost immediately banned; the mere possession of a copy could lead to arrest for sedition.

Qutb took the core of al-Banna' and Mawdudi's arguments and reshaped them in his call for action. The force of Qutb's rhetoric came from his "radical and imaginative break with the present" which "demolished the utopian

62. See ESPOSITO, supra note 12, at 50.
63. See id. at 54. See generally Wright, supra note 6, at 56-85.
64. See ESPOSITO, supra note 12, at 54.
65. See Streusand, supra note 9.
67. See Wright, supra note 12, at 61.
68. See id. at 62; see also ESPOSITO, supra note 12, at 58. Milestones was used as evidence against him at his trial and led to his death sentence and execution in August 1966. See id. The judge at his trial "offered the accused all the guarantees of fairness characteristic of a military court in a dictatorial state trying defendants broken by torture." GILLES KEPEL, MUSLIM EXTREMISM IN EGYPT: THE PROPHET AND PHARAOH 34 (John Rothschild trans., 1985).
thinking that underpinned [Arab] authoritarian nationalism . . . . 69 For Qutb, the creation of an Islamic government was a divine commandment, and there could be no middle ground between the Dar al Islam and the Dar al-Harb: a Muslim must either reject ignorance and embrace jihād or be counted among the enemies of God. 70 Qutb saw jihād as the armed struggle defending Islam: the true enemy of Islam was the West, as illustrated by the Crusades, European colonialism, and the neo-colonialism of the Cold War era. 71

3. Muhammad al-Farag

Critical to understanding bin-Laden’s worldview is an obscure manifesto entitled The Neglected Duty by Muhammad al-Farag, a member of Al-Jihad, the organization responsible for Sadat’s assassination. 72 For al-Farag, a Muslim lives in an Islamic polity only if its rulers follow Islamic law; rebellion against un-Islamic states is permissible and supported by a saying of the Prophet Muhammad: “If you have proof of infidelity [you] must fight it.” 73 Al-Farag dismisses all peaceful ways put forward to establish an Islamic polity—the only way to do so is by jihād. 74

Al-Farag’s concept of jihād influenced many Islamicist revolutionaries, including Osama bin-Laden, who most likely learned of al-Farag’s ideology through his second-in-command, the fugitive Dr Ayman al-Zawahiri, who appears with bin-Laden on a videotape where they discuss the jihād operations of September 11th. 75

IV. OSAHAM BIN-LADEN

Osama bin-Laden was born in 1957, the seventeenth son and one of the fifty-four children fathered by Muhammad bin-Oud bin-Laden, a Yemeni-born laborer who had won the favor of the Saudi royal family and whose construction company was given the contract to extend and maintain the holiest of Islamic sites, the Grand Mosque in Mecca. 76 After high school in Jedda, Osama studied engineering at Abdul Aziz University in the early 1970s,
regularly visiting Beirut to take advantage of the bars, casinos, and nightclubs of the "Paris of the Middle East." Despite his drinking and womanizing in Beirut, he began showing a deeper interest in Islam, reflecting both the influence of his teachers at Abdul Aziz University—where his compulsory course in Islamic Studies was taught by Sayyid Qutb's brother Muhammad—and the Lebanese civil war, which broke out in 1975. When the Soviets entered Kabul in 1979, bin-Laden raised money for the mujahedeen, eventually moving to Peshawar, Pakistan, where he helped organize thousands of volunteers for the Afghani jihad against the Soviets with the support of Mawdudi's Jamaat-i-Islami. By 1986 bin-Laden had established a base of several jihadist camps in Afghanistan itself, this base, or in Arabic al-Qaeda, became the umbrella organization for bin-Laden's Islamic movement.

A. Declaration of War Against the Americans Occupying the Land of the Two Holy Places

The philosophical basis for bin-Laden's opposition to the United States can be found in two documents: the "Declaration of War against the Americans Occupying the Land of the Two Holy Places" and "The Declaration of the World Islamic Front for Jihad against the Jews and the Christians." In the first document, better known as the "Ladenese Epistle," bin-Laden declares that Muslims around the world have been massacred, their lands seized, and their wealth looted:

[T]he people of Islam have suffered from aggression, iniquity, and injustice imposed on them by the Zionist-Crusader alliance... Their blood was spilled in Palestine and Iraq. The horrifying pictures of the massacre of Qana, in Lebanon, are still fresh in our memory. Massacres in Tajikistan, Burma, Kashmir, Assam, the Philippines, Somalia, Eritrea, Chechnya, and in Bosnia-Herzegovina took place, massacres that send shivers in the body and shake the conscience.

77. See KEPEL, supra note 69, at 314; see also YOSSIF BODANSKY, BIN LADEN: THE MAN WHO DECLARED WAR ON AMERICA 3 (1999).
78. Id. Islamicists in Saudi Arabia claimed that the Lebanese civil war was God's punishment for the sins of Beirut. See id.
80. See id.
81. See supra, notes 1-2 and accompanying text.
82. Id.
As the United States provided some of the weapons used in these attacks, as at Qana, or did not intervene to save the lives of Muslim civilians, as in Bosnia-Herzegovina and Chechnya, in bin-Laden’s eyes the United States is to blame for their deaths.

The focus of bin-Laden’s anger was not the deaths of Muslim civilians but the continued American military presence in Saudi Arabia. Before the Saudi King Fahd invited coalition troops led by the United States, bin-Laden, like most other Islamicist jihadis, regarded the Ba’athist Iraqi leader Saddam Hussein as an apostate who should be deposed; bin Laden went so far as to offer the services of his followers in defense of Saudi Arabia after the invasion of Kuwait. After the arrival of American troops in Saudi Arabia, the picture changed dramatically: Muslims must put aside their differences, for “if there is more than one duty to be carried out, then the most important should receive priority” and for bin-Laden, “there is no more important duty than pushing the American enemy out of the holy land.”

Bin-Laden quotes Ibn Taymiyyah, who argued that “when Muslims face a serious threat, they must ignore minor differences and collaborate to get the enemy out of the dar-al-Islam.” Likewise, a fatwah issued by the Tehran-sponsored “Partisans of the Sharia” supports bin-Laden’s fight against the “Crusader-Zionist” alliance and provides additional theological and legal justification for supporting Saddam Hussein. “[T]he Jews and the Christians have no business [in Iraq and Arabia] and have no legitimate, recognized mandate. Their presence poses a threat and their blood can be shed with impunity. In short, every Muslim must try in earnest to drive them away in humiliation.” Escalating the jihād against the United States justifies cooperating with Iraq.

In accordance with the Qur’ānic injunction against killing unarmed non-combatants, the “Ladenese Epistle” concentrates on attacking American military forces in Saudi Arabia, including the possibility of acquiring weapons of mass destruction:

Acquiring weapons for the defense of Muslims is a religious duty. . . . It would be a sin for Muslims not to try to possess

83. The death of hundreds of Lebanese civilians at Qana was part of the Israeli Operation Grapes of Wrath in 1996. See Hashim, supra note 72, at 24.
84. See id.
85. See KEPEL, supra note 69, at 316.
87. See Hashim, supra note 72, at 24.
88. See BODANSKY, supra note 77, at 227.
89. Id.
90. See id.
the weapons that would prevent the infidels from inflicting harm on Muslims.91

Bin-Laden also argues that terrorism against American forces is legitimate, stating that "terrorizing you [that is, the United States], while you are carrying arms on our land, is a legitimate and morally demanded duty."92 At this point, bin-Laden is targeting only American military personnel stationed in Saudi Arabia, not American civilians. With the publication of "The Declaration of the World Islamic Front" in 1998 this was to change dramatically.

B. The Declaration of the World Islamic Front

On February 23, 1998, the London-based Arabic language newspaper Al-Quds al-Arabi published an edict signed by Osama bin-Laden and the leaders of militant Islamicist groups in Egypt, Pakistan, and Bangladesh.93 Entitled "The Declaration of the World Islamic Front for Jihad against the Jews and the Christians," this edict opens with quotations from the more militant passages of the Qur'ān and the hadith, and then declares that "[t]he Arabian Peninsula has never . . . been stormed by any forces like the crusader armies now spreading in it like locusts, consuming its riches and destroying its plantations."94 The declaration makes clear that bin-Laden sees the United States as not just an enemy but as a modern-day Crusader bent on occupying the holy places of Islam:

So now they come to annihilate . . . this people and to humiliate their Muslim neighbors. . . . if the Americans' aims behind these wars are religious and economic, the aim is also to serve the Jews' petty state and divert attention from its occupation of Jerusalem and murder of Muslims there. The best proof of this is their eagerness to destroy Iraq, the strongest neighboring Arab state, and their endeavor to fragment all the states of the region such as Iraq, Saudi Arabia, Egypt, and Sudan into paper statelets and through

93. The Arabic language text of this document can be found at World Islamic Front, supra note 2. See generally Lewis, supra note 6, at 14-19.
94. See Text of Fatwah, supra note 2.
their disunion and weakness to guarantee Israel's survival and the continuation of the brutal crusade occupation of the Peninsula.95

These crimes amount to "a clear declaration of war on God, his messenger, and Muslims."96 In the Qur'ān, the passages that refer to jihād as armed struggle can be divided into two categories: defensive and offensive.97 In the case of a defensive war, jihād is an individual obligation, that is, responsibility for the defense of the community is the personal duty of all Muslims. However in offensive wars, the religious duty of jihād is a collective obligation: "the duty of the Caliph, and thus the obligation on the Muslim Community, is met when there are enough eligible volunteering to carry out the jihād."98

Indeed, "The Declaration of the World Islamic Front" closes with a fatwah against the United States:

The ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the al-Aqsa Mosque [in Jerusalem] and the holy mosque [the Haram Mosque in Mecca] from their grip, and in order for their armies to move out of all the lands of Islam, defeated and unable to threaten any Muslim.99

By declaring that Muslims are now fighting a defensive war against the American and Zionist "Crusaders," bin-Laden is declaring that jihād against the United States is the duty of every Muslim, and the obligation is "incumbent on each person, as they are capable of participating."100

V. CONCLUSION

More examples of bin Laden's thinking emerged after the September 11th attacks, but the Declaration of the World Islamic Front remains the fundamental statement of his motivation for jihad against United States and the West. His appeal is to the Islamic tradition of defensive jihad where it is an individual duty for all Muslims to take up arms against invaders. It also sets out the foundation for not just September 11th but also for other terrorist

95. Id.
96. Id.
97. See Esposito, supra note 12, at 64.
99. See Text of Fatwah, supra note 2.
100. Kelsay, supra note 98, at 126.
attacks linked to bin-Laden's al-Qaeda group, including the bombings of U.S. embassies in Nairobi, Kenya, and Dar-es-Salaam, Tanzania, in 1998 and the attack on the U.S.S. Cole in Aden, Yemen, in 2000. It is also justification for future attacks by "every Muslim who can do it in any country in which it is possible to do it," including the so-called shoe-bomber Richard Reid and perhaps also John Allen Muhammad and John Lee Malvo, accused of fourteen "sniper" attacks in the area surrounding Washington, DC. This extreme interpretation of the idea of defensive jihad implicitly rejects much of the actual history of Muslim societies faith. By treating the simple presence of Christians and Jews in dominantly Muslim societies as an act of aggression, it does not leave room for the toleration of "people of the book" that is prescribed in the Qur'an. Furthermore its reading of Islamic law is narrow and unyielding on doctrine and behavior alike: social developments identified with modernity are rejected as un-Islamic, even if large numbers of Muslims have accepted them without losing their faith.

According to bin-Laden's fatwah, the United States is an aggressor against all of Islam because of the presence of American troops in Saudi Arabia. That U. S. troops are there by agreement of the Saudi government and that their purpose is to protect that country from the aggression of a neighbor bin-Laden himself once called to overthrow is immaterial. Likewise, the blockade against Iraq is viewed as an assault on the Iraqi people, even though Saddam Hussein's diversion of resources for his own purposes is the real cause of Iraqi suffering. The same could also be said of bin-Laden's hostility to American support for "the Jews' petty state" and Israel's "occupation of Jerusalem and murder of Muslims." For bin-Laden, the United States has become the embodiment of the dar al-harb, the house of war, engaged in aggression against Islam, even though millions of Muslims live in the United States and enjoy freedom of religion within its borders. By calling for any and all Muslims to kill any and all Americans, "civilians and military" alike "in any country in which it is possible to do it," bin-Laden's fatwah takes the radical line of jihad to new extremes.


102. Muhammad and Malvo, probably members of a Nation of Islam spin-off group called the "Five Percent Nation of Gods and Earths" had no visible connections to organized Islamic terrorist groups, but espoused sympathy for "gihad" [sic] in their letter to police before they were captured. Blaine Harden, Retracing A Trail: The Role Of Religion: Impact of Suspects's Faith On Action Is Unclear, N.Y. TIMES, Oct. 27, 2002, at A1.

103. See Roxanne L. Euben, Premodern, Antimodern or Postmodern? Islamic and Western Critiques of Modernity, REV. OF POL. 429, 429-59 (1997).
Yet bin-Laden lacks the religiously mandated authority to issue a *fatwah* to wage such holy war: he does not bear the mantle of succession to the Prophet. This is why he must describe the war against the United States as a defensive war: if the United States is guilty of “aggression,” then the limits imposed on warfare by the Qur’ān and Islamic tradition, including the prohibitions on the intentional killing of unarmed noncombatants and the use of fire in warfare, are not in effect. Bin-Laden’s *jihād* places Islam against America, the West, and ultimately the rest of the non-Islamic world; his *jihād* also seeks to overthrow the mainstream views of Islamic tradition.  

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104. Fire is prohibited as a weapon among Muslims because it is the weapon God will use in the last days. *The Holy Qur‘ān* 82:14-15.  