

The Crusades and Jihad: Theological Justifications for Warfare in the Western and Islamic Just War Traditions

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BOSTON COLLEGE

THE CRUSADES AND *JIHAD*

Theological Justifications for Warfare in the Western and Islamic Just
War Traditions

A Senior Honors Thesis

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The College of Arts and Sciences

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Table of Contents

<i>Acknowledgments</i>	<i>iv</i>
<i>A Note on Transliteration</i>	<i>v</i>
Introduction	1
Chapter One:	10
The Just War Tradition in Christianity and Islam	
Chapter Two:	27
The Crusades: Justifications and Motivations	
Chapter Three:	45
The Muslim Response: <i>Jihad</i> Doctrine in Statecraft and Jurisprudence	
Chapter Four:	65
<i>Jihad</i> Jurisprudence in Modernity	
Chapter Five:	90
The Islamic Resistance Movement: Ideology and Pragmatism	
Chapter Six:	113
al-Qaeda's <i>Jihad</i> : Global Terrorism and Islamic Law	
Conclusion:	132
Justice and Morality in Modern Warfare: The Role of Religion	
<i>Bibliography</i>	<i>143</i>

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A Note on Transliteration

Arabic names and terms have been transliterated to the spelling that is most prominent in similar scholarship and literature without using letters or marks outside of the English alphabet. Most transliterated Arabic words have been italicized to visually distinguish these words and highlight foreign vocabulary. As much as possible I have allowed for words to take their English form. Some of the Arabic terminology has, in fact, been incorporated as official words of the English language, yet I have chosen to differentiate these words with italicization nevertheless. By re-representing words like *jihad* as foreign, though it may be found in the English dictionary, I hope to symbolically divorce such a term from the connotations it carries to encourage a rediscovery of its meaning in its original contexts.

Some Arabic words particularly pertaining to Islamic jurisprudence carry a weight that is often lost in translation. Where it has been possible, I have examined original sources in Arabic such as the Qur'an and the Hamas Charter to point out vocabulary that is central to understanding the significance of text beyond what is conveyed in translation to English alone.

While there are no capital letters in Arabic, certain proper nouns in Islamic terminology have been capitalized to indicate veneration in the same way we capitalize God and the Bible.

INTRODUCTION

Transnational terrorist attacks of recent decades have brought Islamist militancy to the forefront of the world's security concerns. Radical Islamist organizations like al-Qaeda that advocate violence as a means for establishing an Islamic state dominate public perception of Islam in Western societies. After the al-Qaeda attacks on September 11th, 2001, there exists a tendency to judge the legitimacy of the Islamic message by the terrorist attacks of al-Qaeda and the *jihad* preached by Osama bin Laden. This assumption coincides with the common misconception that *jihad* translates to a "holy war," to kill or convert all nonbelievers. This brand of holy war, combined with the modern legacy of the Christian equivalent, the Crusades, has propagated the theory that Judeo-Christian societies of the West are inherently at odds with Islamic societies of the East in a "clash of civilizations".¹ On the other hand, such attention has

¹Samuel Huntington, "The Clash of Civilizations?" *Foreign Affairs* 72:3 (1993): 22-49.

led to genuine desire to learn about and understand Islam in this context. I have found myself among those asking what is Islam? And how does Islam advocate destruction, murder, and war? Over the course of the last decade, scholarship on militancy in Islam has taken off in attempts to answer such questions.

An attempt at understanding the ways in which Islam promotes militancy requires an examination of the Islamic tradition as well as its fruition in modern and historical conflicts. Furthermore, in such a study, one is immediately reminded that the concept of religious campaigns of violence and war is not unique to Islam. Indeed, the rhetoric of contemporary Islamists is rich with historical allusion to the Crusades that began at the end of the 11th century. My personal experience during my studies in Jordan further elucidated this element of the collective memory of Muslims in the Middle East.

While I was enjoying a leisurely Thursday afternoon floating on the Dead Sea, a boy called out to me from the shore. Excited by the opportunity to practice the colloquial Jordanian Arabic I was studying, I returned his greeting appropriately and we struck up a conversation. When he eventually asked me if I was Muslim – a common question I faced as a foreigner studying in the Middle East – I told him no, I am *mesihi*, a Christian. He didn't understand. *Yehudi?* he postulated, asking if I was Jewish. I told him no, repeated myself, *mesihi*, and added an attempt to explain using the Arabic name for Jesus. At his next guess I was pretty taken aback, *salibi?* Literally meaning “person of the cross,” I recognized this as the Arabic term for a crusader. For lack of a better way to communicate my religion, I told them yes, but explained that *mesihi* was a better word. The rest of our conversation was nothing out of the ordinary in my experience making small talk with Palestinian children: They ask me where I'm from, I reply

that I'm American, they ask why my government is friends with the Jews and hates Muslims, I offer a vain attempt at diplomacy in my limited vocabulary, and we go our separate ways.

At the end of my semester, I came home with a very favorable impression of a society that hated the American government (almost exclusively for its pro-Israel stance), but welcomed the American people. However, among Palestinians, whose displaced or refugee families account for over half of Jordan's population, I found traces of a deeply pervasive view that Islam is under attack today, and has been continually since Pope Urban II first called for the Christians of Europe to take back the Holy Land from the Muslims in 1095. Being called a "crusader" by a child demonstrated to me that "a Muslim does not have to be an extreme Islamist to hold the view that the west is still engaged in crusading."² Observing the ubiquitous nature of this lexicon for myself gave me a personal desire for understanding the Crusades as both a historical series of events and as a compliment in Christianity to my interest in the relationship between religion and violence with regard to Islam.

As both *jihad* and crusading are commonly conceived of as the concepts of Holy War in Islam and Christianity respectively, I believe it is relevant to examine the degree to which they fit the criteria of Just War. How do the Crusades and Counter-Crusades qualify as legitimate within their own religious doctrines and corresponding concepts of Just War? And, in the same regard, how does religion not only define circumstances in which violence can be considered justified, but also act as an ideological stimulus or driving purpose for waging campaigns of violence? How has religion, the foundation of the Just War tradition, become inspiration for the terrorist attacks of al-Qaeda? In the medieval period, the Crusades and Counter-Crusades provide

²Jonathan Riley-Smith, *The Crusades, Christianity, and Islam* (New York: Columbia University Press, 2008), 76.

examples of religious justifications for violence in two different contexts. While both campaigns contained elements that were reactionary in nature, the extent to which the Crusades can be considered defensive is questionable.

Making the distinction between waging a proactive war based on a theologically conceived sense of purpose and taking defensive measures in circumstances that qualify violence as legitimate is important in understanding how the theory of Just War applies in contemporary conflicts as well. In review of today's violent movements of *jihad*, militant Islamism takes on a variety of forms that all seek to justify violence with theological doctrine. Two of the most prominent movements are the Islamic Resistance Movement (better known for its Arabic acronym, Hamas) and the transnational terrorist network of al-Qaeda. The violent resistance of the former against the foreign incursion of Zionists has been continual, local, and defensive in nature since the first wave of Zionist settlers arrived under the British mandate in the 1920s. Under the same banner of Islam, the terrorist attacks of the al-Qaeda network over the past two decades are transnational, indiscriminate, and unprecedented. Despite the differences in methodology, both groups claim that their respective campaigns of *jihad* are legitimate, and even obligatory, under Islamic law. The argument for religious justification of Hamas's *jihad* against the Israeli state is takes precedence from the historical Counter-Crusades that sought to defend against the European crusaders and they seized control of Muslim territories. Ironically, the ideology and militancy of al-Qaeda more closely resemble that of the Crusades; they both call for the liberation of the Holy Land from the treacherous occupation of the infidels by means of a violent overseas campaign. To be sure, the ways in which the Crusaders and al-Qaeda militants seek to justify their causes within their respective religions are as different as the religious traditions themselves. But the two movements do share a common context in the form of a

vindictive campaign viewed as a religious obligation to liberate foreign and sacred lands from oppression. In the case of defensive campaigns of violence, the degree of legitimacy is more clear-cut within both Christian and Islamic doctrines. For the other sort of reactionary war – those waged because of perceived religious obligation to liberate or vindicate – any claim to legitimacy in Just War theory must be questioned on historical, theological, and theoretical grounds.

The first chapter introduces classical concepts of Just War in Christianity and Islam as a lens through which to examine the phenomenon of religiously justified violence in the historical and contemporary case studies. The development of Christian theory of Just War, beginning with Saint Augustine and carried onward by such theologians as Thomas Aquinas, establishes the circumstances in which violence is justified clearly and with general consensus among scholars. An attempt to define a corresponding theory in Islam must take into account the nature of *fiqh*, or Islamic jurisprudence as well as the political and military contexts in which classical scholars interpreted the Qur'an and *Sunna* to issue valid judgments. John Kelsay's book *Arguing the Just War in Islam* provides a comprehensive and logically organized overview for understanding the fundamental elements of *jihad* and ethical warfare in the Islamic tradition throughout history.³

Chapters Two and Three discuss the justifications for the Crusades within Christianity and the same for the Counter-Crusades within Islam in the historical period from the end of the 11th through the 14th centuries. Chapter Two discusses first the driving factors behind the Crusades on an institutional and individual level. In doing so, it is necessary to distinguish between common misunderstandings or mythology and historical evidence. By the arguments of

³John Kelsay, *Arguing the Just War in Islam* (Cambridge: Harvard University Press, 2007), (hereafter cited as *Arguing*).

contemporary historians, sociological, economic, and political purposes all fall short of explicating what can only accurately be classified as a religious campaign. In examining the theological justification for the Crusades at the institutional level, the argument that Pope Urban II presented in his issuing of the initial call to the Christians of Europe at the Council of Clermont in 1095 is of particular relevance. The Augustinian principles of just cause, legitimate authority, and right intention in conjunction with canon law and precedents of Gregorian holy war have relatively visible manifestations in the Crusades. However, drawing simple parallels prior to objective discussion runs the risk of oversimplification for the sake of convenience. Therefore, this chapter first methodologically examines the rationale behind and justification for the endeavor at the institutional level and the motives behind its popularity among individuals before drawing conclusions and connections to the more formalized notion of Just War.

Chapter Three discusses the opposing movement by Muslims and the new developments in medieval Islamic jurisprudence that sought to determine the theological legitimacy of fighting the crusader threat. This chapter discusses the revival of *jihad* doctrine as a political tool by historical figures such as Saladin and examine to some extent how the actual military campaigns adhered to or departed from classical doctrines of *jihad*. This raises the second element of medieval *jihad*: the theologically ordained doctrines on warfare and their role in forming the trajectory of the Islamic Just War concept. The Islamic jurisprudence regarding militancy in the Middle Ages, particularly by Ibn Taymiyya, established important ideological and historical precedents in the Islamic tradition that had lasting implications for the modern period.

The fourth chapter fills in the gap between the historical and present-day case studies with a discussion of the significant developments in the age of European imperialism and post-colonialism that contributed to the emergence of contemporary Islamist militant movements. The

first element of Chapter Four is a selective overview of various historical encounters between Western imperialist powers and Muslim polities in the form of colonialism and the post-WWI mandates. This section pays particular attention to the case of Palestine and the resistance of the Muslim Palestinians to Zionist settlement. The interaction between the modernizing forces of the West and the Islamic world during this period was crucial in empowering neo-jurists and spreading their ideologies on a global scale through the technological processes introduced that increased availability of books, and the resulting increase in literacy rates. This chapter examines the ideologies of three notable neo-jurists, Hasan al-Banna, Abul A'la Mawdudi, and Sayyid Qutb, and their roles in the radicalization of *jihad* doctrines.

In a way, the *jihad* campaign of Hamas claims legitimacy by virtue of the historical and political precedent of defending Muslim lands from foreign invasion. However, Hamas operates in a different historical context and with a dramatically different tactics. Chapter Five discusses how Hamas uses historical context and the ideology of neo-jurists to justify their campaign of *jihad* against Israel within Islamic law. In Hamas's "Charter of Allah: The Platform of the Islamic Resistance Movement", the attempt to justify their armed struggle against Israel combines the theological tradition of Islamic jurisprudence and the historical precedent of combating Western incursion. In analyzing the Charter, the theological influences behind Hamas's ideology can be seen in the form Qur'anic citation and neo-jurist doctrines woven throughout. Secondly, this chapter examines the actual policies pursued and their justifying arguments since the founding ideology was published in 1988. Ultimately, this chapter questions the extent the *jihad* waged by Hamas is legitimate in the Islamic tradition and consistent with the organization's own Charter.

Chapter Six asks the same question of the *jihad* preached by Osama bin Laden and the terrorist network al-Qaeda. What elements of the theological base for al-Qaeda arise from the tradition of Islamic jurisprudence? Which elements result from the modern influences of neo-jurists? The first topic addressed in this chapter will be the transition from waging defensive wars to promoting overseas attacks on distant Western powers. Azzam's doctrine for offensive *jihad* and Qutb's call for *jihad* of liberation emphasize that Islam does not only justify, but obligates Muslims to wage war beyond defensive engagements. How does this *jihad* doctrine measure up against the traditional concept of Just War in Islam? Is Osama bin Laden a legitimate authority to declare *jihad* and issue *fatwas* because of his role in the Afghan *jihad* of the 1980s? How could a "Jihad against the Jews and Crusaders" be in accordance with Islamic law when it targets civilians and engages in suicide tactics?⁴ This chapter examines the strategies and doctrines of al-Qaeda against the group's contemporary counterpart in Hamas, and the historical campaigns of the Crusades and Counter-Crusades, and the Just War concept in Islam.

This study is a comparative analysis of the varying approaches by which modern Islamist militancy movements attempt to justify their respective use of violent *jihad* within Islamic doctrine. This focus is contextualized by a broader study of the historical role of religion in the development of modern ethical standards for warfare and justifications for horrific bloodshed and injustice. The relationship between the driving ideologies behind the Crusades and global terrorist attacks is characterized by ideological similarities as well as reciprocal hostility. The commonalities in religious justifications for violence shared by Christianity and Islam in both the historical and contemporary conflicts demonstrate the different ways in which the respective

⁴Bruce Lawrence, ed., *Messages to the World: The Statements of Osama bin Laden*, trans. James Howarth (London: Verso, 2005), (hereafter cited as *Messages*).

principles of Just War manifested themselves in the actual military campaigns of the Crusades and *jihad*.

CHAPTER ONE

The Just War Concept in Christianity and Islam

The concept of Just War suggests that under a given set of circumstances, it is permitted, and even obligatory, to wage war. This idea has pervaded the philosophical traditions of both Western and Eastern cultures as well as theological discourse in both Christianity and Islam. The criteria of a Just War in modern thought are relatively well known: not least among them, just cause, legitimate authority, right intention, last resort, proportionality, military necessity, reasonable chance of success, and non-combatant immunity. However, it was the medieval concept of Just War by which European Christians justified the Crusades, and thus it is the developments of Just War theory up until this point that bear the most relevance to this discussion. The classical and medieval ideas of Just War that provided a theological basis for the Crusades may seem archaic or even barbaric in relation to modern theory. It is clear that the concept of Just War has changed drastically as it developed over time. That said, the non-religious, moral, or secular modern theories of Just War naturally surface as each case, the

Christian Crusades and the Muslim Counter-Crusades of both old and new, continue to shape modern consciousness and conflicts.

The process of formulating theological doctrine differs significantly between the two religions due to the structures, or lack thereof, of religious authority. For the first millennium of Christianity, the Roman pontiff acted as the infallible Vicar of Christ on earth for all Christians. Even after the Great Schism that produced the Roman Catholic Church and the Eastern Orthodox Church and until the beginnings of the Protestant Reformation that began in the 15th century, European Christians faithfully followed their leaders within Church hierarchy with a sincere conviction that papal edicts carried as much weight as the lessons of the scriptures themselves. The question of religious leadership in Islam, on the other hand, has been a point of contention since the fourth and final “Righteously Guided” caliphate ended in a civil war, or the first *fitna*, that created permanent divisions in Islam. Shia Muslims hold that the only legitimate leader held a direct connection to the Prophet’s bloodline. The majority of Shia Muslims believe that after the disappearance of the Twelfth Imam and until his return, there can be no legitimate caliphate. Without a legitimate caliphate or *imam*, there is no legitimate temporal authority for declaring any kind of *jihad* besides that of defense.¹ For this reason and for the purpose of studying the tradition that produced the Counter-Crusades specific to this study, this discussion will focus on the tradition of justifying war by Islamic jurisprudence in Sunni Islam.

The four main schools of classical jurisprudence in Sunni Islam differ mostly in day to day specifics such as prayer rituals rather than fundamental religious doctrine. Their real

¹Abdulaziz A. Sachedina, “The Development of *Jihad* in Islamic Revelation and History,” in *Cross, Crescent, and Sword: The Justification and Limitation of War in Western and Islamic Tradition*, ed. James Turker Johnson and John Kelsay (New York: Greenwood Press, 1990).

contribution was, over the course of centuries, the institutionalization of the practice of *fiqh*.² Rather than viewing these schools in opposition, it is best to review their contributions to war doctrine as amendment and development. *Fiqh* can be described as the practice of *shari'a* reasoning, or the “science of religious law in Islam,” an undertaking reserved for the class of learned Muslim scholars, the *'ulama*, with the purpose of determining how to live in accordance with the will of God.³ Traditionally, *fiqh* consists of four main elements; in order of decreasing authority and importance, the *Qur'an*, the *sunna*, *ijma'*, and *qiyas*.⁴ The *Qur'an* is the book of divine revelation as related through the Prophet Muhammad and is considered the inviolate word of God. The importance of *shari'a* to Islam, and the importance of the *Qur'an* to *shari'a*, can be observed in its stated purpose of the divine revelation to “command the good and forbid the wrong.”⁵ *Sunna*, meaning habit or custom, denotes the exemplary precedents set by the Prophet as primarily transmitted through the *hadith*, the records of his various sayings and actions. *Ijma'*, the consensus of the *umma* or the Muslim community, and *qiyas*, reasoning by analogy, carry less weight and more debate because they are viewed as susceptible to error in their reliance on human judgment.

Though not officially considered part of Islamic jurisprudence, *ijtihad*, or individual reasoning deserves just as much attention for its instrumental role in the formulation of modern militant doctrine. With the onset of modernity in the Muslim world during the 19th and 20th centuries and the subsequent increases in literacy and availability of Islamic texts, *ijtihad* was responsible for undermining the juristic authority of the *'ulama* and empowering unqualified

²Mohammed Ayoob, *The Many Faces of Political Islam: Religion and Politics in the Muslim World* (Ann Arbor: The University of Michigan Press, 2008), 26 (hereafter cited as *Political Islam*).

³*Encyclopedia of Islam*, 2nd ed., http://www.brillonline.nl/subscriber/uid=1492/entry?entry=islam_SIM-2364.

⁴Though still of lesser religious authority than the *Qur'an*, the *Sunna* is less abstract and just as important a source for jurists who seek to derive practical doctrine from the divine sources.

⁵Sachedina, “The Development of *Jihad* in Islamic Revelation and History.”

Muslims in professions outside the field of Islamic law.⁶ Historical and political circumstances continually influenced the process of *shari'a* reasoning on war and *jihad* since the beginning of the tradition after the death of the Prophet, constantly being reviewed, revised, and amended to cope with new questions in new times.

Both Christian and Muslim medieval theological jurisprudence established foundations of the Just War concept rather than timeless comprehensive doctrines. The consensus of early Muslim jurists established roughly correlating principles to the Augustinian tradition of Just War. In both Early Islamic and medieval Christian thought, *jus ad bellum* required just cause, legitimate authority, and right intention while *jus in bello* provided some exclusion of non-combatants from intentional harm. These elements describe the context of religious ethical rulings on warfare at time of the Crusades' birth and the Counter-Crusade response.

The Foundations of Just War Theory in Christian Theology

Western discourse on the morality of war and killing began before Christianity with ancient Greek and Roman philosophy. The term “just war” was first coined by Aristotle to convey the idea of war as a means to secure peace and prosperity through self-defense against conquest of barbaric civilizations.⁷ War became almost a legal practice under Roman law, leaving a judicial sense of “just cause” as its major contribution to Just War theory. After Emperor Constantine was baptized in 313 C.E., Saint Ambrose Christianized Cicero's *De Officiis*, combining Christian morality and the previously established Roman ethics to offer the

⁶Ayoob, *Political Islam*, 27.

⁷Franck H. Russell, *The Just War in the Middle Ages* (Cambridge: Cambridge University Press, 1975), 4.

newly baptized emperor guidance for every aspect of governance, including war.⁸ Roman law served as a political backbone for the Just War concept while Christianity provided a basis for the moral elements of the doctrine.

The first theologian to present a comprehensive Christian Just War concept was Saint Augustine of Hippo. Writing around the turn of the 5th century, Augustine sought to reconcile the previously considered pacifist New Testament Christian values of patience and peace with the vengeful violence of the Old Testament. In line with the theme exhibited in the Old Testament of divine punishment for sinning, Augustine wrote “the single most important statements of the later medieval theories: ‘*iusta bella ulciscuntur iniurias*,’ just wars avenge injuries.”⁹ Augustine insisted that such punishment is an act of love to reconcile the guilt of the transgressor through Old Testament sense of divine justice. This theory, which Alfred Vanderpol terms “vindictive justice,” describes “positive acts,” violent if necessary, intended to restore divine order.¹⁰ The Augustinian concept of vindictive justice teeters on the fringe of aggression; though still a reactive response, the extent to which it can be considered defensive is clearly questionable. However, the requirement that a just war be defensive in nature is a much later development in the evolution of the Western Just War tradition. Historian Frank Russell makes the important observation that “Augustine’s just war did not attempt to distinguish between offensive and defensive warfare,” only just and unjust.¹¹ Whereas the need to protect others out of love and responsibility for them logically justifies defensive violence to repel enemy aggression, offensive warfare or vindictive justice finds legitimacy through the belief that it is divine commandment.

⁸Louise J. Swift, “St. Ambrose on Violence and War,” *Transactions and Proceedings of the American Philological Association* 101 (1970): 522-543.

⁹Joachim Von Elbe, “The Evolution of the Concept of the Just War in International Law,” *The American Journal of International Law* 33:4 (1939): 668.

¹⁰James Turner Johnson, *The Holy War Idea in Western and Islamic Traditions* (University Park, Pennsylvania: The Pennsylvania State University Press, 1997), 54 (hereafter cited as *Holy War*).

¹¹Russell, *The Just War in the Middle Ages*, 21.

Critical to the Augustinian concept of vindictive Just War are the concepts of right intention, of those waging the war and the temporal authority declaring it, and a right authority, the sovereign who declares war out of moral responsibility in accordance with the will of God. By Augustine's theory, a private campaign to punish a wrong-doer was sinful because the inward disposition of the avenger is personal hate toward the offender. According to Augustine, even if a person kills an aggressor out of self-defense, the act is unjust because such violence is personally, not divinely, motivated. A campaign of vindictive justice employs warriors who kill out of obedience to divine authority with a higher purpose of restoring peace and justice. Thus, an inward disposition of love and obedience to God's will redeems the outward disposition of the individuals engaged in fighting a Just War to the extent that it cannot be considered a violation of the Sixth Commandment: *Thou shalt not kill*.¹² The inward disposition of the belligerent and obedience to a cause of justice qualifies as an essential element of the Just War: right intention. For Augustine, there was nothing inherently evil about war and death; the tragic sin of warfare was the seduction of violence – the bloodlust, hatred, and cruelty that poisoned the souls of men at war.¹³ Right intention means for a campaign of violence to be considered just, the temporal authority and the individuals engaged must fight out of a motivation of love and with care to minimize suffering of enemy combatants.

Augustine equates the authority of the secular ruler with divine mandate to argue that legitimate wars of vindictive justice declared by a political authority are justified by the assumption that such authority represents God's will on earth and that the authority is inherently

¹²Russell, *The Just War in the Middle Ages*, 22-23. In response to the Christian doctrine of pacifism, Just War theorists like to point out that the meaning of the word translated as "kill" has a closer meaning to the English word "murder" in the original Hebrew.

¹³Riley-Smith, *The Crusades, Christianity, and Islam*, 13.

insusceptible to whims of violent passion.¹⁴ Augustine (and the theologians to build on his theories in the centuries to follow such as Thomas Aquinas) referred to the biblical passage Romans 13:4, which states that “He [the prince] is minister of God to execute his wrath on the evildoer.”¹⁵ The issue of right authority can be considered “the most crucial issue in any just war theory,” because it justifies both individual and institutional violence in campaigns of vindictive justice.¹⁶

What kinds of *iniurias* are significant enough to warrant violent vindication? Simply put, “War was justified when a people or city neglected either to punish wrongs done by its members or to restore what it had unjustly seized.”¹⁷ However, in the view of Augustine and the Church, any perceived injustice against the Church or Christianity qualified as usurpation of the moral order on earth, which in turn reflects divine order. It was the duty of temporal leaders to uphold this order that hinged on the sovereignty of the Christian *patria*. Thus, the injury need not be done to the party waging the just war so long as it fights for the restoration of peace and justice. Augustine’s definition of just cause is defined as either punitive or restorative, as a part of vindictive justice.

The three criteria first established by Augustine and expanded upon by later canonists and theologians – legitimate authority, just cause, and right intention – all constituted indicators for justifying a decision to engage in a given violent conflict. Fulfillment of these three conditions assures that there is *jus ad bellum*, a right to wage war. However, any morally responsible institution (or theory) risks atrocity if it permits war without overarching limitations or a code of conduct. The element of Just War theory that performs this function, known as *jus in*

¹⁴Russell, *The Just War in the Middle Ages*, 68.

¹⁵Johnson, *Holy War*, 53.

¹⁶Russell, *The Just War in the Middle Ages*, 68.

¹⁷*Ibid.*, 18.

bello, seeks to define the limits to the conduct in war. A fundamental element of *jus in bello* in contemporary theory is that the warring party must observe special protection for civilian non-combatants, women, and children, innocents who constitute no threat by their inability to do harm. However, in Augustinian theory, the inability of non-combatants to inflict injury and lack of guilt is irrelevant to the nature of vindictive justice. Even status as an enemy combatant has no necessary correlation to the injustice of the enemy party. The complexity of Augustine's argument about innocence is best explained by Richard Hartigan—“though enemy soldiers may be killed in a just war, this is permitted in order to restore justice, not because they are morally guilty, for it is likely that they may be completely innocent of injustice.”¹⁸ Hartigan also notes that this stance is consistent with Augustine's definition of the soldier as a “passionless agent of the public authority” and that the injustice of an authority in no way condemns his subjects to the same guilt.¹⁹ Hartigan argues that because the individual enemies' innocence and guilt are irrelevant, so too is the distinction between soldiers and non-combatants.²⁰ While Augustine does not present protection of non-combatants as a clear element of his Just War doctrine, the concept of right intention seems to be the redeeming element.

¹⁸Richard Shelly Hartigan, “Saint Augustine on War and Killing: The Problem of the Innocent,” *Journal of the History of Ideas* 27:2 (1966): 201. In response, Swift criticizes Hartigan for misinterpreting the role of the soldier in Augustinian Just War theory. Hartigan faults Augustine for being inconsistent: first comparing the role of the soldier as an instrument of the state, like an executioner punishing a sinner for his wrongs. However, Hartigan argues, if the soldier is to assume the same role in a war, wouldn't he be unjust to kill an innocent? Wouldn't that be an injustice itself? Swift's response to Hartigan's article clarifies Augustine's point through critical analysis of the original Latin writings. Swift explains that Augustine's reference to the roll of an executioner was a metaphor, the executioner and the criminal representing the authority waging a just war and the injuring nation respectively. Hartigan's basic understanding of Augustine's arguments is accurate and stated clearly, but his argument for their inconsistency is shown by Swift to be shallow.

¹⁹Hartigan, “Saint Augustine on War and Killing: The Problem of the Innocent,” 202.

²⁰Louise J. Swift, “Augustine on War and Killing: Another View,” *The Harvard Theological Review* 66:3 (1973). Swift does point out, however, that an enemy soldier's role in actively taking part in an unjust war makes him objectively guilty without “volitional commitment to injustice”. Swift's distinction is that the enemy soldier is as innocent as a non-combatant in his inward disposition, but guilty in his physical action.

Augustine's role as the theologian who first articulated the beginnings of Western Just War theory is recognized in retrospect. The influence of his theological doctrine peaked at the end of the 5th century as the political policies pursued by the Church took precedence. Ecclesiastical officials who sought to consolidate Church power, such as Pope Gregory the Great at the turn of the 7th century, pursued the wars against heretics and barbarians justified by Augustinian doctrine.²¹ The "far-reaching imperial program of religious, moral and political authority" of the Christian Emperor Charlemagne (8th-9th centuries) gained legitimacy from Gregorian edict as together they sought to pursue righteousness through military enforced justice.²² The emergence of the just cause of "defense of the *patria*" was championed by the 9th century Pope Nicholas I, as the notion of self-defense became assumed as an inalienable right to individuals, kings, and religious entities. The papal proclamations of the 11th century also contributed to the development of Christian ethical code in warfare with the Truce of God and the Peace of God. Forbidding non-defensive fighting on holy days and violence against clergy, nuns, peasants, orphans and church property respectively, these two doctrines sought to limit violence between warring Christian Europeans with a policy of protecting those that pose no threat.²³

The notion of defense as a just cause for going to war became explicit in the 12th century, as the canonist Gratian infused Augustinian the Roman notion of a defensive war to protect the *patria*, be it homeland or Church, from enemy aggression. In the 13th century, the ethicist, philosopher, and theologian Thomas Aquinas expanded on this idea of defense as a part of just cause. Johnson writes of Aquinas's contribution here, "Punishment of evil and retaking that

²¹Russell, *The Just War in the Middle Ages*, 28.

²²Ibid.

²³H.E.J. Cowdrey, "The Peace of God and the Truce of God in the Eleventh Century," *Past & Present* 46 (2002): 42-43.

which has been wrongly taken are thus two specific justifying causes within this larger conception of defense of the common good.”²⁴ It is significant that defense of the common good, as a third element of just cause, developed in the Christian Just War tradition well after the beginning of the Crusades. Though Augustine acknowledged the defense of the *patria* and the divine order qualified as a just cause, the need for the campaign to be militarily defensive was absent from the Just War tradition at the time Pope Urban II made the call to the Christians of Europe at the end of the 11th century.

War in Early Islamic Jurisprudence

As the most sacred source of divine teaching in Islam, the Qur’an is the fundamental source of guidance in *shari’a*. The revelation of the Qur’an to the Prophet Muhammad occurred over the span of ten years, some while he was in Mecca, and then some after he fled to Medina in 622 to seek refuge from persecution. In Medina, the Prophet became not only a religious leader but also a statesman and military commander. Accordingly, the divine guidance given to the Prophet in Medina served a different purpose than it had in the previous climate. The Qur’anic verses on war (commonly referred to as the Sword Verses), along with the *Sunna* of the Prophet’s wartime actions and decrees, sanction violence “always with the caveat of restraint,” and within the context of warfare.²⁵ These elements of the holy sources of Islamic text establish the basis of the concept of Just War in Islam. *Sura* 3, verses 190-193 is one of the most often cited passages, which commands Muslims:

²⁴Johnson, “Just War, As It Is and Was,” *First Things: A Monthly Journal of Religion and Public Life*, (2005), obtained from <http://www.firstthings.com/article/2007/01/just-war-as-it-was-and-is-2>.

²⁵Youssef H. Aboul-Enein and Sherifa Zuhur, “Islamic Rulings on Warfare,” Strategic Studies Institute, U.S. Army War College (2004): 8.

“Fight in the cause of God those who fight against you, but do not commit aggression, for God loves not the aggressors. And fight them where you meet them and expel them from where they expelled you, for oppression is more evil than killing, but do not fight them at the Holy Place of Worship unless they fight you there, and if they fight you then fight them, thus is the reward for the disbelievers. But if they cease then God is much-forgiving and merciful. And fight them until there is no more dissent and there is worship for God alone, but if they cease then no hostility except against those who do evil.”²⁶

This fundamental doctrine of restraint commands Muslims to engage in defensive warfare when attacked. The more complex and controversial subject of war doctrine in Islamic jurisprudence is that of *jihad* and waging offensive campaigns.

For all its usage in military context, *jihad* does not mean fighting (or “holy war” as commonly misconceived) *eo ipso*. The majority of its usage in the Qur’an and *Sunna*, however, is explicitly military in nature. Yet the peaceful notions of *jihad* must not be overlooked.

Accordingly, the striving or struggle in the cause of God that *jihad* refers to has been classified by jurists to be of four types: *jihad* “of the heart (faith), that of the tongue (right speech), that of the hand (good works) and finally, that of the sword ([warfare]).”²⁷ Furthermore, the Prophet himself referred to spiritual struggle to purify oneself as the “higher” or “greater” *jihad*.²⁸ Thus in different contexts, *jihad* can refer to both violent and non-violent efforts. The question of whether or not *jihad* doctrine is to be interpreted empirically or in respect to its context continues to effect modern *shari’a* debate.

Classical Islamic thought divides the world into two abodes: the abode of submission to God (*dar al-Islam*) and the abode of war (*dar al-harb*). The concept of these two realms distinguished between territories under Muslim rule and foreign territories where Islam has yet to

²⁶Qur’an 2:190-193. The word for “fight” throughout these verses is the Arabic word *qital* which connotes physical contention, even though it is followed by “in the way of God” normally found with the word *jihad*, which carries more spiritual connotations of struggle.

²⁷Johnson, *Holy War*, 61.

²⁸Rudolph Peters, *Jihad in Classical and Modern Islam* (Princeton: Markus Wiener Publishers, 1996), 118.

establish order and peace. The militant element of *shari'a* reasoning sought to define the way to wage war justly both in defense of the ruling Islamic polity as well as in expanding *dar al-Islam*. The classical notion of *jihad*, used mostly in the context of “striving in the path of God” in the Qur’an, pertains to establishing the rule of God and expanding the *dar al-Islam*. This more idealistic purpose distinguishes between the everyday justification for force within the *dar al-Islam* to maintain the peace, such as military action to fight rebellion, apostasy, and crime. *Jihad* for the expansion of the Islamic realm and the fight against disbelief has stronger religious and ideological connotations more closely related to an offensive, external campaign.²⁹

In the early tradition Islamic jurisprudence, the nature of the *jihad* as a defensive or offensive campaign determined whether or not the task was an individual or communal obligation. Through study of the Qur’an and *Sunna*, the early jurists seemed to agree that each Muslim had the obligation to participate in the *jihad* declared by the *imam*, the religious leader of the *umma*, in defense of the Muslim community or Islam as a religion. On the other hand, “offensive military *jihad* was defined as a community obligation, only to be undertaken by the authority of the head of the [Muslim] community, the *imam*.”³⁰ In the case of an offensive campaign into the *dar al-harb*, individuals were permitted and encouraged, but not obligated to take part. An example of the Qur’an corroborates this claim:

“Those who sit idle and unhurt do not equal *those who strive* in the path of God with their possessions and their lives: God exalted *those who strive* with their possessions and lives a level above those who sit idle. And God has promised good for all [Muslims], but God has exalted *those who strive* over those who sit idle with a great reward.”³¹

²⁹Johnson, *Holy War*, 50.

³⁰*Ibid.*, 92.

³¹Qur’an 4:95-96. The phrases italicized by the author are from the Arabic, *the mujahideen*, or those who wage *jihad*.

The Qur'an clearly encourages *jihad*, but it is not incumbent upon every Muslim – all believers are promised the ultimate good, even those who are passive. Many verses of the Qur'an and examples from the *Sunna* prescribe *jihad* as obligatory action, but to be waged collectively at the auspices of an Islamic authority, not individually. Sunni jurists also came to the consensus that it was the duty of the *imam* to wage *jihad* in the *dar al-harb* at least once a year, barring extraordinary circumstance that rendered such an undertaking impractical.³²

Classical Islamic scholars like Malik ibn Anas, the founder of the Maliki school, offered the argument that *jihad* is a noble deed encouraged by the Prophet, but not personally obligatory. Malik ibn Anas, wrote a chapter of his jurisprudential work, *al-Muwatta'*, on *jihad* in the *Sunna*. Malik's chapter clearly establishes that the Prophet urged others to take up the sword and wage *jihad*. The Prophet is quoted as giving the following exhortations:

“Someone who does *jihad* in the way of Allah is like someone who fasts and prays constantly and does not slacken from his prayer and fasting until he returns.”³³

“The Prophet of God said: ‘One who spends his wealth in the cause of the Lord will be called on at the gate of heaven. . . The man of prayer will be admitted from the prayer gate, the man of fighting will be admitted from the fighting gate, and the man of fasting from the gate of fasting.’ Abu Bakr al-Siddiq said: ‘Prophet of God, for a man who is called from one gate, there would be no trouble, but would there be one who is called from all the gates?’ The Prophet of God said: ‘Yes, and I would hope you would be among them.’”³⁴

These early accounts of the Prophet's teachings on war provided the basis for the argument that *jihad* is an essential part of being Muslim. However, fighting is not the only way to fulfill the call for *jihad* – interpretation of such doctrine must take into consideration the different types of *jihad* and the Prophet's declaration that the *jihad* of the soul was the “higher” *jihad*.

³²Ann K. S. Lambton, *State and Government in Medieval Islam: An Introduction to the Study of Islamic Political Theory: The Jurists* (New York: Oxford University Press, 1981), 209.

³³Rudolph Peters, *Jihad in Classical and Modern Islam*, 20.

³⁴John Kelsay, *Arguing*, 98.

One of the writings of al-Shaybani, a jurist of the Hanafi school in the 8th century, takes the Western terminology “law of nations,” as it describes the role of the state in its relationship with external communities.³⁵ Drawing on the previously established division of the two abodes, *dar al-harb* and *dar al-Islam*, Shaybani defines the circumstances in which war is legitimate. The requirement that the *imam*, act as the commander-in-chief of the entire Muslim community, authorizing and overseeing the execution of warfare, reflects the concept of legitimate authority. The classical equivalent of just cause is summarized by John Kelsay:

“The purpose of war is the establishment of the governance of an Islamic state. That state, in turn, finds its purpose in connection with the Muslim community’s mission of calling human beings to Islam. A just war must be tied to these purposes.”³⁶

Furthermore, war is only an appropriate recourse after other means of promoting Islam have failed. An invitation to the enemy to lay down arms and accept Muslim rule, known as the *da’wa*, is a necessary precursor to taking military action. The *dhimmi*, or protected people of Abrahamic faiths (Jews and Christians) were also afforded the chance to pay tribute, *jizya*, to Muslims for living peaceably under their rule before action was taken against them. Thus, “the *jihad* of the sword. . . takes second place to that of the tongue.”³⁷ Though different from the modern Just War concept of last resort, this policy amended the equivalent *jus ad bellum* requirements of just cause, legitimate authority, and right intention already established within the tradition of *fiqh*.

As for the Islamic equivalent to *jus in bello*, classical jurists all agreed that in examination of the Qur’an and *Sunna*, the Prophet clearly forbade cheating, acts of treachery or meaningless destruction, and the intentional killing of other Muslims and non-combatants.

³⁵Sachedina, “The Development of *Jihad* in Islamic Revelation and History,” 69.

³⁶Kelsay, *Arguing*, 102.

³⁷Sachedina, “The Development of *Jihad* in Islamic Revelation and History,” 70.

However, Shaybani's doctrine asserts that in some practical instances, collateral damage is unavoidable.³⁸ The jurist al-Mawardi of the 11th century explains that the Prophet's intention behind the protection of women, children, and slaves was based on their status as non-combatants. Killing a non-combatant or fellow Muslim, even if inadvertently, demands the transgressor to pay compensation, the same as if a Muslim were to commit a surprise attack without issuing the *da'wa* first. In this way the doctrines of early Sunni jurists viewed religion as a restricting factor in both in the conduct of and decision to wage war.

Holy War in the Just War Tradition

Neither "crusade" nor "*jihad*" mean "holy war" *eo ipso*. However, their uses in the historical context of Christian and Muslim military expeditions have led to such interpretations.

Merriam-Webster offers two definitions of "jihad" as a word of the English language:

- 1: a holy war waged on behalf of Islam as a religious duty; *also*: a personal struggle in devotion to Islam especially involving spiritual discipline
- 2: a crusade for a principle or belief³⁹

The actual translation of the Arabic word *jihad* appears only as a supplement – both the primary and secondary definitions define *jihad* as "a holy war" and "a crusade". The strong relation between *jihad* and crusading is commonly reduced to that of synonymity because they both historically signify campaigns of holy war.

In addition to the terminological oversimplifications, the word "oxymoron" has been used to describe the concept of a holy war accompanied by outrage and disgust at all the atrocities that

³⁸Kelsay, *Arguing*, 109.

³⁹*Merriam-Webster.com*, s.v. "jihad," <http://www.merriam-webster.com/dictionary/jihad>.

have been committed in the name of God. A common pacifist position tends to reject any claim that violence could be part of any divine will. However, when viewed in the context of religious war doctrine of the Middle Ages, one finds religion to be the roots of modern Just War theory. The distinctions between Just War and Holy War can be viewed in relation to the distinctions between moral and religious doctrine respectively. With the strong influence of Christian ethics on Western morality and the inherent religious nature of Muslim political authority, the distinctions are often difficult to identify.

In general agreement that it is a subcategory of or one of the many themes in the long tradition of Just War theory, several scholars have sought to define the term “holy war”. Frank Russell reports, “The holy war is fought for the goals or ideals of the faith and is waged by divine authority or on the authority of some religious leader.”⁴⁰ Lloyd Steffen writes that “holy war refers simply to any use of force justified by appeal to divine authority.”⁴¹ Crusade historian Jonathan Riley-Smith writes that a just war becomes holy when it is “considered to be authorized directly or indirectly by God (or Christ) and as being fought to further what are believed to be his intentions.”⁴² After identifying ten examples of the meaning of holy war, James Turner Johnson goes into further detail to categorize what he proposes are the three characteristics of a holy war that distinguish it within the Just War concept:

“ . . . [1] a transcendent authority, either given directly from God or mediated through the religious institutions in some way . . . [2] a purpose directly associated with religion, either its defense or its propagation or the establishment of a social order in accord with religious requirements. . . [3] that the war be waged by people who are in some sense set apart, whether cultically or morally or simply by membership in the religious community, from those against whom the war is waged.”⁴³

⁴⁰Russell, *The Just War in the Middle Ages*, 2.

⁴¹Lloyd Steffen, *Holy War, Just War: Exploring the Moral Meaning of Religious Violence* (Lanham: Rowman and Littlefield Publishers, Inc., 2007), 182.

⁴²Riley-Smith, *The Crusades, Christianity, and Islam*, 14.

⁴³Johnson, *Holy War*, 45.

Extracting the similarities from the variety of definitions brings forth the idea that a just war is holy when the legitimate authority is divine authority and the just cause is a religious cause.

The historical event of the Crusades embodied the notion of holy war in Christianity. Likewise, the current campaigns by Islamist militancy groups have allowed Islamic holy war to adopt the banner of *jihad*, when in Islam the *jihad* of the sword is only one element of the word's meaning. The observer must be conscious then, that the prevalent meanings of such terminology are a product of centuries of historical conflict and political propaganda with religious undertones. It is similarly important to remember that principles like last resort, proportionality, and reasonable chance of success are modern developments in the Just War tradition. A examination of the Crusades and Counter-Crusades that considers historical contexts demands one to set aside such notions and instead view the events within the context of theological ethical debate of the time. The Augustinian principles of Just War and the corresponding consensus of medieval Islamic jurisprudence provide the appropriate lens.

CHAPTER TWO

The Crusades: Justifications and Motivations

A common story in Crusade literature tells of a vision of Saint Ambrose appearing to an Italian priest to inquire as to why the response to the call for the Crusades had been so prolific.

The priest revealed his mixed feelings:

“Different people give different reasons for this journey. Some say that in all pilgrims the desire for it has been aroused by God and the Lord Jesus Christ. Others maintain that the French lords and most of the people have begun the journey for frivolous reasons and that it was because of this that setbacks befell so many pilgrims in the kingdom of Hungary and in other kingdoms. And for that reason they cannot succeed.”¹

As expected in such a conglomerate movement of individuals from varying nations, socio-economic classes, and backgrounds, the individual motives of the crusaders was certainly not monolithic. This 12th century account confirms that even during the time of the Crusades, the

¹Jonathan Riley-Smith, *The First Crusade and the Idea of Crusading* (Philadelphia: University of Pennsylvania Press, 1986), 39 (hereafter cited as *The First Crusade*).

personal motivations of the knights and lay people who embarked were ambiguous. The rationale at the institutional level of the Church, expressed by both Pope Urban II at the campaign's inception and others who supported its later phases, has also been subject to centuries of historical speculation. Due to the great diversity of claims in the material available, demythologizing the driving forces behind the Crusades has become a primary task of many modern historians, not least prominent among them, Thomas Madden. Madden writes in his "The Real History of the Crusades" that, "misconceptions about the Crusades are all too common. The Crusades are generally portrayed as a series of holy wars against Islam led by power-mad popes and fought by religious fanatics."² Though Madden's assertions must also be viewed with scrutiny, his characterization of the scholastic setting gives such studies their relevance. For example, should it be surprising to read Maddens conclusion, that, "the Crusades met all the criteria of a just war, especially in their defensive nature,"³ Having already discussed the theological and canonical developments in the Just War tradition up until the end of the 11th century, it is possible to study the degree to which such doctrines were adhered to in the decision to embark on and the conduct of warfare within the Crusades.

Divine Justification: Pope Urban II at the Council of Clermont

Pope Urban II's sermon at the Council of Clermont explicitly made the call for the military expedition now known as the Crusades. However, much to the dismay of historians, there is no existing transcript that can be considered authentic. There are a variety of historical

²Thomas F. Madden, "The Real History of the Crusades," *Crisis Magazine* (April 1, 2002), http://insidecatholic.com/Joomla/index.php?option=com_content&task=view&id=3463&Itemid=48, (hereafter cited as "Real History").

³Thomas F. Madden, "Crusaders and Historians," *First Things: A Monthly Journal of Religion and Public Life* (Jun.-July, 2005), <http://www.firstthings.com/article/2007/01/crusaders-and-historians-42>

accounts that refer to elements of the Pope's speech or attempt to write a word for word record, but the reports themselves were fragmented, variant, and even the earliest are dated after the fall of Jerusalem to the Crusaders in 1099.⁴ Among these, historian D.C. Munro has distinguished the five most reliable reports the Pope's address to be those of writers who were present at the Council themselves or informed by sources who were: Fulcher of Chartres, Robert the Monk, Baldric of Dol, Guibert of Nogent, and William of Malmesbury.⁵ Munro undertakes the complicated task of analyzing each account and comparing them to reconstruct an outline of the arguments most likely included in the exhortation of Urban at Clermont. Despite the verbal differences between the accounts, Munro asserts that there is general agreement on the main points of the speech, identifying the common elements existing among certain or all reports.⁶ Bracketing possible arguments, parenthesizing probable arguments, and writing those certainly included without inclosures, Munro hypothesizes the following outline:

“[Praise of the valor of the Franks] ; necessity of aiding the brethren in the East, appeals for aid from the East ; victorious advance of the Turks ; [reference to Spain] ; sufferings of Christians in the East ; (sufferings of the pilgrims) ; desecration of the churches and holy places ; [expressions of contempt concerning the Turks] ; special sanctity of Jerusalem ; this is God's work ; (rich and poor to go) ; grant of plenary indulgence ; fight righteous wars instead of iniquitous combats ; (evil conditions at home) ; promise of eternal and temporal rewards ; let nothing hinder you ; God will be your leader.”⁷

Munro's conclusion is quite the intellectual feat; previously historians tended to summarize the speech deferring to a single source of the speech, such as the imaginary “historical” account of William of Tyre.⁸ Instead of attempting to convey Urban's message verbatim, Munro's hypothesis captures the conceptual arguments of the sermon. Without the need to quote Urban,

⁴Dana Carelton Munro, “The Speech of Pope Urban II at Clermont, 1095,” *The American Historical Review* 11:2 (Jan., 1906): 231.

⁵*Ibid.*, 232.

⁶*Ibid.*, 231.

⁷*Ibid.*, 242.

⁸*Ibid.*, 231.

Munro's outline allows for identification of the elements of the Just War concept that he appealed to in examining the justifications for the Crusades at the institutional level of the Church.

The purpose of Urban's address at Clermont was to summon the Christians of Europe to a holy war on Christ's behalf.⁹ With Munro's outline, it is possible to observe how Urban did exactly this through an appeal to the Just War tradition. As Thomas Madden suggests, "Urban II did not overturn the teachings of Augustine but rather blended the Just War theory with other well-established principles such as Christian charity and pilgrimage."¹⁰ Urban II spelled out the reason for authorizing the Crusades in accordance with the Augustinian doctrine of intolerable injury and just cause: Muslim rule was directly responsible for the plight of Christians in the East, the desecration of the Holy Sepulchre and other holy sites, and the conquest of the Christian lands. These elements of Urban's argument declared that these were intolerable injuries not only to those individuals effected (the Christians in the East) but to Christianity at large and Christ Himself. Though it is likely that the reported atrocities were often exaggerated for effect in the chronicles, enough evidence exists to confirm that the destruction of the Holy Sepulchre in 1009 and other Christian holy sites subsequently as well as other widespread acts of intolerance towards Christians under Fatimid rule were legitimate grievances. With his address at Clermont, Urban extrapolated such offenses from instances of temporal injustice to an intolerable assault on Christ and Christianity.

Urban made explicit not only the grievances of the Christian world, but also the goals of the campaign he authorized. Consistent with the duality of the claimed offenses, the stated goal

⁹Riley-Smith, *The Crusades, Christianity, and Islam*, 17.

¹⁰Thomas F. Madden, *The New Concise History of the Crusades*, updated student ed. (Lanham: Rowman & Littlefield Publishers, Inc., 2006), 9 (hereafter cited as *Concise History*).

of the Crusades was to free “the Eastern churches . . . from the oppression and ravages of the Muslims” and “the city of Jerusalem from the servitude into which it had fallen.”¹¹ The first goal of liberation can be considered to include the Christian people within the context of protecting the Church from Muslim conquest in general. This element of Urban’s call was nothing new; his preoccupation with the Spanish Reconquest suggested one united campaign of liberation of Christian peoples that included repelling the Turks in the East and the Moors in Europe.¹² As a part of this broader effort, the Crusades were Urban’s response to the plea for aid by the Byzantine Emperor by encouraging the faithful in Europe to come to the aid of their Eastern brethren who were suffering at the hands of Muslim conquerors. Thus, the idea of Christian charity became a compelling argument behind the campaign of liberation, very much in accordance with Augustinian Just War doctrine.

Urban also appealed to the practice of penitential pilgrimage to Jerusalem and holy sites, a long-standing Christian tradition, with Just War principles in his justification for the Crusades in his sermon at Clermont. The religious significance of these sites was crucial to the sanctification of the campaign to seize the lands back from Muslim control. The liberation of the Church, after all, was just as much if not more concerned with the plight of the holy lands as the Christians themselves. As the historian Todd Patrick Upton observes, most of the chroniclers of Urban’s speech at Clermont, “characterized the rescue of Jerusalem as the primary rationale for traveling eastward.”¹³ The belief that Christ himself was the victim of the Muslim conquerors, robbed of His inheritance in the holy land and re-crucified in the desecration of the holy sites,

¹¹Riley-Smith, *The First Crusade*, 18.

¹²*Ibid.*, 20. In fact, Urban appears to have instructed the Spanish to remain in Europe to continue their domestic holy war as part of the larger campaign.

¹³Todd Patrick Upton, “Sacred Topography: Western Sermon Perceptions of Jerusalem, the Holy Sites, and Jews During the Crusades, 1095-1193,” (PhD diss., University of Colorado, 2007), 36.

combined the mission of a pilgrim with that of a holy warrior. Urban first and foremost commissioned the Christians of Europe to take up the cross under a pilgrim's vow and directed them to the Holy Sepulchre, as was the tradition. The difference in this mass campaign was that these pilgrims were also charged with the military task of taking back Jerusalem from the Muslims to restore the holy land to Christ. As James Brundage describes this unique role, "Juridically, the crusader was first and foremost a pilgrim, although a pilgrim of a special type, inasmuch as he was pledged to fight a holy war in the course of achieving his pilgrimage goal."¹⁴ Indeed, the crusader vow was not to a military or political leader, nor to the Pope, but to God alone. Brundage also cites the Clermont chronicles of Fulcher of Chartres and Robert the Monk which both suggest that Urban discussed the crusader's vow as a binding legal mechanism to secure a commitment from men who would undoubtedly be tempted to abandon the cause for the secular temptations of comfort or plunder as their initial enthusiasm faded and their devotion was tested along the warpath.¹⁵ Those who made the vow became known as *milites Christi*, or Knights of Christ, based on the belief that they were fighting in the *via Dei*, or way of God, both military campaign and pilgrimage out of religious obligation.¹⁶

The success of Urban's sermon in summoning the Christians of Europe to take up the cross relied on his holy stature as the Pope, the Vicar of Christ on Earth. His call, the call of the Catholic Church, was equivalent to divine mandate even in his own eyes. As Riley-Smith explains with multiple examples, "the association of God and God's will with military triumphs against the Muslims had been a feature of [Urban II's] letters from the beginning of his

¹⁴James A. Brundage, *Medieval Canon Law and the Crusader* (Madison, Milwaukee: The University of Wisconsin Press, 1969), 31.

¹⁵Ibid., 31-33.

¹⁶Riley-Smith, *The First Crusade*, 16-17. Riley-Smith observes the phrase *via Dei* to describe the crusade in multiple crusade charters throughout France.

pontificate.”¹⁷ Urban’s classification of the armed pilgrimage he heralded as God’s work and lead by God at the Council of Clermont clearly confirmed this association. Across Europe and into the Levant the calls of “*Deus lo volt!*” meaning “God wills it!” echoed far and wide as the crusaders took up what they believed to be God’s cause.¹⁸

Crusader Motives: Rhetoric and Reality

Through the Crusades, Pope Urban II offered Christian Europeans an opportunity for a remission of sins in return for their fulfillment of their vows. The idea of a penitential warfare first arose in the language of Pope Gregory VII, who expressed the belief that the voluntary exposure to danger of a warrior in the very nature of his fighting a just war was commendable to the degree that it could be treated as penance.¹⁹ However, the promise of a spiritual reward for military service became convincing and popular only once Urban contextualized the risks of the holy warrior with risks involved with the long-standing tradition of the penitential pilgrimage to Jerusalem.²⁰ Offering penance for participation in the Crusades was also a strategic decision through which Urban sought to limit the composition of the crusading armies to the professional warrior class of Christian knights with pious motivations; Urban promised a remission of sins only to those who took the vow, “for devotion only, not to gain honour or money.”²¹ Clearly, Urban meant for the intentions of the individual crusaders to match the pious intentions with

¹⁷Riley-Smith, *The First Crusade*, 16. Riley-Smith emphasizes that there is no evidence Urban used this phrase to refer to the pilgrims, “although surely he must have” due to the pervasive use of the term in the crusading armies.

¹⁸The original Latin is “*Deus vult!*”, meaning “God wills it!”

¹⁹Riley-Smith, *The Crusades, Christianity, and Islam*, 31.

²⁰*Ibid.*

²¹Robert Somerville, *The Councils of Urban II*, Vol. 1, *Decreta Claromontesia* (Amsterdam: Adolf M. Hakkert, 1972), 74. See also Jonathan Riley-Smith, “The Motives of Earliest Crusaders and the Settlement of Latin Palestine, 1095-1100,” *The English Historical Review* 98:389 (Oct. 1983): 722 (hereafter cited as “Motives and Settlement”).

which he authorized the campaign. At the same time, this condition also indicates that Urban acknowledged that the prospect of material gain, be it earthly glory or the spoils of war, would undoubtedly provide serious incentives for the Christians of Europe to join the campaign or revert to plunder along the way.

The idea that crusaders were moved by a desire for wealth and glory is supported by the historical circumstances at the time of the Clermont sermon in 1095. Europe was suffering economically from an agricultural depression due to a series of droughts that caused poor harvests and widespread famine in France up until 1096. The death-rate was growing due to outbreaks of disease called ergotism, which arises from consuming mould-ridden rye bread. A feudal system where younger sons received no land inheritance appeared to encourage at least a number of Europeans to join the Eastward campaign with ambitions of territorial acquisition.²² In such times, it seems likely that “men with little to lose and everything to gain [sic] took the cross merely as a pious pretext to enrich themselves with stolen booty and carve out a new home in a distant land.”²³ Simply considering the socio-economic context of the first crusaders, the argument that the religious rhetoric of crusaders was a convenient façade for economic opportunism seems reasonable.

Until recently, the general consensus of modern medieval historians seemed to focus more on the desire for temporal rewards when discussing the type of Europeans composing the crusader armies and their motives for joining the Crusades. Madden argues that this trend was a result of overreliance on demographic and circumstantial evidence in lieu of a more direct way to approach the issue. He attributes the most recent breakthroughs in scholarship like that of Riley-Smith to advances in technology that allow for concrete evidence through quantitative

²²Thomas Asbridge, *The First Crusade: A New History* (New York: Oxford University Press, 2004), 67-68.

²³Madden, *Concise History*, 11.

approaches.²⁴ Still, the historical evidence available almost exclusively pertains to the upper-class of European feudal society – the nobility. Though records confirm that tens of thousands of poor Europeans also joined the Crusades, the only information about them is general and vague. Thus, the only real scholarship that examines the motives of the crusaders with credibility must focus on the group of knights whom Urban had directed his sermon towards in the first place.

What do the recent developments in scholarship propose? First off, the costs of crusading were impoverishing. Riley-Smith conservatively estimates that the individual cost of the journey to a French knight in 1096 was at least four times his annual income.²⁵ Even wealthy land-owning knights were forced to mortgage or sell their land in order to finance their crusading. A charter of Henry IV of Germany cites that Godfrey of Buillon and Baldwin of Boulogne, “seized by hope of an eternal inheritance and by love, prepared to go fight for God in Jerusalem and sold and relinquished all their possessions.”²⁶ Crusading not only required this kind of material sacrifice from the wealthiest class in Europe, it offered little or no material gain. Those embarking knew the incredible risks they were making with their own lives and the livelihood of their families. Though the desire to loot and plunder in distant exotic lands must have captured the attention of at least some crusaders, most believed that any spoils would be property of the Byzantine emperor, as they interpreted from Urban’s decrees at the time.²⁷ Furthermore, except for a few isolated reports, the historical records show little evidence of crusaders returning to Europe “rich in anything but relics.”²⁸ The idea of the opportunist younger son crusader is unlikely in consideration of the tremendous costs, terrifying risks, and little promise of acquiring

²⁴Madden, *Concise History*, 11-12.

²⁵Jonathan Riley-Smith, “Early Crusades to the East and the Costs of Crusading, 1095-1130,” in *Cross-Cultural Convergences in the Crusader Period: Essays Presented to Aryeh Grabois on his Sixty-Fifth Birthday*, ed. Michael Goodich, Sophia Menache, and Sylvia Schein (New York: P. Lang, 1995), 246.

²⁶Riley-Smith, *The First Crusade*, 44.

²⁷Madden, *Concise History*, 12.

²⁸Riley-Smith, *The First Crusade*, 41.

wealth. Such evidence even suggests that it was mainly the wealthy first sons of the landed gentry who had enough resources available to finance their own excursion.

Secondly, the image of territorial ambitions driving second class Europeans to join the campaign is also misleading. The historical evidence available suggests that most crusaders who had taken the vow returned to Europe following the conclusion of their venture. Fulcher of Chartres, who served as the chaplain to the first king of Jerusalem, reported that in 1100 there were only 300 knights and the same number of infantry remaining in the territories under their control.²⁹ Though this figure doesn't include those who remained under some other crusader principalities, it does suggest that few of those who made the journey chose to stay in the East. Even of those who remained, the historical records suggest that the bonds of kinship and loyalty to leaders were more common reasons for settlement. Riley-Smith analyzes the motives of the three main leaders during the earliest years of settlement (who were wealthy enough that they "certainly had no financial need to stay in the east"), concluding that "most of the crusaders known to us may have settled because their leaders settled and that by no means all the leaders were motivated simply by a desire for land."³⁰

From the limited historical records available, it is clearly more likely that the crusaders were motivated by more than economic incentives. The only real rewards that one could expect for all the personal sacrifices entailed in taking up the cross were metaphysical. Madden asserts, it is important to remember that the medieval culture of nobility valued unwavering devotion to God and valiance on the battlefield as the two manifestations of virtue.³¹ The response of the

²⁹Riley-Smith, "Motives and Settlement," 723-724.

³⁰Ibid., 732, 733.

³¹Madden, *Concise History*, 13.

European nobility to Urban's call can largely be attributed to this element medieval culture.

Thomas Asbridge explains the phenomenon:

“All medieval society was preoccupied with the pursuit of purity, but the knightly aristocracy, forced by the nature of its profession into daily contact with contaminants such as violence and personal wealth, seems to have been particularly prone to harbor an obsession with spiritual infection.”³²

For this class of land owning warriors, alms-giving was the primary means of securing salvation from the Church. Penitential pilgrimage, of course, was the other. Thus the Crusades, as a holy war and a movement of penitential pilgrimage, offered the knights of Europe the chance to earn spiritual redemption and sanctify their careers as warriors in a single enterprise. As one crusader put it;

“What greater almsgiving can there be than offering oneself and one's belongings to God and risking one's life for Christ, leaving behind one's wife, children, relations and birthplace for the service of Christ, exposing oneself to dangers on land, dangers at sea, dangers from thieves, dangers from plunderers, the danger of battle for the love of the Crucified?”³³

The historical accounts of the crusades as well as the surviving charters and other administrative documents are rich with such rhetoric. The individual crusader could obviously be suspected of superficial expression of devotion while harboring ulterior motives. As previously discussed, it is impossible to rule out the chance that at least some crusaders paid lip service to the divine cause with primary intentions of material acquisition. One thing that Crusade scholarship has verified is the diversity of the group of Europeans retrospectively referred to as crusaders. However, the historical evidence available today suggests that the knights of Europe were likely to have been moved by sincere feelings of piety and duty that were so closely associated with the values of their culture. Of the remaining crusaders, the lay people of the lower echelons of medieval society, “most were beholden to the [nobility] who supported them, and could not have made the

³²Asbridge, *The First Crusade: A New History*, 73.

³³Riley-Smith, *The Crusades, Christianity, and Islam*, 40.

journey without their largesse.”³⁴ Although the composition of the crusaders surely included men of every class and every motive, the pious idealism and Christian devotion of the European nobility were the instrumental motives behind the response to Urban’s call.

The actions of the crusaders during the war can also be viewed as an indicator of their motives. In line with most historical holy wars, chronicles and histories of the Crusades are full of examples of atrocities committed in God’s name. Today, the image of a blood-thirsty European knight fighting more out of hatred for Muslims than love for Christians permeates popular perceptions about the Crusades. Much of this image is substantiated by the chronicles of victim communities, whose accuracy and objectivity is highly questionable. William of Tyre reports that the crusaders methodically stormed through Jerusalem upon breaching the walls, breaking in to every residence to indiscriminately slaughter all men, women, and children, who were implicit in the crimes against the Church in the East.³⁵ Similarly Raymond D’Aguiliers conveys a sense of horrific wonder at the “piles of heads, hands, and feet” in the streets of the city and blood up to the knees of knights in the Temple of Solomon where many had taken refuge.³⁶ Thomas Madden asserts that “By the standards of the time, adhered to by both Muslims and Christians, the crusaders would have been justified in putting the entire population of Jerusalem to the sword,” when instead they showed restraint and even allowed many to flee or purchase their freedom from captivity.³⁷ The standard to which Madden refers stems from the Augustinian position of non-discrimination based on subjective innocence of civilians and soldiers alike. However, the subsequent plunder of the entire city, well documented by multiple

³⁴Madden, *Concise History*, 13.

³⁵William, Archbishop of Tyre, *A History of Deeds Done Beyond the Sea*, trans. and annotated Emily Atwater Babcock and A.C. Krey (New York: Columbia University Press, 1943), 1: 370-372.

³⁶Edward Peters, ed., *The First Crusade: The Chronicle of Fulcher of Chartres and Other Source Materials* (Philadelphia: University of Pennsylvania Press, 1971), 214 (hereafter cited as *Source Materials*).

³⁷Madden, *Concise History*, 34.

chroniclers, is enough to suggest that the actions of the crusaders during the siege were of mixed motives at best.

The slaughter of Jews across Europe and especially along the eastward warpath is well documented as well. Though the integrity of individual reports of such events cannot be confirmed, the prolificacy of their accounts provides at least some validity. It is difficult to believe that such acts were motivated by the Augustinian notion of punitive charity towards an offending populace. Some historians argue that these rogue Crusaders justified the plunder of cities and towns in Eastern Europe as motivated by the necessity to obtain provisions along the journey, rather than misinterpreted authorization to fight non-believers perceived as the enemies of the Church. Though the individual acts of Crusaders varied and not much can be said with certainty about their disposition towards the non-combatant victims of their violence, the Christian authorities clearly stood in opposition to such crimes.³⁸ Due to the degree of ambiguity on the topic, determining the intentions behind such acts of seemingly indiscriminate violence is nearly impossible.

The Crusades in the Just War Tradition

The Crusades were a holy war by the very definition of the term. Maintaining the position that Holy War is a category of Just War, this classification transitively implies that they were a just war. However, after presenting such research it is possible to evaluate the Crusades in this manner based on more than mere categorization. Still excluding the doctrines of Just War that

³⁸Robert Chazan, *In the Year 1096: The First Crusade and the Jews* (Philadelphia: Jewish Publication Society, 1996), 72.

developed after the 11th century, the criteria of *jus ad bellum* and *jus in bello* provide a clear structure on which to reflect the historical evidence.

Just Cause: The Augustinian concept of just cause was an intolerable injury, in the form of aggression, oppression, or neglect that permitted restorative or punitive action in order to redress the moral infraction. As Urban II explicitly stated at the Council of Clermont, Muslim rule in the Levant was responsible not only for the plight of Christians in the East but for transgressing against Christ and the Christian faith through the desecration of the holy sites and the Holy Sepulchre in Jerusalem. The nature of Urban's response to such injury is the subject of debate even among leading scholars in the field. Madden's insistent classification of the campaign as "in every way a *defensive* war" in response to 400 years of conquest that threatened to wipe out Christianity represents a more extreme interpretation of the ideological righteousness of the Crusades.³⁹ The Crusades were, as Madden asserts, a reaction to Muslim advances, but only in so far as they created an environment that allowed the recent instances of horrible offense against Eastern Christians and the holy sites to occur. Even if they were considered as a belated response to Muslim conquests of four centuries prior, the Crusades would best be considered beyond *reactive* as Madden asserts, but even *reactionary*, as an effort of restoration to a past condition. If a military campaign with the reactionary goal to reinstate the status quo of 400 years earlier can be considered "defensive", this is certainly not in the military sense of the word of repelling an immediately threatening aggressor.

³⁹Thomas F. Madden, "Crusade Propaganda: The Abuse of Christianity's Holy Wars," *National Review Online* (November 2, 2001), <http://article.nationalreview.com/?q=MzhhODM1MDhkYWxNTRiYmRjMzg2NmY2YjM3ZTRiZDQ=#more>, emphasis added by Madden.

Such sound research with rather oversimplified conclusions indicates that Madden may be intentionally catering to the modern, popular concept of Just War with a subjective judgment rather than viewing the Crusades from the historical perspective. Unless the evaluation seeks to determine if the Crusades were justified by modern ethical standards, there is no need to classify the Crusades as Madden does when the prevailing Augustinian doctrine at the time did not distinguish between offensive and defensive warfare. Moreover, the historical evidence suggests that Urban II pitched the Crusades as a campaign of liberation, not a defensive war. As Riley-Smith notes, “For Augustine violence was justified in response to an injury; for Urban this response took the form of a war of liberation.”⁴⁰ At Clermont, elsewhere, and through his letters, Urban preached the liberation of the Church in the East, including both the Christians suffering under Muslim rule and the assaulted holy sites, to be the primary objective of the campaign. Of course, this goal carries a defensive connotation, in that it seeks to protect the well-being of the Christians and the religion, but such a classification addresses the nature of the cause, not that of its employed methods. Defense of the *patria*, its citizens, and property was, to Augustine, a just cause, in that any violations demanded retribution, but by no means did this restrict the military response to defensive warfare.⁴¹ Nevertheless, this notion of defense of the common good as an element of just cause only became a cornerstone in the Just War tradition with the writings of Thomas Aquinas nearly two centuries after the Crusades began. The classification of the Crusades as a campaign of liberation fits the Augustinian criteria of vindictive justice in response to a principality that cruelly oppresses or neglects the people under its rule. The Muslim infractions against the Christians and the Church in the East constituted a violation that

⁴⁰Riley-Smith, *The First Crusade*, 17.

⁴¹Russell, *The Just War in the Middle Ages*, 21.

warranted a holy war of restoration to return the Church its rights in the East and also of retribution to restore the divine order of justice.

Legitimate Authority: This criterion is easily the least controversial and relatively simple to understand. As the Vicar of Christ on Earth and the head of the Catholic Church, the pope cannot be denied his divine authority. In Medieval Europe, there was no authority more legitimate than that which represented and conveyed divine command.

Right Intention: The two divisions within this criterion are the institutional intention, as voiced by Urban II, and the intentions of the individual crusaders themselves. Though there are scholars who content that the Crusades were launched “first and foremost, to serve the needs of the papacy” in its desire to expand its power, such claims lack not only historical evidence, but also logic.⁴² As Madden points out, if Urban wanted to employ a military strategy that would strengthen the power of the church, it would have made more sense to send armies to fight against his enemies in Northern Europe rather than send his most devout supporters thousands of miles away to help the rival Byzantine Church.⁴³ Furthermore, Urban’s specific concern over the right intentions of those who would take up the cross is further testament to his own intentions. The institution intended for the Crusades to be an act of Christian charity to alleviate suffering and restore divine order through a restorative and punitive military campaign.

Though the intentions of the individuals are difficult to define with certainty, the historical evidence available argues against the common misconception that the majority of crusaders were poor opportunists who took advantage of the religious overtones to escape dire economic times in Europe and pursued greedy aspirations of acquiring land and wealth through the violent enterprise against evil Muslims in the East. Jonathan Riley-Smith’s work with primary

⁴²Madden, “Crusaders and Historians.”

⁴³Ibid.

documents of crusader charters and the like is particularly revealing in this respect, as it suggests that the religious piety of the nobility as a motivating factor has been severely underestimated. Desire for material gain undoubtedly motivated many crusaders, and perhaps even encouraged those who join the crusaders out of sincere devotion. However, the historical facts suggest that the desire for the spiritual reward of penance was a more common motive of the knights Urban sought to motivate than secular opportunism.

Treatment of Non-Combatants: Though many historians agree they are probably exaggerated, the numerous reports of crusaders engaging in horrific slaughtering of non-combatants of every age, gender, religion, and ethnicity throughout the span of the Crusades must surface in any discussion of the degree to which the Crusades can be considered just. Non-combatant immunity in the Crusades is a difficult a topic to address without applying modern ethical perspective that condemns indiscriminate slaughter regardless of the intent of the individual behind the act. The medieval concept of *jus in bello*, derived from Augustine, meant doing no intentional harm to non-combatants not because they were subjectively innocent, as too were the enemy militants, but because such acts had questionable motives. If the soldier was the passionless instrument of the legitimate authority and he took lives out of obedience to the cause of charity, not hatred, then he would not be guilty of wrongdoing. The Peace of God and Truce of God, which Urban declared prior to the Crusades, were only interpreted as applying to fighting among Christians in Europe and were largely disregarded in the Crusades. Ultimately, in lieu of verifiable historical evidence, it is impossible to judge if non-combatants were deliberately targeted out of hatred and intolerance in violation of Just War doctrine of the time.

Though the Crusades may be considered *justified* within the Just War tradition at the time, under the assumption that the implications of the historical evidence are indeed correct, the

degree to which they were *just* remains unclear. The recent advances in scholarship that have allowed the Crusades to be viewed with greater objectivity suggests that the campaign of liberation called for by Pope Urban II was indeed justified within the Just War tradition at the time: The pope is not just a legitimate, but the ultimate authority; the crimes committed against the Church in the East constituted a just cause; and the pious devotion that motivated the Crusades on both institutional and individual levels signifies right intention. Munro's research shows that Urban's sermon at Clermont explicitly addressed the necessary *jus ad bellum* criteria in making his case for the campaign. However, there is not enough historical evidence to determine if the Crusades fit the criterion of non-combatant immunity as an element of *jus in bello*. Thus, with the historical evidence available, it is impossible to conclude that the Crusades were a just war. What can be observed, nevertheless, is how the Crusades were indeed *justified* within the medieval Just War tradition.

CHAPTER THREE

The Muslim Response: *Jihad* Doctrine in Statecraft and Jurisprudence

The Muslim Counter-Crusades have been romanticized and mythologized just as much as the Crusades themselves in both Muslim and Christian collective memories. The *jihad* ideology of Nur al-Din and the accomplishments of his successor Saladin continue to inspire modern campaigns of *jihad* as the latter is remembered as the pious commander of the campaign that took back Jerusalem, the Third Sanctuary of Islam. Statues and monuments in the image of both leaders still stand in Syria today. Likewise, Dante, in his *Divine Comedy*, places Saladin in Limbo among the virtuous pagans such as Socrates, Aristotle, Plato, Homer, and Ovid, the only other Muslims being the famous philosophers Avicenna and Averroes. The well-known novels of Sir Walter Scott likewise praise Saladin for his embodiment of European chivalrous nobility in contrast to the disgraceful ways of his European heroes. The popular 2005 film *Kingdom of Heaven* is the most recent addition to this trend, depicting Saladin as a virtuous Muslim counterpart to the hero Balian of Ibelin and the Christian European King Guy de Lusignan as the

primary antagonist. As with the historiography of the European side of the Crusades, the information available about the individuals and events that composed the Muslim response is only what has survived selectivity, speculation, and revision. A historical study of the Muslim response must therefore be mindful of the misconceptions and myths in the collective memories of the West and the East alike.

There was no word for “crusader” in Arabic at the time the wars were fought. Muslim chroniclers referred to them as *frangi* or “Franks,” to designate European origin, differentiating the new comers from the Byzantine Christians, with whom hostility had become static and reserved after centuries of war.¹ Historians have tended to summarize the Muslim perception of the Crusades, as evidenced by major chroniclers, as “a nuisance rather than a serious menace to the Islamic World.”² These invaders from the West who arrived during the so-called Golden Age of Islam were often looked down upon as barbaric infidels who fought simply to regain territories lost in recent wars to the Byzantine Empire. Thomas Madden writes that “most Muslims did not give the matter much thought. The underlying motivations of the infidels were of little importance to them.”³ With little consideration of the crusaders’ aims, the Syrian jurist al-Sulami voiced a common belief that these foreign invaders who seemed to desire no more than the bloodshed and suffering of Muslims were a punishment from God for neglecting the duties of Islam, particularly that of *jihad*.⁴ Thus, the crusaders were viewed not for their motives behind their goals, but for the actions they took to reach them.

¹Michale Bonner, *Jihad in Islamic History: Doctrines and Practices* (Princeton: Princeton University Press, 2006), 138, (hereafter cited as *Jihad in History*).

² John Joseph Saunders, quoted from Hadia Dajani-Shakeel, “A Reassessment of Some Medieval and Modern Perceptions of the Counter-Crusade,” in *The Jihad and Its Times*, ed. Hadia Dajani-Shakeel and Ronald A. Messier (Ann Arbor: Center for Near Eastern and North African Studies, University of Michigan, 1991), 41 (hereafter cited as “Reassessment”).

³Madden, *Concise History*, 46.

⁴Bonner, *Jihad in History*, 139.

This perception of the crusaders and the political climate of the Muslim East eventually gave way to political campaigns of *jihad* that relied on a different perception of fighting in defense of not merely Muslim territories but Islam itself. Hadia Dajani-Shakeel identifies three significant phases of the Muslim response in which *jihad* took on different meanings as the perception of the Crusades changed; *jihad* was a defensive war against enemies at the boundaries of the Muslim World; then a war in defense of Muslim lands that was offensive and religious in nature; and finally, after the successful campaign to recover Jerusalem that exhausted the resources and manpower of the Muslim armies, as a defensive war limited to recovering Muslim territory that had been lost in the past century.⁵ Historical and political circumstances continued to affect perceptions and practical adaptations of ideology over the course of the entire conflict.

The idea of a unified Muslim *jihad* that finally reclaimed Jerusalem from the crusaders in 1187 misrepresents the fractured political climate in the Levant at the end of the Eleventh Century. Amin Maalouf suggests that, “in Syria in the eleventh century, *jihad* was no more than a slogan brandished by princes in distress. No emir would rush to another’s aid unless he had some personal interest in doing so. Only then would he contemplate the invocation of great principles.”⁶ Initially, the calls for *jihad* of Muslim rulers in response to the European conquerors can be considered to be driven by the threat such crusaders constituted to their political power rather than peril that Islam was under attack from the West. Accordingly, Muslim rulers who answered such pleas for aid acted more out of political opportunism than ideological allegiance through Islam.⁷ The political discord of the Muslim world undoubtedly contributed to the

⁵Dajani-Shakeel, “Reassessment,” 42-43.

⁶Amin Maalouf, *The Crusades through Arab Eyes*, trans. Jon Rothschild (London: al Saqi Books, 1984), 21.

⁷D.S. Richards, trans., *The Chronicle of Ibn al-Athir for the Crusading Period from al-Kamil fi'l-ta'rik Part I: The Years 491-541/1097-1146: The Coming of the Franks and the Muslims Response* (Burlington: Ashgate, 2007), 15-16 (hereafter cited as *Ibn al-Athir Part I*). Ibn al-Athir documents the early example of Yaghi-Siyan, the Muslim

remarkable military successes of the First Crusade. Speaking to the Muslim response to the fall of Jerusalem, the 12th century chronicler Ibn al-Athir wrote that “The [Muslim] rulers were all at variance . . . and so the Franks conquered the lands.”⁸ The Shia’ Fatimid Caliphate governed in Egypt but was on the decline as the Murabit and Zirid Emirates emerged where Fatimid rule had previously extended across North Africa. Further to the East, the Sunni ‘Abbasid caliphate based out of Baghdad began to lose influence to the Seljuk Sultanate, which struggled to consolidate its rule in Iraq and Syria as rival provincial leaders continually vied to expand their power. Indeed, as the crusaders conquered Muslim lands and established principalities in the Levant, Muslim rulers viewed the European invaders as a challenge secondary to the inter-Muslim political discord. Peace agreements with the crusaders were not uncommon among Muslim rulers, who, daunted by the military might of the foreign armies and more concerned with their own political survival, took advantage of the opportunity to gain a strong ally against their Muslim rivals.

The unification of Muslim principalities began with the rise to power of ‘Imad al-Din Zengi, the governor of Mosul, who quickly expanded his reign in Syria. As he entered the region politically and militarily, Zengi gained support from other Muslim princes by announcing his plan to wage *jihad* against the crusaders.⁹ Zengi seized control of Aleppo and various other Muslim strongholds in Syria and then moved on to successfully besiege crusader outposts. Defeated in his attempt to take Baghdad from the ‘Abbasid Caliph al-Mutarshid bi-Allah, Zengi narrowed his focus to Syrian territories. In 1144, Zengi successfully besieged Edessa, the first of the crusader states to fall to the Muslim armies. The fall of Edessa was a huge symbolic and

ruler of Antioch in 1097, his appeal for military aid in the face of the nine-month siege, and the military support provided by neighboring emirs which fell apart for political reasons.

⁸*Ibn al-Athir Part I*, 22.

⁹*Ibid.*, 279.

strategic victory for the Muslims; Zengi emerged as the most powerful leader in the Muslim world and Muslims gained confidence that God favored their cause against the European invaders whom both Muslims and Christians once-thought to be invincible. Though Zengi was murdered in his sleep shortly after by one of his slaves, the aptitude of his successor Nur al-Din guaranteed that his legacy and accomplishments would survive in what became the Zengid Dynasty.

Jihad in Politics: The Campaigns of Nur al-Din and Saladin

The political and military feats of Nur al-Din and Saladin expanded on Zengi's successes to a level unimagined at the time by either Muslims or Christians. While Zengi had to some extent employed *jihad* rhetoric to rouse support from other Muslim rulers for his military campaign against the crusaders, Nur al-Din's religious zeal transformed this rhetorical tactic into a fundamental ideology of his campaign to unite the Muslims of the East against the crusaders. This ideology was critical to Nur al-Din's military strategy and, as an element of such, his legitimacy as the leader of *jihad* against the "Frankish invaders". The image he projected as the exemplary ascetic *mujahid*, or one who wages *jihad*, was supported by both his rhetoric and deeds. Ibn al-Athir relates a number of poems composed in honor of Nur al-Din:

“These are the resolves, not what pens claim;
 These are the noble qualities, not what books mention.
 These are the ambitions, which when they are sought,
 Poems and sermons stumble along in their tracks.
 O son of ‘Imad al-Din, you have shaken hands with their highest

With a hand fit for great endeavours, achieved with toil. . .”¹⁰

“The most exalted of realms is one whose beacon you have raised high
And made sharpened sword-blades its nails.
The most worthy to rule the land and its people is
A merciful one, whose justice has embraced its regions.”¹¹

Such celebratory odes were an intentional and effective tool of Nur al-Din’s statecraft; his personal corps of writers, poets, scholars and historians aroused the enthusiasm of the Muslim world by presenting it a pious leader who fought vigorously against the Franks and embodied the virtues of Islam in his justice, courage, and humility. News of his personal participation in various battles (rare for the average prince at the time) and descriptions of his modest lifestyle were well documented and widely broadcast. The loyalty of the Muslim *‘ulama* to Nur al-Din was not unwarranted; the patronage he provided through the establishment of schools, hospitals, mosques, Sufi convents, caravanserai, and foundations for public works, cultivated support for his political authority among the religious “turbaned” classes.¹² Even Europeans expressed admiration for the virtues of this adversary, William of Tyre writing that he was “the greatest persecutor of the Christian name and faith, but a just ruler, astute and far-sighted and, according to the traditions of his race, a religious man.”¹³

His military successes against the crusaders further championed him as the righteous leader of the *jihad* he proclaimed. After the crusaders’ failed siege of Damascus during the Second Crusade the ruler of the city they agreed to a treaty of mutual assistance with the city’s governor, Mujir al-Din. Intent on strengthening his ability to conduct further operations and inhibited by this agreement, Nur al-Din waged an intricate campaign of political propaganda and

¹⁰D. S. Richards trans., *The Chronicle of Ibn al-Athir for the Crusading Period from al-Kamil fi’l-tarikh Part 2: The Age of Nur al-Din and Saladin* (Burlington: Ashgate, 2007), 31 (hereafter cited as *Ibn al-Athir Part II*). The Ode of Ibn al-Qaysarani in praise of Nur al-Din after a victorious battle in which the Prince of Antioch was killed in 1149,

¹¹*Ibid.*, 35. The Ode of Ibn al-Rumi in honor of Nur al-Din’s conquest of the castle of Apamea in 1150.

¹²Bonner, *Jihad in History*, 141.

¹³William of Tyre 1000, Lyons and Jackson 69

trickery to turn the people of Damascus against Mujir al-Din. Distrusting of their own governor who cooperated with the crusaders, the people of Damascus opened their gates to Nur al-Din in 1154 before Mujir al-Din could muster any support from his European allies.¹⁴ Various other feats in battle and statecraft in contention with both the crusaders and other Muslim emirs soon solidified Nur al-Din's authority as the ruler of all Greater Syria and Mesopotamia. As the situation stabilized in Nur al-Din's kingdom in the North, all heads turned to Egypt.

After a series of political assassinations, a struggle emerged as to who would become the *wazir* to the Fatimid Caliph, the highest position of temporal authority in Egypt. Initially ousted by his rival Dirgham, the second major aspirant, Shawar, appealed to Nur al-Din for aid. Nur al-Din sent a division of his army under the command of a general named Shirkuh, who was accompanied by his nephew Saladin. Shawar took back the wazirate, but faced new troubles as both Shirkuh, who turned against him, and the Latin King of Jerusalem, Almaric, threatened to invade. Though the forces of Shirkuh eventually defeated and killed Shawar in 1168, he died only two months later, leaving the wazirate of Egypt to his immediate successor, Saladin. Before long, Saladin, still a representative of Nur al-Din, began massive endeavors to fortify Egypt against the crusaders, built schools for the study of Sunni jurisprudence and gradually replaced Shia juridical leadership with Sunnis. Though hesitant for obvious reasons of political sensitivity, Saladin deposed the Fatimid Caliphate on orders from Nur al-Din, nominally uniting the Muslim world under the rule of the Sunni 'Abbasids in Baghdad in 1171. As Saladin came under control of all Egypt his relationship and acted with a degree of autonomy, contained feelings of animosity grew between him and Nur al-Din.

¹⁴*Ibn al-Athir Part II*, 71.

The unforeseen death of Nur al-Din in 1174 came as he had just been amassing his men for a campaign to wrestle control of Egypt from Saladin, whom he suspected was shirking orders and viewed as reluctant in waging *jihad* against the Franks.¹⁵ Though Nur al-Din left behind a number Zengid family members in contention for control, including an eleven year-old son, al-Salih as a successor, Saladin made a strong claim as the rightful administrator to the kingdom on behalf of the boy and quickly took action to that end. Bernard Lewis summarizes the two prominent views of Saladin's ambitions for dominion expressed by Muslim chroniclers:

“For those reflecting the Zengid point of view, he was a ruthless and ambitious adventurer, bent on personal aggrandizement. To achieve this, he used both cunning and force against the Zangids, in order to deprive the heirs of his master Nur al-Din of their inheritance, and to seize it for himself. For his own spokesmen, and those of his successors, he was a champion of Islam, who had to reunite the Muslim lands as an essential preliminary to his Holy War against the Crusaders”¹⁶

Saladin's campaign of unification of the Muslim world likely contained elements of both, but as the most powerful ruler in the Muslim world the only alternative to his intervention would have been watching the Zengid Dynasty fragment to rivaling princes or worse, fall to the crusaders.¹⁷ In the decade after Nur al-Din's death, his political and military efforts were directed toward consolidating his power in Muslim territories. Welcomed by its citizens, Saladin made haste for the city of Damascus, where he swore allegiance to al-Salih as his servant and protector and firmly established himself as ruler.¹⁸ Shortly after, Saladin declared himself king and subdued his Muslim rivals in Syria and Mesopotamia through both diplomacy and force.¹⁹

Following in the footsteps of Nur al-Din, the propagation of *jihad* ideology was a fundamental element of Saladin's campaign of Muslim unification. His own rhetoric reflected a

¹⁵*Ibn al-Athir Part II*, 221.

¹⁶P. M. Holt et al eds., *Cambridge History of Islam* (Cambridge: Cambridge University Press, 1970), 1A:203.

¹⁷Stanley Lane-Poole, *Saladin and the Fall of the Kingdom of Jerusalem* (Beirut: Khayats, 1964), 134.

¹⁸*Ibn al-Athir Part II*, 232.

¹⁹Such enemies included the infamous Assassins of Alamut who had penetrated into Syria and even into Saladin's own tent where he survived a failed attempt to take his life.

desire to justify all of his political moves within the context of *jihad* against the Franks. Lyons and Jackson conclude the following:

“What emerges from his letters during this period is the tenacity with which he maintained the justification for his actions. In spite of financial pressures, difficulties of communication and administrative problems, he concentrated on his claim to be the champion of the Holy War, to whom territories should be ceded in the interests of Islam.”²⁰

Like his predecessor, Saladin employed a team of biographers and poets to build up his reputation as a pious Muslim. One of his biographers, Baha al-Din, wrote of his friend and master:

“The Holy War and the suffering involved in it weighed heavily on his heart and his whole being in every limb; he spoke of nothing else, thought only about equipment for the fight, was interested only in those who had taken up arms, had little sympathy with anyone who spoke of anything else or encouraged any other activity.”²¹

Saladin let his dedication to *jihad* be known through his actions as well. He abolished taxes that were unlawful in Islam at a disadvantage to his own finances. He showed mercy toward his enemies, bestowing gifts upon them, and divided the spoils of victory among his faithful, keeping nothing for himself.²² He mimicked Nur al-Din’s willingness to donate generously to religious foundations and schools.

As Madden points out, Saladin’s rhetoric was sincere and many of his policies reflected an ascetic commitment to Islam, however, his political motives were just as evident. He viewed himself as the supreme *mujahid* and knew that success in his cause and the strength of his leadership relied on widespread perception of him as such. The numerous letters from Saladin’s court provide not only details as to his actions, but also “show the construction that Saladin

²⁰Malcolm Lyons and D. E. P. Jackson, *Saladin and the Politics of Holy War* (New York: Cambridge University Press, 1982), 155.

²¹Madden, *Concise History*, 69.

²²Lane-Poole, *Saladin and the Fall of the Kingdom of Jerusalem*, 144.

himself wished to have placed on his actions.”²³ Thus, his press corps emphasized the religious motives behind acts of good faith such as his generous treatment of enemies and his followers and not the political benefits it had of binding their loyalties to him.

Certain examples are even found where Saladin’s political stances are at odds with Islamic law. Saladin, in his truce with Richard the Lionheart in 1192, is reported to have thought so highly of the Frankish king that “if [Jerusalem] were to be lost in his time, he would rather have it taken into Richard’s mighty power than to have it go into the hands of any other [Muslim or Christian] prince whom he had ever seen.”²⁴ Even as a hypothetical statement, Saladin’s implied value of Richard’s Christian virtue over Muslim rule beside his own is a far cry from an adamant dedication to the expansion of Islam. Furthermore, Saladin’s adherence to the classical doctrines of just conduct in warfare is questionable in light of some methods he employed in waging *jihad* against the Crusaders. While the classical and even medieval jurists preached that enemy prisoners were to be spared, Nur al-Din’s armies executed prisoners who refused to convert to Islam and Saladin ordered prisoners to be beheaded after the Battle of Hattin, murdering Reynold of Chatillon with his own hands, as he had vowed to, and “did so with satisfaction.”²⁵ Almost two centuries later, Ibn Taymiyya maintained that “the *shari’a* enjoins fighting the unbelievers, but not killing of those who have been captured,” and the judgment of the *imam* is the only way there could be an exception.²⁶ Classical jurists established that the prophet forbade deceitful tactics such as ambushes, yet Nur al-Din “employed guile” and lied in a series of letters to trick the prince of Damascus into banishing or executing his closest

²³Lyons and Jackson, *Saladin and the Politics of Holy War*, 2.

²⁴Madden, *Concise History*, 95.

²⁵*Ibid.*, 76.

²⁶Ibn Taymiyya, as quoted by Edward Peters ed., *Source Materials*, 50.

supporters so he himself could take control of the city in 1154.²⁷ Similarly, ambushes carried out by Saladin's orders resulted in the slaughter of many crusaders.²⁸ Though ambushes were forbidden by the Prophet, it was widely considered acceptable if the victims belonged to a group that had refused the formal *da'wa*. Ambush tactics were ethical and consistent with *shari'a* because of the necessary declaration of war was considered inherent in such a refusal, and this refusal was implied by the enemies' status as a part of that group. Lyons and Jackson give the example of Saladin's position in the matrimonial dispute between the Seljuk Sultan Qilij-Arslan and his son-in-law Nur al-Din Muhammad, which "was so weak in terms of Islamic justification that Ibn Shaddad preferred to ignore the whole episode."²⁹ This event is a clear example of how Saladin's propaganda team, Ibn Shaddad foremost among his personal biographers, was guilty in selectivity of documentation that would question the image of their master.

Two events in 1176 further legitimized Saladin's rule when he married Nur al-Din's widow, who had joined him in 1174 before he took Damascus, and the 'Abbasid Caliph declared him lord of all Greater Syria and Egypt.³⁰ Saladin had united the Muslim world nominally under the 'Abbasid Caliphate in 1171 and now politically under his own rule just five years later. Saladin's divinely endorsed leadership of the Muslim world granted him the authority, support, and resources to wage *jihad* against the crusaders. Saladin's victory in the Battle of Hattin which paved the way for Muslims to take back Jerusalem in 1187 and other Crusader territories in Palestine over the next five years. Ultimately, Saladin's military success than reconciled the decades of internal war he waged to unite the Muslim world as he proved to be the champion of the *jihad* not only in word but in fact.

²⁷*Ibn al-Athir Part II*, 71.

²⁸*Ibid.*, 398.

²⁹Lyons and Jackson, *Saladin and the Politics of Holy War*, 148.

³⁰*Ibid.*, 110. See also Madden, *Concise History*, 69.

Jihad Doctrine in Medieval Jurisprudence

Muslim jurists had already been reacting to the Crusades with exhortations to *jihad* long before Saladin was even born. The first of these religious scholars was Ali Ibn Tahir al-Sulami who published his *Book of Jihad* in 1105 a year before his own death. Having witnessed the fall of Jerusalem to the crusaders in 1099 establishment of the various Crusader States in Greater Syria, al-Sulami sought to explain the reasons for the defeats and suffering of the Muslims. He wrote that the Crusades were divine punishment for failure to fulfill religious duties, specifically the duty of *jihad*, for either political reasons or neglect.³¹ Centuries after the unity of the first four righteously-guided caliphates, the *dar al-Islam* had since fallen from unity to discord.

Michael Bonner succinctly contextualizes al-Sulami's theory:

“The problem was political: while the conduct of *jihad* was the duty of the caliph in Baghdad, the political reality in Syria at the time amounted to a quarreling group of princelings. . . The Fatimid rulers in Cairo, and the ‘Abbasid caliph and [Seljuk] Sultan in Baghdad, were all unable or unwilling to do their duty.”³²

Al-Sulami diagnoses the plight of the Muslims as such and prescribes *jihad* as the only means to a cure.

Justifying his call for *jihad* within the long-standing tradition of Sunni jurisprudence, al-Sulami cites the doctrine endorsed al-Shafi'i, the scholar after whom one of the four major schools of *fiqh* takes its name, that the *imam* is obligated to wage *jihad* on behalf of the entire Muslim *umma* at least once a year. Al-Sulami interprets the classical call for Muslims who are

³¹Kelsay, *Aruging*, 116.

³²Bonner, *Jihad in History*, 139.

“distant” from the attack to respond with aid as a doctrine of individual obligation.³³ Further legitimizing his claim, al-Sulami quotes his renowned contemporary scholar Abu Hamid al-Ghazali, who proposed the idea that *jihad* is “an obligation of sufficiency.”³⁴ By this definition al-Ghazali meant that if the voluntary force that fights on behalf of the *umma* to fulfill the communal obligation of *jihad* is not enough to succeed, then fighting becomes incumbent on every Muslim individually. Al-Sulami argued that the current incursion of European crusaders who were successfully chipping away at the *dar al-Islam* in Syria and elsewhere constituted such a case.³⁵ Though victories were limited, early mobilization of individual Muslims and “fighting scholars”, religious and legal jurists who actually participated in battle, was an important symbolic testament to the juristic community’s commitment to their claim that fighting the crusaders was now an individual duty.³⁶ Furthermore, jurists like al-Sulami preached that through the greater, internal *jihad*, Muslims could purge themselves of the discord and weakness and support the rise to power of a leader under whom the Muslim world may unite and successfully defeat the infidel invaders by *jihad* of the sword. By the end of the 12th century, such a leader did emerge to successfully repel the crusaders.

The correlation between the piety of Muslims and their ability to drive off the crusaders, a concept first proposed by al-Sulami, became a fundamental assertion in the medieval revival of *jihad* in Sunni jurisprudence. On both sides of the Crusades, military success was seen as divine reward for the religious purity of the winning party while defeat was interpreted as punishment for the contrary. For the Christians, St. Bernard of Clairvaux preached during the Second

³³Kelsay, *Arguing*, 117.

³⁴Niall Christie, *Translation of Extracts from the Kitab al-Jihad of ‘Ali ibn Tahir Al-Sulami (d. 1106)* (Cornell University, 2001) <http://www.arts.cornell.edu/prh3/447/texts/Sulami>.

³⁵Kelsay, *Arguing*, 116.

³⁶Bonner, *Jihad in History*, 140.

Crusade that the Crusades, as penitential wars, relied on religious purification, of both individual knights and Christian Europe as a whole, as a prerequisite to victory.³⁷ Under such pretext, internal holy wars were waged across Europe against pagan kingdoms in the North and the Muslim territories on the Iberian Peninsula. Similarly, the motivations for inter-Muslim fighting during the Counter-Crusades went beyond mere political consolidation. Nur al-Din's political campaign to unite Syria against the crusaders was accompanied by persecution of the Shi'ite minority as an effort to win God's favor by purifying Muslim society. Saladin continued a policy of intolerance toward dissidents, even executing the Sufi mystic Shahab al-Din for heresy in 1191 and relaxing adherence to the principles of protection for the *dhimmi* in his treatment of local Jews and Christians.³⁸ The theological justifications for *jihad* within the *dar al-Islam* targeted against other Muslims that developed during this time have had profound effects in recent centuries, especially through works of the Syrian scholar Ibn Taymiyya.

Like al-Sulami, Ibn Taymiyya was an embattled scholar who fought and preached with the same fervor. His contributions to the tradition of Sunni jurisprudence were numerous; in addition to providing the doctrines of puritanical Islam that provided a basis for the 18th century fundamentalist movement of Ibn 'Abd al-Wahab in the Arabian Peninsula, his justification of violent revolt against Muslim regimes was truly revolutionary. Even at the time, Ibn Taymiyya's writings were controversial enough to land him several years of detention in multiple prisons. The political climate had changed drastically by the turn of the 14th century when Ibn Taymiyya wrote. The Crusades, though still ongoing, had been replaced as the most urgent threat to the Islamic world by Mongol invaders from the East who sacked Baghdad and violently murdered the last 'Abbasid caliph in 1258. Muslims were once again forced to live under the dominion of

³⁷Madden, *Concise History*, 53.

³⁸Bonner, *Jihad in History*, 143.

foreign rulers. In Islam's classical period, the *'ulama* had "turned the defense of the status quo into a fine art" of legitimizing rulers who were "visibly unjust, cruel and corrupt."³⁹ As for the Turkic military powers that ruled during the 'Abbasid caliphate, al-Ghazali classified the role of the caliph as a symbol of the unity of the Muslim people while the Seljuk princes governed on his behalf.⁴⁰ The *'ulama*'s traditional practice of sanctioning less than perfect temporal leaders reflected political realism in congruence with the Islamic proverb, "six years of tyranny is better than a day of anarchy," and the Qur'anic verse 4:59, "O ye who believe! Obey Allah and obey his messenger and those of you who are in authority!"⁴¹

Ibn Taymiyya agreed with the theological legitimacy of this tradition with the conditions that the authority not inhibit the practice of Islam or commit a severe transgression. However, Ibn Taymiyya claimed that the circumstances of the time were indeed exceptional. The conversion to Islam of the Mongol rulers, the very same who recently vied to destroy the Muslim world, was merely a nominal gesture. Their continued practice of their non-Islamic customs and imposition non-Islamic laws equated to a new era of *jahiliyya*, a term previously reserved only to describe the pre-Islamic state of "ignorance." Ibn Taymiyya proposed that the failure of the Mongol rulers to "command the good and forbid the evil" was grounds for punishment as any Muslim would be who neglected his duties. He confirmed that *jihad* was an individual duty for all Muslims in the emergency circumstances, even describing it in one treatise as "the summation of all virtues and religious duties."⁴² Furthermore, Ibn Taymiyya argued that the "heaviest *jihad* should be directed against the unbelievers and those who refuse to abide by certain precepts,"

³⁹Ayoob, *Political Islam*, 5.

⁴⁰Ibid.

⁴¹Ibid., 4.

⁴²Bonner, *Jihad in History*, 143.

such as Muslims who neglect the requirement of alms-giving and rebels or apostates.⁴³ As he outlines in his “Religious and Moral Doctrine of *Jihad*,” rich with references to the Qur’an and *Sunna*, such transgressors were “enemies of God and His Messenger” deserving of punishment.⁴⁴

Ibn Taymiyya’s views on the protection of non-combatants and the *dhimmi* also affirm the conclusions supported within the tradition of *fiqh*. His real accomplishment was his theologically justified exhortation to wage *jihad* against dissident Muslims who compromise Islam’s purity. However, Ibn Taymiyya was well aware of the restrictions that *shari’a* placed on waging *jihad*, namely, that of legitimate authority. John Kelsay observes Ibn Taymiyya’s dilemma:

“Rulers, as well as subjects, may depart from Islam in ways suggestive of apostasy, rebellion, or unbelief. When this situation holds, who has the duty, and with it the right, of punishing the ruler. . . ? Who will establish [legitimate] authority if and when those who hold the reins of power are themselves corrupt?”⁴⁵

Though this stipulation limits Ibn Taymiyya’s doctrine from constituting a comprehensive theological basis for “just revolution,” he does acknowledge that the punishment for dereliction of duty may be incumbent on individuals rather than standing armies, depending on the circumstance.⁴⁶ Thus, Ibn Taymiyya directed his call for *jihad* in defense of Islam against the crusaders from the West, Mongols from the East, and the “half-Muslims” who polluted the *dar al-Islam* by their unorthodoxy and neglect of their obligations under Islam.

Jihad in the Counter-Crusades and the Classical Islamic Tradition

⁴³Kelsay, *Arguing*, 118.

⁴⁴Rudolph Peters, *Jihad in Classical and Modern Islam* (Princeton: Markus Wiener Publishers, 1996), 44.

⁴⁵Kelsay, *Arguing*, 121.

⁴⁶*Ibid.*, 120.

Whether he knew it or not, Urban II launched the Crusades at an opportune moment. The Muslim world lacked both political and religious unity with no *imam* to lead the war in defense of the *dar al-Islam*. The loss of Muslim territory and the religious and political division in that which remained was unprecedented in Islamic history. Consequently, the Muslim response would arise from new theological and political doctrines of *jihad* that sought to apply the teachings of the tradition of Islamic jurisprudence to the wars they fought at the time. As a living tradition, Sunni jurisprudence of the Counter-Crusades was both a product of and an addition to the doctrines of Islam's classical period. James Turner Johnson identifies three points on which the practices of *jihad* during the Counter-Crusades shifted from the doctrines of classical jurisprudence:

“The *jihad* against the Crusaders. . . was not the religiously motivated and authorized offensive warfare that the classical jurists had had in mind. As pursued under the leadership of Nur al-Din and Saladin this *jihad* defined a different normative model. It was, in the first place, defensive in character, aimed at retaking lands once part of the core of the *Dar al-Islam*, rather than expansionist; thus it violated the classical assumption that the function of *jihad* would be always to extend the boundaries of the *Dar al-Islam* to a new territory with the ultimate end of occupying all the earth. In second place, the *jihad* as waged by Nur al-Din and Saladin was closely tied up with their purposes as regional Muslim rulers; their campaigns were not warfare of the entire *Dar al-Islam* against the forces of unbelief. That Saladin's war in Palestine ended not with capitulation of the Crusaders but a treaty between the Muslim and Christian sides fits with the character of a war for limited territorial and political goals but not with the classical juristic concept of *jihad* by the Muslim community, which envisions an inevitable total victory by the Muslims and rules out the possibility of permanent treaties with non-Muslims. And in third place, Nur al-Din and Saladin were temporal rulers who, though personally pious, had no credentials as the *imam* of which the classical jurists spoke. Their authority to lead such a *jihad* had to come from a different source. That source was the individual duty of every Muslim to defend Muslim religion and territory against unbelievers.”⁴⁷

Johnson's first point examines the Counter-Crusades in respect to the classical juridical distinction between *jihad* and *qital*; *jihad* as a war to bring about the rule of God by expanding the *dar al-Islam* and fighting disbelief, and *qital* which signified fighting crime, rebellion, and defending borders as a non-ideological, political task. The majority of Muslims viewed the

⁴⁷Johnson, *Holy War*, 150.

Crusades as yet another invasion in a long history of foreign conquest of little significance both at the time and even as late as the 19th Century; the Arabic word for “crusader,” *salibi*, entered the lexicon in the mid-1800s and no Arab written history of the Crusades had been published until 1899.⁴⁸ Muslims and Christians lived peaceably together for centuries. The misguided idea that the Crusades and its participants were vehemently bent on destroying Islam is a modern legacy. The real threat of the crusaders was their territorial acquisition, a problem that required fighting in defense of Muslim territories more so than Muslim religion.

The second difference Johnson identifies is that aspects of the political conduct of the Counter-Crusades represented a change from the classical notion of *jihad*. Indeed, it would be a stretch to claim that the enterprises of Saladin never abandoned the established tradition of *fiqh* in favor of military success or political practicality. Deviation from the tradition arised as the product of a goal-oriented military strategy rather than one that focused meticulously on the theological legitimacy of its means. Thus, the treaties between Muslim armies and the crusaders can be viewed as concessions of convenience rather than a pause in the application of *jihad*. Muslim political rulerd like Saladin often rationalized questionable practices by their practicality rather than theological mandate, setting a precarious historical precedent with lasting ramifications.

New doctrines of *jihad* jurisprudence accompanied the . Important developments in the tradition of Sunni jurisprudence redefined the role of *jihad*. Classical jurisprudence had envisioned *jihad* as an uncompromising policy of expanding the rule of God under the authority of the *imam*, through warfare only if invitations to submit were ignored or declined. Al-Ghazali’s doctrine of sufficiency, reaffirmed by jurists like al-Sulami and Ibn Taymiyya, put forth the idea

⁴⁸Madden, *Concise History*, 217.

of *jihad* as individual and apart from the authority of the *imam*. The concept of an internal *jihad* also arose as a method of enforcing religious purity, without which God would continue to punish Muslims with the foreign invaders. In the wake of the Crusades, the nature of *jihad* clearly shifted in both jurisprudence and practice.

Johnson also makes the relatively straightforward point that the authority of Nur al-Din and Saladin to wage *jihad* came not from their status as the religious head of the Muslim community, but from their military and political prowess that united the Muslim world. Though the 'Abbasid caliph did recognize Saladin as the temporal ruler, granting him a degree of legitimacy in the *jihad*, this merely reflected the traditional relationship between the temporal and religious leaders in Islamic history. The difference in this case, as Johnson explains, their leadership was theologically justified as the actualization of the classical doctrine that *jihad* becomes an individual duty in defense of Islam, which abolishes the requirement of the *imam*'s authorization. Al-Sulami's *Book of Jihad* provided a different argument than that which on which Nur al-Din and Saladin made their claims. Al-Sulami viewed the Muslim response to the Crusades as an exceptional circumstance not because the invaders threatened Islam, but because they were divine punishment for the caliphs' failure to fulfill their obligation to wage *jihad*. Thus, the assertion that *jihad* was incumbent on individuals continued to dominate Sunni jurisprudence.

The political *jihad* of the Counter-Crusades put forth a new argument; territories once part of the *dar al-Islam* must be rightfully restored to Muslim rule as a measure in defense of Islam. In such a case, the authorization of the *imam* was irrelevant and it was the duty of each Muslim to wage *jihad* in this effort.⁴⁹ Indeed, the *jihad* propaganda of Nur al-Din and Saladin

⁴⁹Johnson, *Holy War*, 151.

sought not only to legitimize their leadership by emphasizing their piety, but also by spreading this concept of the individual duty to defend the *dar al-Islam*. This bottom-up power structure in the Counter-Crusades was the opposite of the top-down leadership of the *imam* which classical jurists viewed as the only legitimate authority in *jihad* warfare. In the wake of the Mongol invasions, Ibn Taymiyya's "Religious and Moral Doctrine of *Jihad*" supported the notion individual obligation to wage *jihad* by combining the concept that reclaiming elements of the *dar al-Islam* constituted *jihad* in defense of the religion with the theological argument that *jihad* had been neglected by the leaders of the *umma*.

The precedents set by the pre-modern Muslim jurists and political leaders of the Muslim response to the Crusades became an important part of the Just War concept in the Islamic tradition. The practices of Nur al-Din and Saladin in their political and military campaigns and their justifying ideologies contained elements that appear to reflect the warfare standards of the time rather than saintly adhesion to the principles of classical jurisprudence on the conduct of *jihad*. However, adaptation of the classical principles of *shari'a* to the practical necessities of the crisis at hand became more a part of the evolution of the tradition rather than a departure from it. Doctrines that developed out of medieval Islamic jurisprudence and the political campaigns of the Counter-Crusades had lasting implications for how *jihad* doctrine could adapt to different circumstances, especially in a *dar al-Islam* that lacked unity in every way. As the borders between the *dar al-Islam* and the *dar al-harb* became increasingly blurred, the juridical question of how to further establish justice or *shari'a* on earth became a difficult task of applying timeless doctrine to an ever-changing world.

CHAPTER FOUR

Jihad Jurisprudence in Modernity

A prominent interpretation of Western imperialism in the Muslim world in the latter half of the second millennium classifies the modern phenomenon as a continuation of the religiously driven military expeditions that began with Urban II's decree at Clermont. Sayyid Qutb, a chief ideologue of the Egyptian Muslim Brotherhood, argues this position in the book he wrote from prison, *Milestones*:

“We see an example of [deception] today in the attempts of Christendom to try to deceive us by distorting history and saying that the Crusades were a form of imperialism. The truth of the matter is that the latter-day imperialism is but a mask for the crusading spirit, since it is not possible for it to appear in its true form, as it was possible in the Middle Ages. The unveiled crusading spirit was smashed against the rock of the faith of Muslim leadership which came from various elements, including Salahuddin the Kurd and Turan Shah the Mamiuk, who forgot the differences of nationalities and remembered their belief, and were victorious under the banner of Islam .”¹

This popular perception among modern radical Islamist groups, voiced by Qutb, among others, insists that the exploitation and subjugation of Muslims that classified European colonial

¹Sayyid Qutb, *Milestones* (Beirut: The Holy Koran Publishing House, 1964), 303.

ventures were another manifestation of religious conflict, with political and economic rationales as a convenient façade. As Qutb observes and dismisses, the Crusades and imperialism have also been considered as a different means of achieving a single purpose by some scholars in the opposite manner. The idea of *proto-imperialism* argues that the Crusades were economically and politically motivated and the crusader states were *de facto* European colonies.²

Historically, imperialism represented a political attitude of power expansion that often entailed gaining economic advantages through commandeering and controlling foreign markets with colonization and attempts to “civilize” and influence native populations. Crusading, on the other hand, was classified as a military operation waged with divine authority and for religious reasons. Jonathan Riley-Smith observes that both concepts played a role in the policies of European colonial powers in the latter half of the second millennium. The various European Christian movements to establish convents to bring civilization and Christianity to other peoples viewed as barbarous in the Muslim world, especially in North Africa, entailed a degree of risk that required armament of those taking part.³ The existence of military orders that served to protect missionaries in Central and East Africa were authentically both crusading and imperialist ventures: the authority, purpose, and vows of the members were religious in nature while the goals of civilizing natives and spreading European influence were elements of an essentially imperialistic agenda.⁴ Such phenomena of what Riley-Smith terms *paracrusading* certainly existed, but were not the attempts at subjugation which Qutb and others observe as attacks on Islam.

²Christopher Tyerman, *Fighting for Christendom: Holy War and the Crusades* (New York: Oxford University Press Inc., 2004), 156.

³Riley-Smith, *The Crusades, Christianity, and Islam*, 45.

⁴*Ibid.*, 52.

A complicating factor that might have warranted such a perception was the pervasiveness of crusading rhetoric in political and economic enterprises of colonialism that subjugated and exploited Muslim peoples – what Riley-Smith calls *pseudocrusading*. Napoleon’s statement to his troops leaving for the Levant in the 1860s is a notable example: “On that distant soil, rich in great memories . . . you will show yourselves to be the worthy descendants of those heroes who carried the banner of Christ gloriously in that land.”⁵ In the post World War I mandate of the French in Lebanon and Syria, a common anecdote told of General Henri Gouraud kicking Saladin’s grave in Damascus, proclaiming, “Awake, O Saladin! We have returned.”⁶ The British mandate in Palestine entailed widespread propaganda referring to the movement as the “New” or “Last Crusade,” to evoke feelings of nostalgia toward romanticized events of the Middle Ages and rouse enthusiasm out of British troops.⁷ Examples of such pseudocrusading, rhetorical tribute to the historical events of the Crusades, were numerous during the age of European imperialism. However, as Riley-Smith observes, “pseudocrusading had no correspondence to the old reality, but borrowed its rhetoric and imagery to describe ventures – particularly imperialist ones – that had nothing at all to do with the Crusades.”⁸ The same rhetoric used to inspire and idealize European imperialism provided a justifying argument for the ideologies and *jihad* doctrines of many modern Islamic resistance movements who perceived Islam as under attack from the West once again.

⁵Riley-Smith, *The Crusades, Christianity, and Islam*, 69.

⁶*Ibid.*, 68.

⁷Eitan Bar-Yosef, “The Last Crusade? British Propaganda and the Palestine Campaign, 1917-19,” *Journal of Contemporary History* 36:1 (Jan., 2001): 87-109.

⁸Riley-Smith, *The Crusades, Christianity, and Islam*, 54.

Muslim Resistance to European Imperialism and Non-Islamic Governance

Ibn Taymiyya's theological arguments for armed opposition to illegitimate, "half-Muslim" rulers of Islamic territories provided the basis for the ideologies of the 19th and early 20th century anti-colonialist *jihad* movements. The doctrine of *jihad* as an individual duty of all Muslims, when the voluntary, *imam*-authorized force has failed, became a fundamental theological justification for fighting against the Western colonizing powers. The second significant argument drawn from Ibn Taymiyya was the equation of Muslims who cooperated with the colonizers to apostates who have abandoned the true path of Islam. With such a condemnation, "true" Muslims were now obligated to fight against their own governments under the banner of *jihad*. Facing the military superiority of the European imperial powers led many to seek a theologically sound ideology of armed resistance that was also practical to their dilemma. The question of legitimate authority, which Ibn Taymiyya himself struggled to resolve, continued to present a troubling obstacle for the leaders of these *jihad* movements in their contention for theological support. In many parts of the Muslim world, from Indonesia to Algeria, local uprisings and political struggles against foreign colonizers brought religious justifications for waging *jihad* and the tradition of Sunni jurisprudence into the unprecedented context of European imperialism.

In 18th century Arabia, the Hanbali theologian Ibn 'Abd al-Wahhab denounced the practices of visiting the tombs of Muslim saints and the veneration of the dead, even the Prophet, as innovative and un-Islamic. His campaign against such acts across Arabia advanced a reactionary, orthodox brand of Islam, insisting on a return to the sacred texts and the pre-modern

traditions. ‘Abd al-Wahhab drew inspiration from Ibn Taymiyya’s medieval arguments against un-Islamic innovations which referred to the practices of the monistic Sufis, such as pilgrimage to shrines and the worship of relics and saints. ‘Abd al-Wahhab’s religious message gained legitimacy as it united with the political campaign of Muhammad Ibn al-Saud, the founder of the Saudi dynasty. In return for supporting al-Saud’s rule, ‘Abd al-Wahhab gained status as the *imam* and a vow from al-Saud to wage a rigorous *jihad* against the non-believers.⁹ In the medieval tradition of Ibn Taymiyya, this Wahhabi *jihad* meant persecuting Muslims who refused to reform their non-Islamic practices as well as resisting the un-Islamic rule of the Ottoman state, which ‘Abd al-Wahhab accused of fostering unbelief.¹⁰ In Arabia, the Ottomans were viewed as a foreign power inhibiting the establishment of a true Islamic state founded on principles of *shari’a*. Movements of Muslim resistance to non-Islamic or foreign rule, including European imperial powers as well as the Ottoman rule, would draw on the same medieval justifications for *jihad* in the centuries to follow.

British rule in India had firmly usurped the power of the Mongol emperors by the early Nineteenth Century. New colonial taxation policies disrupted the traditional social order, leading to the decline of the Muslim land-owning class. As Peters observes, the widespread discontent among Indian Muslims was reflected in their theological discourse as to the proper response. The Shah ‘Abd al-‘Aziz issued a *fatwa* in 1803 that declared India a part of *dar al-harb* under the traditional classification, citing the enforcement of non-Islamic rule and indifference to protecting the practices of Muslim faith.¹¹ Muslim opposition to the British rule soon became a movement of *jihad*, considered to be an individual duty to fight against foreign invaders.

⁹Ayoob, *Political Islam*, 43.

¹⁰Kelsay, *Arguing*, 127.

¹¹Rudolph Peters, *Islam and Colonialism: The Doctrine of Jihad in Modern History* (The Hague: Mouton Publishers, 1979), 45-46 (hereafter cited as *Islam and Colonialism*).

However, the notion of armed resistance through a popular uprising lacked the kind of legitimate authority demanded by the tradition of *shari'a*.¹²

The failure of multiple revolts against the British resulted in the subjugation of Indian Muslims. In their losing predicament, many middle to upper-class Muslims sought to reconcile their ideological opposition with their desire to be reintegrated in the British-Indian administrative bureaucracy. Those who took up arms in opposition suspected that the Muslims who did not were conniving to restore the old military and land-holding aristocracy.¹³ The Indian *'ulama* seemed to be among those Muslims who sought to reconcile the British presence. From the 1870s onward, a number of *fatwas* were decreed which argued that Muslims had no religious duty to fight the British.¹⁴ One argument was that India was still *dar al-Islam* because the non-Islamic government still afforded Muslims the freedom to practice their religion. Another viewpoint conceded that India was indeed *dar al-harb*, but that the necessity to protect Muslims from harm and the impossibility of success made *jihad* unlawful. The third perspective, that of Sayyid Ahmad Khan, suggested that India could be described as *dar al-Islam* or *dar al-harb* in their unique circumstance, but that it was *dar al-aman*, "territory of security", where Muslims were permitted to live peaceably.¹⁵ This unorthodox doctrine of the Indian *'ulama* found little support in *fatwas* from the Meccan juridical authorities, who considered the Indian situation to remain as *dar al-Islam*. However, it was apparent to the advocates of *jihad* in India that the classical tradition clearly suggested otherwise.¹⁶

¹²Kelsay, *Aruging*, 129.

¹³Rudolph Peters, *Islam and Colonialism*, 50.

¹⁴*Ibid.*

¹⁵*Ibid.*, 51-52.

¹⁶*Ibid.*, 52-53.

The Muslim resistance to French colonization in Algeria suffered a similar fate. The leaders of the Berber and Arab tribal federations and the *‘ulama* threw their support behind the son of a powerful sheikh to be their military commander, ‘Abd al-Qadir, in 1832. ‘Abd al-Qadir utilized the network of the twenty-five mystical religious orders in Algeria, belonging to one of the most politically influential himself, to unify the Algerian tribes under Islam while simultaneously trying to expand the territories of his rule in opposition to the French.¹⁷ When in 1837 the French invaded a territory he considered to be his under their treaty, he announced that their agreement had been broken and that *shari’a* prescribed the resumption of *jihad* as the necessary response.¹⁸ ‘Abd al-Qadir justified his resistance within the tradition of *shari’a* and sought support through promotion of the medieval doctrine of sufficiency, arguing that “helping Muslims that are unable to defend themselves against an enemy attack is a general obligation incumbent upon all Muslims that are near to them.”¹⁹ He went to great lengths to legitimize his claims, requesting *fatwas* from different religious scholars for authority on matters such as killing those who collaborated with the non-Muslim rulers for apostasy. A 1835 letter from one of his agents to a tribe which was cooperating with the French reflected this belief: “He who will follow the infidel will not be included among the Muslims.”²⁰ ‘Abd al-Qadir’s efforts to gain religious legitimacy through appeal to the tradition of jurisprudence and Ibn Taymiyya’s theological doctrines in particular were initially bolstered by the temporary support of the religious scholars. The *‘ulama* of Fez issued a *fatwa* authorizing ‘Abd al-Qadir with the full power of the *imam* in *jihad* against the French and the enforcement of *shari’a* among the Muslim

¹⁷Bonner, *Jihad in History*, 168. See also Raphael Denziger, *Abd al-Qadir and the Algerians: Resistance to the French and Internal Consolidation* (New York: Holmes & Meier Publishers, Inc., 1977), 13 (hereafter cited as *Algerian Resistance*).

¹⁸Rudolph Peters, *Islam and Colonialism*, 55.

¹⁹*Ibid.*, 60.

²⁰Denziger, *Algerian Resistance*, 119.

Algerians in 1837.²¹ ‘Abd al-Qadir’s campaign of Algerian political unity and military resistance against the French depended heavily on his legitimacy as the leader of the *jihad*.

Eventually, the Moroccan Sultan’s refusal to offer any military, financial, or ideological support and the overwhelming military superiority of the French forces ultimately led to the defeat of ‘Abd al-Qadir and his resistance movement. As with the juridical rulings on the tail end of the Indian resistance, the ‘*ulama* arrived at a consensus that rejected arguments for *jihad* against the French in Algeria in the latter half of the 19th century. The *fatwa* of the Hanafite school asserted that Algeria was still *dar al-Islam* so long as *shari’a* continued to be enforced, implying that *jihad* was unnecessary. The Shafi’ite *fatwa* more explicitly asserted that Algeria had become *dar al-harb* by the domination of its foreign conquerors, but that *jihad* remained nonobligatory because there was no chance of success.²² The French forces disseminated these *fatwas* against waging *jihad* among the Algerian Muslim populations, resulting in significant Muslim emigration and some protests. However, significant religious opposition to the French in Algeria became inconsequential by the early 20th century.²³

The French expedition in Egypt was less successful. Muslims from the Arabian Peninsula heeded the call for *jihad* in the initial insurgent revolt against the French, who were conceived as “infidels come to destroy the religion of Muhammad.”²⁴ Having only been in Egypt for three years, Napoleon’s forces were handily driven out by an allied effort of Britain and the Ottomans in 1801.²⁵ Though Egypt remained a vassal state of the Ottoman Empire, it operated with a relative degree of autonomy until 1882 when the British besieged Alexandria and invaded the

²¹Denziger, *Algerian Resistance*, 147.

²²Rudolph Peters, *Islam and Colonialism*, 62.

²³*Ibid.*, 62.

²⁴Juan R. I. Cole, *Napoleon’s Egypt: Invading the Middle East* (New York: Palgrave Macmillan, 2007), 240.

²⁵Juan R. I. Cole, *Colonialism and Revolution in the Middle East: Social and Cultural Origins of Egypt’s ‘Urabi Movement* (Princeton: Princeton University Press, 1993), 25 (hereafter cited as *Colonialism and Revolution*).

country.²⁶ Egyptians rallied behind the Minister of War, Ahmad ‘Urabi, who became the spokesmen of the anti-European National Party. The Egyptian governor, known as the Khedive, dismissed ‘Urabi, denounced the rebellion, and proclaimed that the British “had only come to restore law and order” at his request.²⁷ ‘Urabi rebuked the Khedive and maintained control of the military with popular support. On the day the British began their siege, many of the Egyptian ‘*ulama* threw their support behind the ‘Urabi Revolt with exhortations to join the noble *jihad* against the apostate Khedive and the infidel invaders.²⁸ The Khedive responded with its own campaign of religious propaganda which asserted that ‘Urabi and his followers had abandoned Islam through their refusal to submit to the legitimate rulers of Muslim Egypt. Furthermore, this argument put forth by the “westernizing” ‘*ulama* denounced ‘Urabi’s claim to *jihad* as illegitimate because it would ensure needless suffering of Muslims and inevitable defeat.²⁹ Ultimately, the modern weaponry of the Western imperial power once again guaranteed that the native Muslim resistance movement would fail.

The Italian colonization of Libya was not so quick to gain Ottoman support against the local resistance. The Ottomans initially sided with the tribal resistance of the Sanusiyyah, a strict orthodox Islamic brotherhood that maintained *de facto* governance more inland where Ottoman influence was minimal. In 1912, the Sanusi leader al-Sayyid Ahmad al-Sharif issued a statement addressed to all Muslims facing infidel occupations that declared *jihad* to be an obligation of every Muslim, and that “one who refrains from partaking in the *jihad*, does not anymore belong to the religion,” and the same “for those who side with the enemy for the sake of worldly goods

²⁶Rudolph Peters, *Islam and Colonialism*, 78.

²⁷*Ibid.*

²⁸*Ibid.*, 79-80

²⁹*Ibid.*, 83. See also Cole, *Colonialism and Revolution*, 241.

in order to fight the Muslims.”³⁰ Peters observes that the influence of ‘Abd al-Qadir’s movement eighty years prior in Algeria was so great that al-Sharif “quoted extensively” from at least one significant *fatwa* from that period.³¹

The political leaders of these religiously justified resistance movements adopted arguments and doctrines for legitimacy from the Islamic tradition as well as their contemporaries. The concept of Mahdism also transcended geographical and political boundaries during this time. In 1881, Muhammad Ahmad, the leader of the Sudanese revolt against the Egyptian Khedive, addressed the challenge for religious legitimacy by proclaiming himself to be the *Mahdi*, the apocalyptic redeemer of the world in Islam. He declared *jihad* against Anglo-Egyptian occupation and the infidels who denied his status as the *Mahdi* with the goal to bring Islamic rule to the Sudan and enforce *shari’a*. Muhammad Ahmad’s Mahdism received a fierce backlash from the Egyptian *‘ulama* for its unorthodox presupposition, but continued to have a significant influence on *jihad* resistance against Anglo-Egyptian rule even after the British overthrew the Mahdist state in 1898.³²

The concept of the *Mahdi* as the legitimate authority for declaring *jihad* against Western colonial powers appeared beyond the Sudan. After the death of Sayyid Ahmad in the Indian resistance, it was popular belief among his supporters that he had been the *Mahdi*, and they were obligated to continue fighting the British infidels until he returned.³³ Ironically, Napoleon had even suggested that his apparent invincibility was the prophesized power of the *Mahdi*, in a desperate cry for legitimacy as he struggled in his short-lived counter-insurgency campaign in

³⁰Rudolph Peters, *Islam and Colonialism*, 86.

³¹*Ibid.*, 88.

³²*Ibid.*, 74.

³³*Ibid.*, 48.

Egypt.³⁴ Across the Islamic world, the leaders of armed *jihadi* resistance movements recognized the need for a legitimate Muslim authority that, in the classical tradition, could only be fulfilled by the *imam*. However, without the unity of a single Muslim polity and facing imperial armies that commanded an immediate, local response, these leaders could not help but to seek theological justification for their authority in unorthodox ways.

Muslim Resistance to the British Mandate and Zionism in Palestine

The European mandates in the Middle East in the aftermath of World War I continued the attitudes of imperialism in a new political form. After the Arab Revolt against the Ottoman Empire in alliance with the British during the war, Muslims in the Levant felt their promises of independence were betrayed as they saw continued foreign rule in their lands. The declared purpose of the British Mandate in Palestine referred to Article 22 of the Covenant of the League of Nations which described the obligation to provide stable governance for peoples “not yet able to stand by themselves under the strenuous conditions of the modern world.”³⁵ The concern over the challenges of modernity and lack of faith in the ability of such peoples to govern themselves, however sincere and compassionate, was characteristically imperialistic. In the Covenant of the League of Nations, this attitude was explicitly announced as official policy.

Unique to the Palestinian mandate, however, was the continuation of the practice of colonial settlement. Once again, the British assumed the notion that Western industrialized nations were under the authority and even the moral imperative to seize control of the affairs and

³⁴Cole, *Napoleon's Egypt: Invading the Middle East*, 216-217.

³⁵“British Mandate for Palestine,” *The American Journal of International Law* 17:3 (Jul, 1923): Preamble. See also Avalon Project at Yale Law School, “Covenant of the League of Nations (Including Amendments adopted to December, 1924),” Lillian Goodman Law Library, http://avalon.law.yale.edu/20th_century/leagcov.asp: article 22.

resources of an indigenous population in the name of progress. The idea that the Palestinian Arabs were “inherently incapable of building the country because their leaders were parasitic and their masses primitive,” was widely held among senior level British policy makers.³⁶ As Scott Atran observes, the Palestinian Mandate differed from the other colonial ventures because in this case, the socio-economic intervention would be carried out through the implementation of the ideologically derived Zionist enterprise.³⁷ Indeed, the official British Mandate for Palestine explicitly listed the goals of reconstituting a national homeland for the Jews and facilitating the accommodation of Jewish settlers in Palestine.³⁸ At the same time, the ideology of Zionism had begun at the end of the 19th century with Theodor Herzl’s World Zionist Organization, which stated the goal of creating a Jewish state in response to the historical persecution of Jews in Europe and Russia. In its early stages, supporters of Zionism considered Palestine merely as one of multiple territories suitable for Jewish settlement, but religious zeal and restorationist ideology of both Jews and Christians influenced the movement’s focus on Palestine.³⁹ In 1917, Foreign Secretary Arthur Balfour declared the creation of a Jewish state in Palestine to be an official policy of the British Government.

By the 1920s, the British-sanctioned Jewish settlement of Palestine had begun to take a devastating toll on its Arab population. The economic and social decline of the Palestinians, partially caused by high taxes, loss of land, and exclusion from the newly developing Jewish industry, resulted in political radicalization of the educated elite and lower class alike.⁴⁰ Initially, opposition to the European mandate powers included both Christian and Muslim Arabs and was

³⁶Scott Atran “The Surrogate Colonization of Palestine, 1917-1939,” *American Ethnologist* 16:4 (Nov., 1989): 728.

³⁷*Ibid.*

³⁸“British Mandate for Palestine,” Preamble, article 7.

³⁹Christian Restorationism was a significant ideology but had little impact on the formulation of policy. See Gideon Shimoni, *The Zionist Ideology* (Hanover: Brandeis University Press, 1995), 61-65.

⁴⁰Rudolph Peters, *Islam and Colonialism*, 96-97.

primarily inspired by feelings of nationalism rather than religion. Peters observes that the feelings of Arab Nationalism that developed against the Ottoman Empire in the years leading up to the mandates were secular in nature, as Ottoman rule was self-identified as Islamic.⁴¹

However, given their unique problem of Jewish settlers, Palestinians soon recognized the Zionist movement as their primary threat rather than British government, which they viewed as a victim to a strong Jewish influence in policy-making.⁴²

The first organized religious opposition movement against the British Mandate and Zionist settlement rose out of Haifa. Sheikh ‘Izz al-Din al-Qassam, a religious scholar who fled from Syria after being condemned to death for his participation in revolt against the French, led the Palestinian *jihad* in its early years. Qassam formulated a view during his studies at al-Azhar in Cairo under Muhammad al-‘Abduh, which saw imperialism of the West as the primary threat to Islam.⁴³ This school of thought advanced brand of Islam resembling that of ‘Abd al-Wahhab, calling for a departure from the backward policy of strict adherence to the Islamic tradition and a return to early Islamic doctrine. Qassam argued that the Zionist settlers and the British Mandate constituted a breach of the *dar al-harb* into the *dar al-Islam*, making *jihad* the individual duty of every Muslim.⁴⁴ Further legitimizing this claim, Qassam blamed the ‘*ulama* for failing to rightfully declare *jihad*, leaving the obligation to the individual Muslim to revolt against the occupying powers.

Frustrated by the refusal of support from the ‘*ulama* and the political elite, Qassam took the initiative himself to lead the *jihad* both ideologically and militarily. As early as the 1920s,

⁴¹Rudolph Peters, *Islam and Colonialism*, 95.

⁴²*Ibid.*, 96.

⁴³Nels Johnson, *Islam and the Politics of Meaning in Palestinian Nationalism* (London: Kegan Paul International, 1982), 39 (hereafter cited as *Politics of Meaning*).

⁴⁴Rudolph Peters, *Islam and Colonialism*, 97-98.

Qassam was organizing “*jihadi* cells” – essentially guerilla warfare gangs – to fight the British and the Zionist settlers.⁴⁵ The ideology of Qassam and those in his organization is apparent in the creed the members followed:

“Faith in God was the first requirement. . . The leadership set forth the Islamic creed conscious that it was a revolt against imperialism, aggression, apathy, despotism and oppression. It was the requirement that each member memorize what he could of the Qur’anic [verses] on *jihad* in the Path of God and the homeland. . . The members studied the Islamic wars led by the Prophet Muhammed. . . Salah al-Din. . . and other of the great warriors of history.”⁴⁶

The religious and historical precedents in *jihad* had a strong influence on the Muslim resistance organized by Qassam in Palestine. After fatal clash with British forces in 1935, Qassam’s death, heralded as martyrdom, gave momentum to his movement and its ideology leading up to the revolt of 1936. Swedenberg observes that although Qassam became a popular symbol of the Palestinian resistance, there was and continues to be confusion among Palestinians as to how to label the essence of his ideology. The most popular interpretations of Qassam classify him as a Palestinian nationalist, pan-Arabist, *mujahid*, and “proto-socialist” guerilla warrior.⁴⁷ Though other movements also drew inspiration from Qassam’s resistance, his ideology as a Muslim reformist and *mujahid* continues to influence Palestinian *jihad* movements today.

During this same period, concern for the holy sites of Jerusalem became an increasing concern among Muslims, Jews, and Christians alike. The Supreme Muslim Council sent delegations to Muslim countries with hopes to rouse support for the Palestinian movement by emphasizing the religious sanctity of the al-Aqsa Mosque and the Dome of the Rock in Jerusalem. The 1931 international convention of renowned Muslim scholars and political leaders in Jerusalem proclaimed that the site was to be defended against the British and Zionists, but fell

⁴⁵Nels Johnson, *Politics of Meaning*, 32.

⁴⁶*Ibid.*, 41.

⁴⁷Ted Swedenberg, “Al-Qassam Remembered,” *Alif: Journal of Comparative Poetics* 7 (Spring 1987): 10-11.

short of issuing a *fatwa* for *jihad*.⁴⁸ However, the resolution which passed on the last day contained the condemnation of any Muslim who aids the British or Zionists as an apostate.⁴⁹ Anti-colonial sentiments culminated in the 1936-1939 revolt, with support from Muslims across the world, including *fatwas* from various *'ulama* endorsing *jihad* against the British and Jews in Palestine as a duty for all Muslims.⁵⁰ The Palestinians in the revolt itself were moved primarily by nationalistic ideology, though religion was certainly more than a rhetorical element.⁵¹ As Peters points out, the call for *jihad* was mostly imported from international sentiments of Islamic solidarity and concern to rescue the holy sites of Jerusalem.⁵² The distinct local and global *jihad* movements against Zionism in Palestine continue to manifest themselves in different forms today.

The armed conflicts with Western imperial powers in the 19th and 20th centuries challenged Muslim resistance groups with the task of reinterpreting classical and medieval rulings on warfare in an unprecedented context. The political commandeering of Islamic territories by Western nations contested the concept of a distinct *dar al-Islam* and *dar al-harb*, which earlier jurists had incorporated extensively into their doctrines for *jihad*. With a politically divided *umma* and an ideologically divided *'ulama*, Muslim militants looked to the Counter-Crusades as a source of legitimizing historical precedent and mobilizing inspiration as they declared *jihad* against the latest invasion of the West. The medieval doctrine of sufficiency, supported by al-Ghazali, al-Sulami, Ibn Taymiyya, and others, justified the argument that *jihad* to defend Islamic lands against these invaders was the individual duty of every Muslim.

⁴⁸Rudolph Peters, *Islam and Colonialism*, 101.

⁴⁹Weldon C. Matthews, "Pan-Islam or Arab Nationalism? The Meaning of the 1931 Jerusalem Islamic Congress Reconsidered," *International Journal of Middle East Studies* 35:1 (Feb., 2003): 15.

⁵⁰Rudolph Peters, *Islam and Colonialism*, 102.

⁵¹*Ibid.*, 103.

⁵²*Ibid.*, 103-104.

However, as the modernist tendency of the *'ulama* became mainstream in the face of the overwhelming military superiority of the imperial powers, marginalized militants' feelings of being betrayed by their own leaders created an enabling environment for the radicalization of militant ideology.

Ijtihad, Neo-Jurists, and Islamist Militancy

The political and military failures of anti-colonial resistance movements in the 19th and 20th centuries resulted from the technological superiority of the industrial European powers. The great irony of the resistance movements is that colonialism actually empowered them in two ways; the Western colonizers undermined the existing authorities in the Muslim world, and the cultural exchange produced the positive externality of the print revolution. The introduction of modern technology led to an increased availability of books, including the reproduction of original Islamic texts, which in turn accelerated the growth of literacy and the development of a professional class. Mohammed Ayoob terms this phenomenon, Islam's *Proto-Reformation*, comparing this phenomenon to the populist religious reform movement of 15th-16th century Europe.⁵³ While the authority of the Catholic Church suffered as European Christians began to interpret the teachings of the Bible independently, now the *'ulama* in the Muslim world experienced a similar fate. The learned class of Muslim scholars previously had held an intellectual monopoly as the sole interpreters of *shari'a* and unquestioned religious authorities until the modernization brought by the West to the region gave birth to this Islamic Proto-Reformation. The practice of *ijtihad* by the rapidly growing class of literate Muslims carried

⁵³Ayoob, *Political Islam*, 28.

prolific political ramifications. The birth of a new kind of jurist, Muslims without extensive and formal education in Islam and *shari'a* reasoning, provided mobilizing ideologies for populist social and political uprisings that called for *jihad* with the goal of an Islamic state.

In Egypt, as a response to political frustration with British imperialism and the ruling class of Egyptian elite who embraced modernization and the West, Islamism became the fundamental ideology of the Muslim Brotherhood. Founded in 1928, the Muslim Brotherhood began as an apolitical social services organization, but sympathy and support for the Palestinian resistance helped solidify the Brotherhood's sense of purpose, and by 1941 they had announced their own candidates for parliamentary elections.⁵⁴ The founder of the Muslim Brotherhood was a school teacher, Hasan al-Banna, whose brilliance as an organizer and activist outweighed his lack of qualification as a philosopher or theologian. Al-Banna's call for Islamic reform in Egypt was popular not by any personal authority of his own, but because he gave a voice to the widespread feelings of political and social discontent that characterized the attitude of the average Egyptian Muslim. Hasan al-Banna offered an ideology of resilience, piety, and hope, that through the Islamicization of the Egyptian nation and the reinstatement of *shari'a*, social injustice could be eliminated. He blamed the non-Islamic collaborative policies of the Egyptian government for the failure to drive out the corrupting forces of the imperial West, which prohibited the rule of *shari'a*. The obvious question was *how* the Muslims of Egypt could accomplish these goals and set an example for the rest of the world. Al-Banna's vision primarily focused on political measures to achieve social justice, but he continued to emphasize *jihad* as a necessary and mandatory element of the movement.

⁵⁴Zaid Munson, "Islamic Mobilization: Social Movement Theory and the Egyptian Muslim Brotherhood," *The Sociological Quarterly* 42:4 (Autumn, 2001): 488.

In his treatise *On Jihad*, al-Banna reiterated the claim that *jihad* is an unavoidable obligation for every Muslim and provided passages of supporting evidence from the Qur'an, *Sunna*, and classical works of jurisprudence. The rulings of more recent Muslim jurists, he argued, are irrelevant because "the Islamic *umma* has lost the ordinances of its own religion on the question of *jihad* along with the consensus of opinion of the Muslims throughout every period of their history."⁵⁵ He condemned the Muslim community for shirking its duty to wage *jihad*, as, he argues, this obligation had been confirmed by religious scholars who practiced independent reasoning (*ijtihad*) and "strictly followed tradition" alike.⁵⁶ Al-Banna berated the Muslim community as a whole, but specifically blamed his contemporary religious scholars for failing to uphold what he sees as the tradition. He questioned the integrity of the *'ulama* of his day, citing exemplary jurists like 'Abd al-Wahhab and others from earlier periods, who fought personally as embattled scholars in historical campaigns of *jihad*.⁵⁷

Hasan al-Banna also offered a message of moderation in a section of the treatise entitled "Mercy in the Islamic Tradition". This section reiterated the regulatory rulings of the classical Islamic tradition which forbid atrocities of war, including aggression, mutilation, plundering, and the killing of non-combatants.⁵⁸ Al-Banna continued to discuss the common belief that fighting is the "lesser *jihad*" and the *jihad* of the soul is a higher endeavor. He also entertained a doctrine of *fiqh* which suggests that "one of the loftiest forms of *jihad* is to utter a word of truth in the presence of a tyrannical ruler."⁵⁹ Though al-Banna refrained from explicitly denouncing such doctrines, he questioned their authenticity in the transmission of the *Sunna* and argues that they

⁵⁵Charles Wendell, ed., *Five Tracts of Hasan Al-Banna (1906-1949): a selection from the Majmu'at rasail al-Imam al-shadid Hasan al-Banna* (Berkeley: University of California Press, 1978), 147.

⁵⁶*Ibid.*, 150.

⁵⁷*Ibid.*, 151.

⁵⁸*Ibid.*, 153-155.

⁵⁹*Ibid.*, 155.

“would never warrant abandoning *jihad*” but rather constituted an additional spiritual dimension to the notion of striving in the path of God.⁶⁰

This theological element of al-Banna’s vision for an Islamic state is “the hallmark of modern Islamist thinking” – he essentially separated the concept of *shari’a* from the tradition of Islamic jurisprudence and the religious authorities of his time.⁶¹ On the other side of the Muslim world, Abul A’la Mawdudi provided nearly equivalent arguments for his Islamist movement, the Jama’at-i Islami. After the British partition of India on demographic grounds that ultimately led to the independence of Pakistan in 1947, Mawdudi, a professional journalist, moved to the new state and campaigned to ensure that it would be a true Muslim country, governed by *shari’a*. Essentially abandoning the effort to preserve Muslim identity in India, Mawdudi sought to ensure that Islam would dominate Pakistan in every way.⁶² Indeed, Mawdudi viewed politics as the highest expression of spirituality in Islam by establishing God’s rule over men in a time when Western powers had asserted false authority over Muslim lands. Mawdudi’s political ideology reflected a Marxist utopianism that classified the subjugation of one man to another as yet another manifestation of polytheism, along with the other Western products of nationalism and materialism.⁶³

Mawdudi’s philosophy grew in opposition to the movement called Ahmadiyyat, which used the Qur’an to make “arguments for freedom of conscience, including freedom of religion, speech, and association,” against many of the classical doctrines *shari’a*.⁶⁴ Mawdudi and his

⁶⁰Charles Wendell, ed., *Five Tracts of Hasan Al-Banna (1906-1949): a selection from the Majmu’at rasail al-Imam al-shadid Hasan al-Banna* (Berkeley: University of California Press, 1978), 155.

⁶¹Ayoob, *Political Islam*, 72.

⁶²Ibid., 66.

⁶³Eran Lerman, “Mawdudi’s Concept of Islam,” *Middle Eastern Studies* 17:4 (Oct. 1981): 500. Mawdudi countered Marx’s condemnation of religion as a means of subjugation by arguing that Islamic government is the only way to achieve ideal social justice through the implementation of *shari’a*.

⁶⁴Kelsay, *Arugging*, 93.

followers derided members of the Ahmadiyyat as apostate Muslims, gaining enough influence in the Pakistani government to have to group officially declared a non-Islamic movement.⁶⁵ In the same fashion as al-Banna in Egypt, Mawdudi berated the *'ulama* as an outdated institution that had lost touch with Islam in the modern world. He renounced the tradition of *fiqh* for its development of liberal doctrine, which he viewed as corrupted by innovation and misguided interpretation. Thus, Mawdudi echoed the medieval doctrine of Ibn Taymiyya, rejecting the validity of the Islamic tradition after the first four caliphs. Indeed, the adaptive stances of the Muslim ruling elite in colonial Egypt, India, Algeria and elsewhere testified to the willingness of Muslim authorities across the world to accept non-Islamic rule out of practicality rather than to resist out of principle.

Mawdudi's beliefs on *jihad*, however, were relatively moderate, especially given the militancy of his contemporaries and even in comparison to medieval doctrines. Mawdudi insisted that *jihad* could only be legitimately declared and waged under a proper religious and political authority of an Islamic state – not by any individual or group.⁶⁶ Still, Mawdudi insisted that “*jihad* is as much a primary duty of the Muslims concerned as are the daily prayers or fasting. One who shirks it is a sinner. His very claim to being a Muslim is doubtful. He is a hypocrite whose [religious rituals] and prayers are a sham, a worthless, hollow show of devotion.”⁶⁷ Mawdudi agreed with the argument that *jihad* was an individual obligation when the *imam*-authorized, voluntary force had failed or neglected the duty as well as when Muslims were under attack from the *dar al-harb*. However, in contrast to medieval doctrines of al-Sulami and Ibn Taymiyya, Mawdudi preached that *jihad* could only be waged against the “enemies of God” in

⁶⁵Kelsay, *Arguing*, 94.

⁶⁶Ayoob, *Political Islam*, 70.

⁶⁷Abdul A'la Mawdudi, *Towards Understanding Islam*, trans. and ed. by Kurshid Ahmad (Leicester: The Islamic Foundation, 1980), 94.

the *dar al-harb*, which he loosely defined as non-Islamic lands, and rejected the notion of an internal *jihad*.

Around the same time in Egypt, a school teacher, literary critic, and political activist named Sayyid Qutb offered a radical doctrine of Islamist militancy. Rebuking hundreds of years of precedents in the Islamic tradition, Qutb was an extremist even relative to his peers in the Muslim Brotherhood.⁶⁸ Ascending to the role of the leading ideologue within the Muslim Brotherhood in the 1950s and 1960s, Qutb incorporated the ideas of al-Banna and Mawdudi into his views on the role of Islam and Muslims in the modern world. The idea that the entire world existed in a state of *jahiliyya* was central to Qutb's philosophy. The term *jahiliyya*, and its adjective form in Arabic, *jahili*, carried tremendous weight in the Islamic tradition; though literally translating as "ignorance," the term, in classical Islamic discourse, referred to the time before the Prophet brought the message of Islam to the world. This tradition of this rhetoric began with Ibn Taymiyya, who declared that the pre-Islamic practices of the "half-Muslims" of his day "constituted '*jahiliyya* in the restricted sense' although in the absolute sense it had ended with Muhammad's mission."⁶⁹ The fundamentalist doctrine of 'Abd al-Wahhab in the 18th century also used the term *jahili* to describe the condition of unorthodox Muslims.⁷⁰ Mawdudi had argued that the world had contained realms of *jahiliyya*, specifically in the West, that threatened the Muslim world with corrupting influence. Though often credited with being the first to boldly ascribe *jahiliyya* to the condition of Muslims, Qutb's real contribution was how he renounced the possibility of any legitimate human authority, insisting any rule that varied from

⁶⁸Ayoob, *Political Islam*, 80.

⁶⁹William E. Shepherd, "Sayyid Qutb's Doctrine of 'Jahiliyya'," *International Journal of Middle East Studies* 35:4 (Nov., 2003): 523. Shepherd quotes Ibn Taymiyya's *Kitab Iqtida's irat al-mustaqrmm ukhalafata shab al-jahrm*.

⁷⁰Ibid.

shari'a in any way was *jahili*.⁷¹ Qutb insisted that the *jahiliyya* of Europe pervaded the Muslim world, replacing the sovereignty of God with the illegitimate sovereignty of man. Qutb had declared Nasserite Egypt to be a product of *jahiliyya* and even declared *tafkir*, excommunication, against the entire Egyptian political system, an act unprecedented in the Islamic political philosophy.⁷² Qutb's radicalization of the idea of *jahiliyya* and his explicit stance against the Egyptian government earned him, and the Muslim Brotherhood, a warranted status as enemies of the state, leading to the imprisonment and execution of Qutb himself in 1966.

Like his ideological predecessors, Qutb also argued that the *'ulama* themselves were guilty of corrupting the true teachings of Islam, arguing, ironically, that no man's knowledge qualified him to exercise *ijtihad*.⁷³ Furthermore, Qutb criticized the very concept of a man making an occupation out of Islam and interpreting the Qur'an and *Sunna* however it best suit them.⁷⁴ Thus, to Qutb, the tradition of Islamic jurisprudence itself was corrupted by *jahiliyya* historically and presently. *Fiqh* was dependent on the judgment of men who were the product of their times; the Qur'an was the only timeless source of divine revelation, from which liberal scholarship in the Islamic tradition had led the Muslim *umma* astray. As many modern academic scholars have observed, Qutb's call to return to the classical texts of Islam for guidance instead of the tradition of *fiqh*, characteristic of modern Islamist fundamentalism, constituted a unique "hybrid that was both retrogressive and progressive at the same time."⁷⁵ The legitimacy of the doctrines of ideologues like Qutb no longer depended on support from the *'ulama* or precedent in the Islamic tradition and could therefore respond to the demands of the modern age more freely.

⁷¹William E. Shepherd, "Sayyid Qutb's Doctrine of 'Jahiliyya'," 523-524.

⁷²Ayoob, *Political Islam*, 74.

⁷³Qutb, *Milestones*, 75.

⁷⁴Ayoob, *Political Islam*, 29.

⁷⁵*Ibid.*, 72.

Simultaneously, this same insistence on a return to the divine texts commanded a divorce of the Muslim community from its modern context to return to a pre-modern lifestyle.

Qutb's perspective on the modern world's state of *jahiliyya* and the illegitimacy of human rule shaped his understanding of Islamism. Qutb outlined the just causes for waging *jihad*: "to establish God's authority on the earth; to arrange human affairs according to the true guidance provided by God; to abolish all the Satanic forces and Satanic systems of life; to end the lordship of one man over others."⁷⁶ To establish the rule of *shari'a*, Qutb asserted that "the foremost duty of Islam in this world is to depose *jahiliyya* from the leadership of man, and to take the leadership into its own hands and enforce the particular way of life which is its permanent feature."⁷⁷ This sense of obligation is critical to Qutb's understanding of the role of Muslims in waging *jihad*. Qutb asserted that the justifications for *jihad* lie not in the popular Western standards of Just War but in the divinely ordained mission of Islam. He argues that the modern liberal religious scholars and those in the tradition who limit the role of *jihad* to defensive war exhibit "defeatist and apologetic mentalities" that ignore the fundamental religious imperatives.⁷⁸ Nevertheless, Qutb offered a response to the requirement that warfare be defensive:

"If we insist on calling Islamic *jihad* a defensive movement, then we must change the meaning of the word 'defense' and mean by it 'the defense of man' against all those elements which limit his freedom. These elements take the form of beliefs and concepts, as well [as] political systems, based on economic, racial or class distinctions. When Islam first came into existence, the world was full of such systems, and the present-day *jahiliyya* also has various kinds of such systems."⁷⁹

Qutb's efforts to justify *jihad* by its defensive classification merely patronized his more moderate audiences; he otherwise made his point clear that *jihad* was divinely commanded warfare to

⁷⁶Qutb, *Milestones*, 127.

⁷⁷*Ibid.*, 245.

⁷⁸*Ibid.*, 102.

⁷⁹*Ibid.*, 111.

liberate men from the rule of man that they may know true freedom and justice under the rule of God. He continued to argue, “those who say that Islamic *jihad* was merely for the defense of the ‘homeland of Islam’ diminish the greatness of the Islamic way of life and consider it less than their ‘homeland’”.⁸⁰ To Qutb, the value of a land relied only on whether or not God’s authority has been established over it and rules supreme; only then was defense of the land a valid justification, because it represented defense of Islam.

The Individualization of Religious and Political Authority

As the ideological departure from the tradition of *fiqh* on the topic of *jihad* is evident in the works of al-Banna, Mawdudi, and especially Qutb, so too are the ideological roots of their arguments. While Ibn Taymiyya wrote in the context of the Mongol invaders, the same perspective found relevance as the influences of the imperial West conquered the Muslim world over five-hundred years later. The development of radical fundamentalist doctrine on the role of *jihad* in achieving Islamist goal of *shari’a* rule relied extensively on the plight of the authority of the *‘ulama*. The Islamic Proto-Reformation had empowered a journalist and two school teachers to a level where they could offer doctrines and opinions in *shari’a* with authority to rival that of the traditional religious scholars. Kelsay keenly points out that in the long run, “the strongest opinions are those that command a consensus among believers.”⁸¹ Though the modern divorce of legitimate Islamic jurisprudence from its tradition fell short of leaving *shari’a* to be determined by popularity contest, this departure enabled both the development of non-traditional, or perhaps

⁸⁰Qutb, *Milestones*, 130.

⁸¹Kelsay, *Arguing*, 125.

more accurately, anti-traditional doctrine, and its ability to find legitimacy in the support of a sympathetic audience. Indeed, the survivalist strategy of the *'ulama*, which promoted modernist doctrines of pacifism, failed to convince a substantial amount of Muslims. In many cases, the *'ulama* preached the equivalent of the modern *jus ad bellum* criterion which requires a reasonable chance of success. Instead, the Muslims in *jihad* resistance movements embraced the classical doctrines of Islam that encouraged undying militancy and exalted martyrdom as the most noble of deaths.

The various *jihad* movements during this period also marked the important historical development of the non-state actor. The medieval scholars maintained the interpretation of the individual obligation to fight in defense of Islam, the military campaigns of their time were waged by the governors of recognized polities. However, when Muslim resistance groups perceived the official political rulers and *'ulama* of the Muslim world as collaborating with the invading forces that threatened the Islamic way of life, their religious obligations not only justified, but commanded revolt, as *jihad* in the cause of God. Such a response was theologically justified both in the ideology of Islamist militancy and the medieval doctrine of sufficiency. The neo-jurists seemed to agree on the divinely ordained goal of establishing an Islamic state to implement *shari'a* and ensure justice. A populist revolt to that end was legitimate because the *'ulama* and Muslim political leadership failed to uphold their duty to authorize and lead *jihad* against the foreign invaders. Thus, the modern development of radical doctrines of Islamist militancy has given birth to the argument that a campaign of *jihad* can be legitimate without the authority of an *imam*, support of the *'ulama*, or the political structure of the state.

CHAPTER FIVE

The Islamic Resistance Movement: Ideology and Pragmatism

The revolutionary precedents in Islamic jurisprudence that developed in conjunction with armed revolt against the agents of Western imperialism in the Muslim world continue to influence how present-day jihadist resistance movements defend the legitimacy of their warfare with Islamic law. The concept of *jihad* as an individual obligation in fighting to defend Muslim lands against foreign incursion even without the authority of an *imam* became mainstream in opposition to occupying colonial powers. Furthermore, the radicalization of such doctrine by Sayyid Qutb and his followers to support armed revolution against local rulers had historic implications. The assassins of Anwar Sadat in 1981 used these very doctrines to justify their armed resistance within *shari'a* in a widely distributed treatise entitled *The Neglected Duty*. They argued that Sadat's normalized relations with Israel and cessation of Muslim lands represented

an abandonment of Islam that commanded the true believers to violently depose of their apostate ruler. The response of the Egyptian *'ulama* to this declaration focused less on questioning the legitimacy of their theological argument, stating instead that the preached violent revolution risked doing more harm than good.¹ Following the precedents established in jurisprudence of the colonial era, the Egyptian religious authorities argued for moderation, not because the theological arguments had no precedent, but on grounds of practicality.

The case of Hamas exhibits the opposite tendency – necessity trumping principle to encourage, rather than limit, extreme Islamist militancy. However, Hamas operates in a different context as an armed resistance to a foreign occupier, not against an indigenous government viewed as a collaborator. The establishment of the State of Israel after the Second World War as the fulfillment of the Zionist promise antagonized Palestinians by denying them a national identity, contributing to their socio-economic plight and alienation from the international community. The interpretation of the motives and objectives behind the creation of Israel are numerous. In contradistinction to the secular ideology of the Palestinian Liberation Organization (PLO), the popular Islamist perspective, views Zionism as, “revenge for all of medieval history,” an ideologically motivated assault against Islam.² For these Muslims, “the Palestinian cause is not about land and soil, but it is about faith and belief.”³ As Ayoob observes of the political trends since the 1970s in the Arab world, “Islamist formulations [often] became the foremost spokespersons for popular national grievances, and Islamist vocabulary came to be routinely

¹Kelsay, *Arguing*, 133.

²Riley-Smith, *The Crusades, Christianity, and Islam*, 73. Riley-Smith quotes the Palestinian poet Mahmoud Darwish.

³Handbill No.74, *Filastin al-Muslima*, June 1991; from Mier Litvak, “The Islamicization of the Palestinian-Israeli Conflict: The Case of Hamas,” *Middle Eastern Studies* 34:1 (Jan., 1998): 148-163.

used to promote nationalist agendas.”⁴ In the ideology of Hamas, the nationalist and Islamist agendas are fused into a regionally confined armed resistance movement that justifies its warfare with theological doctrine.

At the outbreak of the 1987 *intifada*, the leaders of the Palestinian branch of the Muslim Brotherhood established Hamas, an acronym in Arabic for the Islamic Resistance Movement (literally meaning “zeal”), as a political organization committed to liberating all of Palestine from the illegitimate, anti-Islamic Zionist state. In its early years, Hamas, under the leadership of Sheikh Ahmad Yassin, sought to mobilize and organize discontented Palestinian Muslims in the *intifada* by emphasizing the religious significance of the conflict. The leaders of Hamas drafted a charter in 1988 outlining the ideology of the movement and justifying the call to armed revolt with historical and theological arguments. As Andrea Nüsse notes, the journal *Falastin al-Muslima* is a valuable source that presents the ideology of Hamas through the publication of the handbills distributed in Palestine, though the editors deny official affiliation.⁵ However, the Charter, written at the time of the organization’s inception, voiced the founding ideology, while the journal, as a monthly periodical, is more of a commentary. Thus, the Charter provides the best point of departure from which to examine the degree to which Hamas has adhered to not just doctrines from tradition of Islamic jurisprudence, but even its own ideology.

The Ideology of Hamas: The Charter

⁴Ayoob, *Political Islam*, 114.

⁵Andrea Nüsse, *Muslim Palestine: The Ideology of Hamas* (Amsterdam: Harwood Academic Publishers, 1998), 7 (hereafter cited as *Muslim Palestine*).

The Charter reveals strong influences of the Islamic resistance movements of the past two centuries on the ideology of Hamas. The rhetoric of modern Islamist movements claim Islam as their sole authority, while condemning human judgment for its susceptibility to error. Hamas follows suit in Article 1 of the first chapter, which outlines the ideological origins of the movement and declares Islam as the only source. However, as a whole the Charter reveals a range of sources beyond the Qur'an and *Sunna* that inspire the ideology of the movement, ranging from the affiliation with the Muslim Brotherhood and quoting the early 20th century Muslim poet Muhammad Iqbal to invocation of the anti-colonial *jihad* of 'Izz al-Din al-Qassam and the historical *jihad* of Saladin to take back Palestine from the Crusaders. Though the Charter cites the Qur'an and *Sunna* extensively, present in nearly every article, the influences of modern movements and ideologies are also evident.

An examination of the Charter must consider its dual purposes; announcing an ideology and mobilizing Palestinian Muslims to join the movement. The slogan of Hamas is a case in point: "Allah is its goal, the Prophet is its leader, the Qur'an is its constitution, Jihad is its methodology, and Death in the cause of Allah is its highest aspiration."⁶ This slogan announces the fundamental ideology of Hamas's *jihad*, but one must be mindful that its rhetoric serves inspire support for the movement among Muslims in Palestine and around the world rather than give clarity to its justifying arguments. Nevertheless, the slogan's categorical addressing of issues such as just cause and legitimate authority provides a useful structure with which to understand the ideology as a whole.

"*Allah is its goal*". This first element of the slogan demonstrates the use extreme Islamist language to state the goal of a Muslim Palestine as the just cause of Hamas. The second chapter

⁶Muhammad Maqdisi, trans., "Charter of the Islamic Resistance Movement (Hamas) of Palestine," *Journal of Palestine Studies* 22:4 (Summer 1993): article 8 (hereafter cited simply as Hamas Charter).

of the Charter expresses the essential elements of modern Islamist argument in explaining the objective of the movement. The influences of prominent Muslim writers as dated as al-Sulami and as recent as Sayyid Qutb dominate Hamas's perspective on the state of the world:

“Values have deteriorated, the plague of the evil folk and oppression and darkness have become rampant. . . Nations have been occupied, their people expelled and fallen on their faces everywhere on earth. The nation of truth is absent and the nation of evil has been established; as long as Islam does not take its rightful place in the world arena everything will continue to change for the worse.”⁷

Though the Charter refrains from using the extremist term of *jahiliyya* like several of the movement's ideological predecessors in the Muslim Brotherhood, it expresses the common Islamist characterization of the state of the world.⁸ Hamas adopts the mission to “reinstate” the Islamic state as the only way to bring the world out of darkness and oppression with the truth and justice of divine rule.

While the operational mission of Hamas is limited to the establishment of an Islamic state in Palestine, the Charter emphasizes the universality of its cause. In Article 7, the Charter defines Hamas as an “international organization,” presuming backing from Muslims around the world on the basis of “the clarity of its ideology, its lofty goal, and the sanctity of its objectives.”⁹ The extensive argument for the relevance of Palestine in Its argument for the sanctity of Jerusalem is based not on the Qur'an and *Sunna*, but on the significance Muslims have given to the city since the time of the Prophet. Article 9 of the Charter presents the argument to the international community with reference to the popular Islamic belief that the *mi'raj*, the night journey of the Prophet, took place at the site of the al-Aqsa mosque in Jerusalem:

“We must instill in the minds of the Muslim generation that the Palestinian cause is a religious cause. It must be solved on this basis because it contains Islamic sanctuaries where Masjid al-Aqsa

⁷Hamas Charter, article 9.

⁸*Mithaq Harakat al-Muqawama al-Islamiyya “Hamas”: Filastin*. <http://www.islamonline.net/Arabic/Harakat/2009/01/images/covenant.pdf>.

⁹Hamas Charter, article 7.

is tied firmly to Masjid al-Haram (in Mecca) never to be released, as long as the heavens and earth last, by way of the night journey [of the Prophet] and ascension to the heavens from there.”¹⁰

The veneration of al-Aqsa the “third sanctuary in Islam,” the holiest site after Mecca and Medina, plays a crucial role in Hamas’s international appeal. While the sanctity of the two cities Mecca and Medina is mentioned in the Qur’an, the emphasis on Palestine as holy territory to Islam has more modern roots.¹¹ The rallying of the international Muslim community behind the Palestinian anti-colonial resistance in the 1930s, seen through the support of the Supreme Islamic Council and results of the 1931 convention, confirmed the significance of Jerusalem to the greater Muslim world.

Hamas champions the Palestinian cause as an imperative of Islam not merely to establish Islamic rule, as their Islamist slogan indicates, but to reclaim the holy territory of Palestine. Addressing the tension between the Islamist and nationalist elements of its rationale, the Charter argues, “Nationalism, from the point of view of the Islamic Resistance Movement, is a part of the religious creed.”¹² Nüsse points out that on this issue, Hamas departs from its ideological predecessors.¹³ Although Mawdudi also confined his political activism to a given geographic region under the ideology of global Islamism, he believed Islam placed no value on territory. Mawdudi argued against worshipping “the idol of Israel,” citing the change in the direction of prayer from Jerusalem to Mecca in 624 as a rejection of “chauvinistic attachment to blood and land.”¹⁴ Likewise, Qutb voiced the goal of establishing God’s rule as a global endeavor, valuing territory only for God’s dominion over it.¹⁵ The ideology of Hamas modified the doctrines of

¹⁰Hamas Charter, article 9. Maqdsi’s parentheticals of transliterated Arabic words have been omitted.

¹¹Nüsse, *Muslim Palestine*, 48.

¹²*Mithaq Harakat al-Muqawama al-Islamiyya “Hamas”: Filastin*. <http://www.islamonline.net/Arabic/Harakat/2009/01/images/covenant.pdf>.

¹³Nüsse, *Muslim Palestine*, 48.

¹⁴*Ibid.* Nüsse quotes Mawdudi’s, *Tafhim* 1:122.

¹⁵*Ibid.*

global Islamism to apply to the local case of Palestinian resistance, drawing on other historical precedents and doctrines of Islam to justify their cause. Though rhetorically, Hamas attempts to reconcile the nationalist agenda of liberating Palestine from Zionist occupation with the universal mission of Islamism, the two causes still appear to be ideologically incompatible.

Though the Charter supports nationalism, it rejects the notion that its secular, nationalist counterpart, the PLO, could achieve the ultimate victory for the Palestinian cause. The slogan states that the goal of Hamas is “Allah,” not “Palestine.” Article 27 of the Charter argues, “we cannot exchange the current and future of Islam in Palestine to adopt the secular ideology because the Islamic nature of the Palestinian issue is part and parcel of our [religion] and whosoever neglects part of his [religion] is surely lost.”¹⁶ Yet the Charter refrains from denouncing the secular PLO as an apostate organization that has abandoned Islam. Instead of showing hostility, the Charter depicts Hamas’s relationship with the PLO as a brother organization, united against a common enemy, but with two separate visions. Hamas urges the PLO to embrace the Islamist goal that they may unite efforts, but commits itself to waging *jihad* with or without the PLO’s partnership.

“*The Prophet is its leader. The Qur’an is its Constitution*”. The question of legitimate authority is of crucial importance to Hamas’s religious justification for waging *jihad*. Hamas’s claim of authority to wage *jihad* reflects an equivalent strategy to the various claims of Mahdism made by multiple anti-colonial resistance movements in the 19th and 20th centuries. Unlike these historical precedents, however, the leadership of Hamas makes no claim that an individual within the movement was the actual *Mahdi*. Instead, the slogan of the Charter implies that executive

¹⁶Hamas Charter, article 27 and *Mithaq Harakat al-Muqawama al-Islamiyya “Hamas”: Filastin*, <http://www.islamonline.net/Arabic/Harakat/2009/01/images/covenant.pdf>. Maqdsi’s translation of the Arabic word *din* as “ideology, way of life” is also appropriate but “religion” is the best translation here, given the current discussion of the binary between religious and secularist movements.

decisions would consider the precedents set by the Prophet, as related through the *Sunna*. Thus, the temporal leadership of Hamas attempts to utilize the legitimizing power of Mahdism without making radical claims that would undoubtedly alienate moderate Muslims and fundamentalists, who comprise a significant ideological support base for the movement.

Hamas's claim that the Qur'an is its "constitution" presents a second complication in the political legitimacy of the organization: the modern phenomenon of the non-state actor. The symbolic choice of the word "constitution" seems to defy the international community of secular nation-states. While the concept of a constitution implies legal foundations of the nation-state, Hamas operates as a non-state actor. The modern concept of international war law, for example, signifies the commitment of the nations party to binding agreements, like the Geneva Conventions, that establish rules to limit war between countries. Cases of non-state actors engaged in armed opposition like Hamas, the PLO, and Hezbollah, pose a serious challenge to this idea of an obligation to adhere to a set of universal norms that legally regulate warfare. The ambiguity of the case of non-state actors in the realm of international law enables not only the non-state actors like Hamas to argue they are excluded from the agreed-upon restrictions, themselves not being party to any treaty, but also the nation-states engaged in war against them like Israel.¹⁷

The phrase "The Qur'an is its constitution" carries other dimensions of the argument for the legitimacy of Hamas. The movement's claim that the inviolable word of God is its constitution contends for religious legitimacy in a fashion characteristic of modern militant Islamist ideology. By declaring the Qur'an to be its constitution, Hamas nominally incorporates the fundamentalist rejection of the tradition of Islamic jurisprudence and the Islamist ideal of

¹⁷Richard Falk and Asli Ü. Bâli, "International Law at the Vanishing Point," *Middle East Report* 241 (Winter, 2006): 34-41, 48.

enforcing *shari'a* as the supreme law of the land. The Charter further develops this fundamentalist view in its identification of Islam as the sole origin of its ideology and the absence of any reference to *fatwas* issued by the traditional *'ulama*. This claim also presents an implicit challenge to the State of Israel by utilizing the connotations associated with the word “constitution” in the context of international politics. In doing so, Hamas implicitly questions the legitimacy of Israel, which remains one of the few modern nation-states to lack a constitution.

Looking beyond the implications of Hamas’s slogan, the organization’s claim for legitimate authority mimics the *shari'a* precedents of the anti-colonialist *jihad* movements. Hamas views the Palestinian case as imposed war, rendering the Palestinian *jihad* exempt from the requirement of the *imam*’s authorization and applying the obligation to fight to every Muslim. However, Hamas takes a more moderate approach than Hasan al-Banna or Sayyid Qutb in its valuation of the *'ulama*. After all, Sheikh Ahmad Yassin was a member of the community of religious scholars himself. As John Kelsay has pointed out, “no doubt the presence of Sheikh Yassin and other *'ulama* lends an aura of public authority to the struggle.”¹⁸ Yet, the Charter refrains from mentioning this element of its religious authority and instead hedges its argument on the doctrine of sufficiency first formulated by the medieval scholar al-Ghazali and reaffirmed by other notorious members of the *'ulama*, such as al-Sulami and Averroes, over centuries: the failure of the voluntary, *imam*-authorized force to wage *jihad* or defend the Islamic state constitutes an emergency situation that obligated individual Muslims to take up an armed struggle.

¹⁸Kelsay, *Arguing*, 135.

“*Jihad is its methodology*”. Hamas follows a multitude of historical precedents and reaffirmed theological arguments in its campaign of *jihad* against a foreign aggressor in Palestine. In Article 7, the Charter identifies the Islamic Resistance Movement as “a link in the [long] chain of *jihad* against the Zionist occupation, which is connected and tied with the initiation [of the *jihad*] of the Martyr ‘Izz al-Din al-Qassam and his *mujahid* brothers in 1936.”¹⁹ The military wing of Hamas, the Qassam Brigades, and the “Qassam rockets” in its arsenal commemorate the first leader of a single continuous Palestinian *jihad* against Zionist occupiers. The *jihad* of Hamas, though most immediately inspired by the armed resistance of Qassam in Palestine, also exhibits a strong ideological influence of the theological doctrines developed in other historical examples of anti-colonial warfare. The Charter adopts the popularized theological argument that *jihad* in a defensive war commands the participation of every Muslim as an individual duty. Article 12 reiterates this doctrine:

“There is not a higher peak in nationalism or depth in devotion than *jihad* when an enemy lands on the Muslim territories. Fighting the enemy becomes the individual obligation of every Muslim man and woman.”²⁰

This rationale is rooted in the tradition of the nineteenth and early twentieth century armed resistance movements that popularized the “paradigmatic *jihad* of modern times as a result of the colonial experience.”²¹ Ayooob explains that the movements that inspire the ideology of Hamas, “used the concept of *jihad* to justify resistance against foreign domination, thereby popularizing the modern interpretation of *jihad* as primarily defensive war against foreign occupation, aimed at driving out the occupier.”²²

¹⁹Hamas Charter, article 7.

²⁰Ibid., article 15.

²¹Ayooob, *Political Islam*, 184.

²²Ibid., 113.

The combination of *jihad* rhetoric with defensive warfare originated in response to the Crusades, when Islamic doctrines of jurisprudence and political propaganda first began to fuse the concepts of *jihad*, fighting to expand Islamic rule into the abode of war, and *qital*, fighting to bring security within and at the borders of the abode of Islam.²³ The Charter refers to the Crusades as the beginning of the “Ideological Invasion” that sought the destruction of Islam, continued by mercenaries and imperialism in more recent centuries.²⁴ By portraying Israel as a “crusader outpost in the midst of historically Islamic territory,” Hamas defends its *jihad* with analogous justifications.²⁵ Accordingly, the Charter supports this perception with the anecdotes of General Allenby announcing the end of the Crusades upon taking control of Jerusalem in 1917 and of General Henri Gouraud kicking Saladin’s grave during the French Mandate in Syria. The historical analogy of the current Palestinian *jihad* to that of Saladin proves to be a prominent theme in Hamas’s ideological justification.

Despite the clear ideological influences of the campaigns of *jihad* during the Crusades and the era of European colonialism, the Charter refrains from classifying the warfare against Israel as defensive in its terminology. Rather, the position of Hamas reflects the extremist rhetoric of Sayyid Qutb; the Charter only mentions “defense” in the sense of defense of mankind and Islamic civilization. Adopting the powerful rhetoric of Qutb, the Charter declares that the Islamic Resistance Movement fights as a campaign of *liberation*, not defense. Furthermore, the Charter inserts this radical Islamist terminology into the popularized and traditionally accepted theological doctrine of *jihad* as an individual duty in defensive campaigns, asserting that *jihad*

²³See the final section of Chapter 3 entitled “*Jihad* in the Counter-Crusades and the Classical Islamic Tradition.”

²⁴Hamas Charter, article 15.

²⁵Kelsay, *Arguing*, 134.

for “the liberation of Palestine is obligatory on every Muslim, no matter where he is.”²⁶ Such a statement seems to indicate a radical departure from the tradition, justifying a campaign of liberation with what was previously reserved for warfare that was defensive in nature.

The contrast between the Charter of Hamas and the traditional doctrine is stark, but the real difference is rhetorical; the nature of Hamas’s *jihad* and how the organization justifies it more closely resembles defensive warfare than the offensive campaign of liberation envisioned by Qutb. Firstly, the Charter identifies Hamas as a continuation of a single campaign of *jihad* that began with Qassam to defend Palestine against the colonizing Zionists in the wake of World War I. Secondly, it can be argued that Hamas’s warfare is defensive because the continual expansion of Israeli settlements over the past sixty years and even today constitutes a form of territorial aggression. Finally, Hamas imposes a geographical restriction on the scope of its objectives, confining its campaign to fighting Israel in Palestine. With these considerations, it is possible to consider the nature of Hamas’s warfare as an extension of the defensive *jihad* against Zionist colonizers first declared by Qassam in the 1920s. Looking beyond the rhetoric to Hamas’s rationale also corroborates this proposition. While the Charter titles Article 15 “*Jihad* for the Liberation of Palestine is Obligatory,” the presented rationale hardly departs from the modernist interpretation of defensive *jihad*: “When an enemy occupies some of the Muslim lands, *jihad* becomes obligatory for every Muslim. In the struggle against the Jewish occupation of Palestine, the banner of *jihad* must be raised.”²⁷ Thus, the extremism exhibited by Hamas is best understood as the marriage of Qutb’s Islamist rhetoric with the justifications for armed Islamic resistance to foreign incursion that developed over recent centuries.

²⁶Hamas Charter, article 14.

²⁷Ibid., article 15.

Another significant rationale for Hamas's declared methodology stems from its rejection of the peace process and lack of faith in Western dominated international institutions. The Charter insists that the initiatives and international conferences intended to help reach a peaceful solution to the conflict, "are not able to deliver the demands, provide the right the rights, nor do justice to the oppressed . . . Those conferences are nothing but a form of enforcing the rule of unbelievers in the land of Muslims."²⁸ As Nüsse explains, Islamists deny the legitimacy of an international system dominated by Western interests like the United Nations.²⁹ Considering the veto power of the five permanent members of the Security Council, the United States among them, Hamas rejects the authority of such an organization on the basis of inequity and injustice. Thus was Hamas marginalized by the political framework of the international community and became a rogue organization.

"And death in the cause of Allah is its highest aspiration". While the idea of martyrdom as the pinnacle of nobility and virtue transcends religions, culture, and time, this concept commands particular attention in light of the present day manifestations of this belief in *jihad* warfare. The Qur'an and *Sunna* as well as classical doctrines of Islamic jurisprudence all exalt the Muslim who dies fighting for his faith. However, this element of the slogan is particularly significant when examining the theological validity of Hamas's justifications for its actual policies and tactics in its war against Israel. The Charter gives no endorsement for the use of suicide bomber tactics, which is unequivocally forbidden in the tradition of Islamic jurisprudence. However, as the organization was forced to reconcile its ideology with political realities, Hamas has resorted to measures driven more by desperation than theological doctrine.

²⁸Hamas Charter, article 13.

²⁹Nüsse, *Muslim Palestine*, 57.

Overall, the Charter seeks to justify the mission of Hamas to wage *jihad* in a number of ways. Hamas's declaration of the Prophet as its leader and the Qur'an as its constitution mixes the unorthodoxy of Mahdism with an insistence on a return to the holy Qur'an. It maintains that its ideology is consistent with the lessons of the Qur'an and *Sunna* by claiming Islam to be the sole inspirational element of the movement. The Charter also voices doctrines supported by more recent developments in the tradition Islamic jurisprudence that became mainstream in the wake of European colonial ventures and the armed resistances that opposed them. The characterization of the Arab-Israeli conflict as religious is crucial to selling the validity and importance of Hamas to the greater Muslim community and mobilizing Muslims in Palestine to join the movement. The Islamist rhetoric of liberation as the goal of the Palestinian *jihad* contributes to merging religious and nationalistic goals of the movement. Finally, the Charter's invocation of historical analogies, the Crusades in particular, serves to provide legitimacy through the precedents of past campaigns.

Confronting Political Realities: A Doctrine of Necessity

It is a struggle to find consistency in the ideology of Hamas even at the organization's inception. The Charter promotes a hybrid of fundamentalist Islamism and the tradition of nationalist Islamic resistance movements of the colonial era, combining the radical terminology of "liberation" Islamism with the prevailing doctrine in the modern tradition of Islamic jurisprudence that *jihad* became an individual obligation in defense against foreign aggression. However, consideration of the actual justifying arguments employed in the ideology of Hamas suggests that the Islamist rhetoric is merely lip service to the radical doctrines of the group's

ideological predecessors. Nüsse suggests that Hamas uses the rhetoric of *jihad* and Islamism to provide a framework for what is essentially a political struggle:

“Hamas is a modern political movement involved in a struggle for power, whose oppositional discourse is based on religious references. It is a national organization that is surprisingly pragmatic and clear-sighted in its analysis of international politics. Despite the repetitive use of fixed concepts, it demonstrates an impressive ideological flexibility.”³⁰

In examining the basis of Hamas’s justifying arguments for their conduct in war and questioning their legitimacy with regard to *shari’a* precedents and the fundamental doctrines of Islam, it is possible to evaluate the degree to which Nüsse’s theory on Hamas bears relevance.

The use of religious rhetoric with renewed fervor for Jerusalem began to gain momentum with the resistance led by Qassam in the run up to the 1936 revolt, which Hamas cites as the beginning of its *jihad*. Al-Banna and Qutb, as ideologues of Hamas’s affiliate organization, the Muslim Brotherhood, both strongly influenced Hamas’s “Islamicization” of the conflict. This strategy proved to be an effective tool in mobilizing and uniting Muslims against the Israeli occupation across political boundaries.³¹ However, Hamas is hardly the actualization of the Islamist dream for Palestine. Ayooob observes, “While inspired by the [Muslim Brotherhood] ideology first propagated in Egypt, Hamas fashions its political strategies not according to the dictates of the Egyptian [Muslim Brotherhood] but in response to Palestinian realities.”³² The differences between the operational purposes of Hamas and the Muslim Brotherhood allows for the development of this ideology of a kind of Islam-inspired pragmatism. Hamas functions as a military-political force affiliated to but operationally independent from the Muslim Brotherhood. This separation strategically frees the broader social movement of the Muslim Brotherhood from liability for the more extreme actions of Hamas. The visions of al-Banna and Qutb also grew out

³⁰Nüsse, *Muslim Palestine*, 2.

³¹Litvik, “The Islamicization of the Palestinian-Israeli Conflict: The Case of Hamas,” 34-41, 48.

³²Ayooob, *Political Islam*, 117.

of a different context – “Egypt was an independent state and there was no more need for a mobilizing doctrine to fight foreign invaders.”³³ Consequently, Hamas borrows the inspiring rhetoric of the Islamist ideologues of the Muslim Brotherhood, but forms doctrines suitable to the unique situation of Palestine.

The early leadership of Hamas intended for the movement to abide by the rules of just warfare in Islam in its engagements with Israel. The Charter promises that the organization would “[judge] all its actions according to Islam and [be inspired] by Islam to correct all its errors.”³⁴ As Nüsse notes, Sheikh Yassin’s emphasis in 1990 that Hamas had not killed any children, women, or elderly indicates that “the classical rules of *jihad* laid down in the Qur’an and in Islamic law were accepted as binding for the *Intifada*.”³⁵ The Charter and the men who drafted it clearly envisioned the *jihad* of Hamas would strictly adhere to the rules of *shari’a*. However, if examining the evolution of *jihad* jurisprudence has shown anything, it is that the interpretation of *shari’a* has often been strongly influenced by its political contexts. The case of Hamas is no exception. Hamas’s participation in recent elections, which fundamentalist Islamists denounce as an equal valuation of Islam and other belief systems, and other varying actions, both more moderate and more extreme, make clear that recent doctrines have softened the hard-liner Islamist rhetoric of the Charter to adapt to its ideology to political realities.

Since the circulation of the Charter of Hamas in 1988, the organization has been forced to justify its controversial tactics to Muslim, secular Palestinian nationalist, and Western or international audiences. In response to the Western critics, Hamas softens its Islamist rhetoric to

³³Nüsse, *Muslim Palestine*, 72.

³⁴Hamas Charter, article 1.

³⁵Nüsse, *Muslim Palestine*, 73.

present its armed struggle as a liberation movement and an issue of self-determination.³⁶ But perhaps the most significant challenge to the legitimacy of the Islamic Resistance Movement comes from the more modernist Muslim scholars, who threaten to deny the organization support from its own constituency. Kelsay makes the important observation that, “In general, Muslim criticisms of militancy focus less on the problem of right authority and more on the question of means.”³⁷ The medieval doctrine of sufficiency, popularized by the 19th and 20th century *jihad* movements, is widely accepted among even the most moderate of Muslim scholars. Thus, the armed resistance in Palestine that began against Zionist settlers in the 1920s and continues today against Israel is viewed as legitimate and in accordance with *shari’a* precedents. The question of determining *jus in bello* poses the most controversial element of the many theological justifications for warfare.

Suicide attacks and the targeting of non-combatants remain the most prominent of the controversial issues in the discussion of the conduct of Hamas in its *jihad* against Israel. Robert Pape’s study of the political strategies behind suicide attacks proposes a number of rationales. Terrorist organizations in general employ the tactic “to coerce a target government to change policy, to mobilize additional recruits and financial support, or both,” also observing of Hamas in particular the possible goals of retaliation and “disrupting negotiated outcomes it considered insufficient.”³⁸ Pape also points out the powerful effect of Hamas’s suicide attacks had on accelerating Israeli withdrawal from Gaza in 1994 and the West Bank in 1995, recognized by members of both warring parties. “Martyrdom operations,” Hamas’s term for suicide bombings, have been called “the most effective and the most visible weapon deployed during the [second]

³⁶Nüsse, *Muslim Palestine*, 73.

³⁷Kelsay, *Arguing*, 139.

³⁸Robert A. Pape, “The Strategic Logic of Suicide Terrorism,” *The American Political Science Review* 97:3 (Aug., 2003): 344.

intifada” which broke out in 2000. Furthermore, Hamas has enjoyed a great degree of public approval for these attacks among the organization’s Muslim supporters and sympathizers worldwide.³⁹ As Pape concludes, the suicide attacks of Hamas were an extremely effective weapon in the arsenal of the Palestinian *jihad* in achieving a variety of strategic objectives. Yet, to reduce the justifying argument of Hamas down to Machiavellianism ignores the requirement of theological legitimacy. Furthermore, Hamas has also faced harsh condemnation for its tactics of suicide attacks from not only the international community, but fellow Muslims and Palestinians as well.

The theological argument against suicide tactics often invokes the *hadith* in which the Prophet refuses to grant entry into paradise to a Muslim who committed suicide after he was wounded in battle. The same *hadith* promises that the way one commits suicide will be the same way he is punished for all of eternity.⁴⁰ Yet, the prevalent debate on suicide tactics among Palestinian Muslims centers itself not on religious legitimacy but political consequences. In 2002, 55 Palestinian leaders issued a condemnation of Hamas’s martyrdom operations on the grounds that it sacrificed Palestinian lives with little effect on Israeli military power.⁴¹ Thus, these attacks amount to mere suicide, an act forbidden in Islam, a distinct from the concept of martyrdom. Less than a month later, 150 Palestinian leaders replied with the argument that fighting in all forms was noble and justified, supporting the tactics of Hamas.⁴²

The popular Egyptian Muslim scholar and al-Jazeera television personality Yusuf al-Qaradawi responded to the criticism from more moderate Muslim scholars with the doctrine of necessity. Qaradawi, al-Azhar graduate and member of the Muslim Brotherhood, argues in his book, *The*

³⁹Khaled Hroub, “Hamas after Shaykh Yasin and Rantisi,” *Journal of Palestine Studies* 33:4 (Summer, 2004): 26.

⁴⁰Aboul-Enein and Zuhur, “Islamic Rulings on Warfare,” 10.

⁴¹Kelsay *Arguing*, 140.

⁴²Ibid.

Lawful and Prohibited in Islam, that Muslims are permitted to engage in forbidden acts in order to avoid suffering and death. He defends this assertion that “Necessity Dictates Exceptions,” with analogies to the exceptions allowed by the Qur’an in other realms of life, such as eating forbidden foods when there is no other option to survive. In multiple sections of the book, Qaradawi invokes Qur’anic verses 2:172-173, which concerns dietary restrictions on certain meats: “but if one is compelled by necessity, neither craving (it) nor transgressing, there is no sin on him; indeed, Allah is Forgiving, Merciful.”⁴³ Qaradawi applies the same doctrine to the Palestinian Muslims’ state of desperation in their fight for Palestine to argue in support of Hamas’s unprecedented deployment of suicide bombers and the killing of Israeli women and children.

The *imam* of the predominant school of Sunni jurisprudence, al-Azhar University in Cairo, declared that “self-martyrdom” was laudable only if the targets of the attacks were military, not civilian.⁴⁴ Islam forbids the intentional targeting of non-combatants, even in conditions of necessity. However, the counter-argument questioned the qualifications that determine the status of an enemy as non-combatant. Kelsay suggests that Qaradawi represented the voice of the majority in his argument:

“Israeli society is militaristic in nature. Both men and women serve in the army and can be drafted at any moment . . . If a child or an elderly person is killed in this type of operation, he or she is not killed on purpose, but by mistake, and as a result of military necessity. *Necessity makes the forbidden things permitted.*”⁴⁵

Some militants have taken the argument a step further, proposing that even children and the elderly are eligible targets for their past or assumed future participation in the war. Such justifications clearly violate Islamic doctrines of *jus in bello* not only in the classical tradition but

⁴³Yousef al-Qaradawi, *The Lawful and Prohibited in Islam*, obtained from <http://irn.no/old/halal/lawfull.pdf>, 22, 27.

⁴⁴Kelsay, *Arguing*, 141.

⁴⁵Ibid. Emphasis added by the author.

even the *shari'a* precedents of recent centuries. The justification of Hamas's suicide attacks and civilian deaths represents a departure from the ideology of its Charter which promised to adhere strictly to the fundamental imperatives of the Qur'an and *Sunna*.

Hamas also appears to abandon the ideology of its charter in the development of a hostile relationship with the Palestinian Liberation Organization. The PLO's participation in the Oslo Accords in 1993, and its conversion into the Palestinian National Authority, challenged the legitimacy of Hamas as the representative voice of the Palestinian cause. However, Hamas criticized the PLO for illegitimately conceding to Zionist pressure, gaining only limited influence under Israeli control of a fraction of Palestinian territories in exchange for mutual recognition with Israel. Hamas voiced a policy of refusing to "recognize a leadership that imposes cooperation with the Zionist enemy on our people."⁴⁶ Viewing the Palestinian Authority as an illegitimate governing body, Hamas boycotted the 1996 elections. Still, Hamas sought to avoid escalation of hostilities and disunity among Palestinians into a military conflict with the PLO. Hamas refrained from following the creed of Sadat's assassins. Without explicitly invoking the Ibn Taymiyya doctrine of the duty to depose a ruler guilty of apostasy, they denounced Arafat's concessions and illegitimate authority as detrimental to Islam.⁴⁷ Initially threatened by the PLO's vie for recognition and legitimacy, frustration with Israel's delays in implementing agreed-upon timetables for withdrawal bolstered skepticism toward the PLO's approach. This disenchantment with the Oslo Accords translated into Hamas becoming the "champion of resistance to Arafat's 'sell-out of Palestine' through *jihad*."⁴⁸ However, recent developments in the political sphere of

⁴⁶Nüsse, *Muslim Palestine*, 150.

⁴⁷*Ibid.*

⁴⁸Wendy Kristianasen, "Challenge and Counterchallenge: Hamas's Response to Oslo," *Journal of Palestine Studies* 28:3 (Spring, 1999): 19-36.

the conflict suggest that Hamas too may be softening the uncompromising hard-liner approach voiced by its Charter.

Pragmatism and the Prospect for Peace

In some respects, Hamas's reconciliation of its ideology with political realities has led to more moderate strategies. While Hamas maintained opposition to the Oslo Accords and the PLO as an organization, the first signs of political engagement surface during the early 1990s. Having been imprisoned since 1989, Sheikh Yassin managed to have a letter smuggled out in 1993 that suggested the possibility of a *hudna*, or temporary armistice between Muslim armies and their enemies allowed by classical Islamic law, if Israel withdrew from the occupied territories. Practical considerations of how to liberate Palestine eventually led to the moderation of Hamas's policy to accept a gradual process. Yassin's eventual successor, Dr. Abdel 'Aziz Rantisi, followed with the following rationalization in 2004:

“Hamas has come to a conclusion that it is difficult to liberate all of Palestinian land at this juncture. Thus, it will accept liberation in stages . . . Hamas proposes a ten-year *hudna* in return for an Israeli withdrawal and establishment of a Palestinian state to include the West Bank, Jerusalem, and the Gaza Strip.... Whatever new proposal [is made] along these lines does not mean that Hamas recognizes Israel or the end of the Israeli-Palestinian conflict.”⁴⁹

The admission that difficulties in realizing its goals have directly motivated Hamas to suspend its warfare explicitly acknowledges that its policies are dictated by political realities. However, such an approach is not without historical precedent; various Muslim rulers of the Middle Ages, including Saladin himself, agreed to temporary peace agreements as a part of long-run military

⁴⁹Paul Scham and Osama Abu Irshaid, “Hamas: Ideological Rigidity, and Political Flexibility,” *United States Institute of Peace*, Special Report 244, 2009. The quoted statement was published in Arabic: Reuters, January 25, 2004, obtained from www.islamonline.net/Arabic/news/2004-01/26/article01.shtml.

strategy.⁵⁰ The idea of an uncompromising, violent *jihad* seems to arise out of the extremist rhetoric of the modern ideology of radical militant Islamism.

Beyond the statements of Hamas leaders, concrete examples of modernist ideology in action further indicate that a strategy of political engagement is taking priority over violent confrontation. Ayoub asserts that the decision of Hamas participation in the 2006 elections as the most telling sign of a change of policy and a new willingness to work toward a solution within the existing political framework.⁵¹ Though still explicitly refusing to recognize the legitimacy of the State of Israel, Hamas has demonstrated a loosening of its ideological commitment to waging *jihad* day after day until all of Palestine is subject to Islamic rule. The theoretical embrace of long-term peace agreements indicates that Hamas, “now accepts the two-state solution as part of its ‘phased liberation’ of Palestine, which is a fundamental change of policy opening the door to coexistence.”⁵²

The evidence that the ideology of Hamas has evolved and in many ways deviated from its Charter is clear. The New York Times has even published an interview with the exiled Hamas leader Khalid Meshal that he “urged outsiders to ignore the Hamas Charter.”⁵³ The use of the rhetoric of Islamism over the theological justifications within *shari’a* precedents of armed resistance movements in the Islamic world characterizes Hamas’s ideology at its inception. However, the doctrine of necessity has replaced it, rationalizing strategies of pragmatism and political realism with classical Islamic doctrines not pertaining to warfare or *jihad*. As Nüsse concludes, “The enormous margin between Hamas’[s] oral denunciations and its ‘Realpolitik’

⁵⁰See Chapter 3 and the discussion of Saldin’s conduct in warfare in the Counter-Crusades.

⁵¹Ayoub, *Political Islam*, 126.

⁵²Scham and Abu Irshaid, “Hamas: Ideological Rigidity and Political Flexibility,” 2009: 6.

⁵³Ibid. Scham and Abu Irshaid, refer to the following interview: Taghreed el Kodary and Ethan Bronner, “Addressing U.S., Hamas Says It Grounded Rockets,” *New York Times*, May 4, 2009, www.nytimes.com/2009/05/05/world/middleeast/05meshal.html.

thus justifies optimism about the future. The ideological flexibility and pragmatism of the movement could allow Hamas to find a way of participating in the structures and institutions related to the autonomy status. . .”⁵⁴ The contrast between the early ideology of Hamas and its current political and military strategies represents a change from a unwavering commitment to instating fundamentalist brand of *shari’a* to a realistic willingness to interpret Islamic doctrine on warfare in a way that is practical and appropriate in its present historical and political contexts.

⁵⁴Nüsse, *Muslim Palestine*, 180.

CHAPTER SIX

al-Qaeda's *Jihad*: Global Terrorism and Islamic Law

The development of transnational organizations engaged in violent campaigns of *jihad* like al-Qaeda occurred in conjunction with local armed resistance movements like Hamas. Similar to the local movements, the ideology of the loose network of terrorist cells known as al-Qaeda represents a mixture of global Islamism and defensive *jihad* against foreign incursion into the *dar al-Islam*. Operationally, however, al-Qaeda's manifestation of these two ideological influences is entirely different. Still, the doctrine of *jihad* in defense of Muslim lands as individually compulsory for all Muslims served as the basis for the transnational response to the Soviet Union in Afghanistan in the 1980s, the *jihad* campaign that gave birth to al-Qaeda. Though the roots of this doctrine reach back into the Middle Ages, the more immediate transmission of this ideology came from the Palestinian *jihad* to Afghanistan through the Sheikh

Abdullah Azzam and his *fatwa* entitled “Defense of Muslim Lands: The First Obligation after *Iman*.”

Azzam was born in Palestine, joined the Muslim Brotherhood, personally participated in the 1967 war, and obtained his doctorate from al-Azhar in Islamic jurisprudence. An embattled scholar from the Palestinian *jihad*, Azzam already had credibility among militant Islamists when he began to champion the Afghan campaign with the same urgency and theological argument. Azzam starts off his *fatwa* by quoting the medieval jurist Ibn Taymiyya: “The first obligation after *Iman* is the repulsion of the enemy aggressor who assaults the religion and the worldly affairs.”¹ He argues in accordance with modern precedents that this obligation is incumbent upon all Muslims individually including not only those residing in the area in contention but also, if these local efforts fail, Muslims in neighboring territories and throughout the world. Supporting this assertion with citations of the Qur’an and *Sunna* as well as a variety of doctrines from all four main Sunni schools of Islamic jurisprudence, Azzam justifies this doctrine which calls for a “General March,” an global, armed, populist uprising against the infidel invaders. Though he identifies that this condition applies in countries from Central Africa to Southeast Asia, Azzam asserts that Palestine and Afghanistan, as the primary problems facing Muslims, deserve a concentration of support.

Having devoted his own efforts to the *jihad* in Afghanistan, Azzam traveled throughout the world preaching this doctrine to amass international Muslim support for the campaign. The distribution of Azzam’s *fatwa* and his video-recorded exhortations were also a powerful tool in rousing financial assets and recruitment for the *mujahideen* in Afghanistan.² In coordinating

¹Abdullah Azzam, *Defense of the Muslim Lands: the First Obligation After Iman*, obtained at <http://www.kalamullah.com/Books/defence.pdf>, Chapter 1. Azzam emphasizes this quote repeatedly throughout the *fatwa*.

²Peter Bergen, *Holy War, Inc.: Inside the Secret World of Osama bin Laden* (New York: Touchstone, 2002), 56.

these efforts, Azzam became the mentor of Osama bin Laden, who had been raising funds and donating supplies to the *mujahideen* early on in their resistance against the Soviets. While bin Laden “sat at [Azzam’s] feet as a student and looked up to [Azzam] as a hero,” other influences proved to be stronger in shaping his ideology.³ While Azzam envisioned a global Muslim army to defend Islamic lands from foreign aggression within the dictates of Islamic law by the name of *al-Qaeda al-Sulbah* – the solid base, his assassination in 1989 created a vacuum of more traditionalist influence that allowed for bin Laden’s ideological radicalization.⁴ Azzam’s influence on bin Laden became increasingly replaced by an important leader of the Egyptian Islamic Jihad, Ayman al-Zawahiri. Zawahiri, an Egyptian radical Islamist who spent three years in Egyptian jail for involvement in the assassination of Sadat before moving to Pakistan to support the Afghan *jihad*, justified his opposition to the Egyptian government with the works of Ibn Taymiyya that provided an argument for the violent disposition of rulers who had abandoned Islam.⁵ When Azzam was assassinated, bin Laden inherited leadership over the “Arab Afghans” – the group of transnational *mujahideen* – and at the conclusion of the war against the Soviets, emerged as the commander of the organization now known as al-Qaeda with Zawahiri as his right hand man.

The “Far Enemy” and al-Qaeda’s Global *Jihad*

³Fawaz A. Gerges, *The Far Enemy: Why Jihad Went Global*, 2nd ed. (New York: Cambridge University Press, 2009), 134 (hereafter cited as *The Far Enemy*).

⁴*Ibid.*, 136.

⁵Youssef H. Aboul-Enein, “Ayman al-Zawahiri: The Ideologue of Modern Islamic Militancy,” *The Counterproliferation Papers*, Future Warfare Series No. 21 (USAF Counterproliferation Center, Air University, Maxwell Air Force Base, Alabama), 3 (hereafter cited as “Ayman al-Zawahiri”).

The ideological gap between a *jihad* as defense of Muslim territory against Soviet aggression in the 1980s and the terrorist attacks against the United States and its allies of by bin Laden's al-Qaeda in the 21st century was not bridged overnight. Ayoob suggests that the ideological exchanges that took place during the later years of the Afghan campaign between "leading national *jihadi* figures, such as Ayman al-Zawahiri . . . and the transnational leaders of the Arab Afghans, such as Osama bin Laden," provided a context in which "the transnational *jihadi* strategy of targeting the 'far enemy,' the United States and its allies, was born."⁶ The perception of the West as morally corrupting and politically repressing force that supported anti-Islamic rulers and the Israeli state – the "near enemy" – had been prevalent among 20th century Islamist thought. However, the expansion of the battlefield from local armed resistance movements to the targeting of Western interests in the Middle East and transnational attacks is a more recent phenomenon. Gerges argues that a full transition from militant Islamists fighting localized revolt against the near enemy to exclusive commitment to transnational attacks occurred only in the second half of the 1990s.⁷ The change appears to have been incremental from the end of the Afghan *jihad*, gradually brought about through bin Laden's own advancement of the shift in focus.

The failure of local uprisings against Muslim governments left some *jihadis* searching for another avenue by which to advance their agenda of militant Islamism. Aboul-Enein reports the theory that al-Zawahiri's shift from prioritizing *jihad* against the Egyptian government to support of bin Laden's preference for attacking the United States "was driven primarily by financial desperation and the search for a credible mission to replace the failures of his operations in

⁶Ayoob, *Political Islam*, 145.

⁷Gerges, *The Far Enemy*, 143.

Egypt.”⁸ The United States and the West are recognized for their support that guaranteed the survival of repressive “puppet” regimes (though not for the significant role the American Central Intelligence Agency played in supporting the *mujahideen* against the Soviet Union in the 1980s). Ayoob summarizes the conclusion al-Qaeda and like-minded Islamist militants reached in observance of these engagements: “local regimes, the ‘near enemy,’ could not be overthrown until their external patrons, the ‘far enemy,’ are forced to withdraw their support from these regimes and stop meddling in affairs of the Muslim world.”⁹ Furthermore, the historical success of the *jihād* against the Soviets in Afghanistan has continued to inspire a belief that God favors the cause of the *mujahideen* to the extent that they may once again defeat a superpower through military confrontation.

Saudi Arabia’s welcoming of U.S. forces and rejection of bin Laden’s *mujahideen* as a counter to Saddam Hussein’s aggression in the Gulf in the early 1990s had earned America priority among bin Laden’s enemies. Gerges observes that “the Gulf War in 1991 and the permanent stationing of U.S. forces in Saudi Arabia played a decisive role in the globalization of *jihād*, particularly in the ideological incitement and mobilization of anti-Americanism.”¹⁰ Bin Laden responded to the Saudi decision by challenging the integrity of the political and religious elite who allowed themselves to be exploited by the Americans. In a 1994 letter to the head of the *‘ulama* in Saudi Arabia entitled “The Betrayal of Palestine,” bin Laden accused him of catering to the “political wishes of the regime” in his “latest astonishing juridical decree justifying peace with the Jews. . . a disaster for Muslims.”¹¹ Though he subsequently severed formal ties with the Saudi government, took exile in the Sudan, and called for “guerilla warfare

⁸Aboul-Enein, “Ayman al-Zawahiri,” 12-13.

⁹Ayoob, *Political Islam*, 144.

¹⁰Gerges, *The Far Enemy*, 57.

¹¹*Messages*, 9.

to expel the occupying American enemy from the country,” bin Laden fell short of encouraging revolt against the Saudi regime.¹² Labeling the United States as the “greatest *kufur*, or impiety” and Muslim rulers as the “lesser *kufur*,” bin Laden warned against warfare that could divide Muslims and argued that *jihad* against the greater *kufur* would guarantee victory over both.¹³

The responses of the United States to attacks against its interests in the Middle East have been interpreted as encouraging evidence for al-Qaeda. The withdrawal of American military forces from Lebanon after the suicide bombing in Beirut of 1983 “had a profound impression on bin Laden, who saw that suicide bombers could be devastatingly effective and that, for all its might, America had no appetite for conflict.”¹⁴ The withdrawal of U.S. forces from Somalia after the tragic failure of a mission in Mogadishu in 1993 further encouraged this perception of an America that could be defeated and repelled through armed struggle.¹⁵ Bin Laden even cites the defeat of the United States in Vietnam as historical evidence that Americans have no heart to fight an armed populist resistance.¹⁶ The theory that appeasement and concession only encourages further aggression seems to apply to the case of al-Qaeda, at least in relation to how its members have interpreted recent American military withdrawals.

Bin Laden and al-Zawahiri’s rhetoric also reaches back to the historical victory of Muslims against the Crusaders in the same lands to inspire its Muslim audience with the promise of victory over the West once again. The idea that the West is still crusading against Islam, through United States hegemony and the Zionist enterprise, is a fundamental belief held by bin Laden and his fellow militants. Bin Laden’s 1998 *fatwa* issued under the newly formed World

¹²Gerges, *The Far Enemy*, 149.

¹³*Ibid.*, 144.

¹⁴Lawrence Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11* (New York: Alfred A. Knopf, 2006), 174 (hereafter cited as *The Looming Tower*).

¹⁵Bin Laden has claimed that al-Qaeda and his *mujahideen* from Afghanistan personally participated in the battle of Mogadishu, fighting against U.S. forces. See *Mesesages*, 54.

¹⁶*Messages*, 55.

Islamic Front declared *jihad* against the “Judeo-Crusader alliance” as a necessary and compulsory response to the foreign occupation of the holiest Islamic lands. Bin Laden argues that the military aggression of the “brutal Crusader occupation” is “a clear proclamation of war against God, his Messenger, and the Muslims. Religious scholars throughout Islamic history have agreed that *jihad* is an individual duty when an enemy attacks Muslim countries.”¹⁷ This element of the *fatwa* finds a wealth of historical and theological precedents, especially in recent centuries. *Jihad* in defense of Afghanistan from the Soviets, the continued resistance against Zionism and Israel in Palestine, and numerous examples elsewhere in the Islamic world have applied the works of Islamic jurisprudence from the era of European colonialism in modern realms.

From a strategic perspective, the attacks of al-Qaeda on U.S. assets in what bin Laden and others assert as Muslim lands, such as the 1992 bombing of hotels that stationed U.S. troops in Aden, Yemen, resemble the same kind of geographically restricted uprising of an armed resistance to the occupying forces of a foreign power. However, al-Qaeda fuses this historically precedented movement with the ideology of Islamic radicalism to expand from a *jihad* in defense of Muslim lands to a global *jihad* in defense of Islam. The 1998 *fatwa* lists a number of Qur’anic sword verses to build up legitimacy for its ultimate conclusion: “With God’s permission we call on everyone who believes in God and wants reward to comply with His will to kill the Americans and seize their money wherever and whenever they find them.”¹⁸ Whereas classical, medieval, colonial-era, and even Afghan *jihad* doctrines emphasized the duty of Muslims to travel physically to the land under siege to defend it from foreign conquest, the battlefield had now become global. This radical exhortation emphasizes the global nature of al-Qaeda’s *jihad*;

¹⁷*Messages*, 60.

¹⁸*Ibid.*, 61.

every Muslim in the world now had the individual duty to fight in the *jihad* against America and, given the global battlefield, American assets and people around the world became the targets. Global *jihadism* promoted and practiced by al-Qaeda and like-minded groups seems to arise as an unprecedented product of modernity.

Conducting offensive attacks overseas is hardly the most controversial element of al-Qaeda's *jihad*. Al-Qaeda clearly departs from the more recent developments in the tradition of Islamic jurisprudence as well as classical doctrines in the conduct of its warfare. Terrorism has become the primary manifestation of Al-Qaeda's *jihad* as bin Laden and others direct attacks against civilians in addition to military targets. The 1998 World Islamic Front *fatwa* asserts:

“To kill the Americans and their allies – civilian and military – is an individual duty incumbent upon every Muslim in all countries, in order to liberate the al-Aqsa Mosque and the Holy Mosque from their grip, so that their armies leave all the territory of Islam, defeated, broken, and unable to threaten any Muslim.”¹⁹

This exhortation borrows the lexicon of the traditional juridical decree that participation in *jihad* was an individual duty in defensive campaigns to advocate violence against non-combatants around the world. The *fatwa* advances a *jihad* of liberation envisioned by Qutb, yet it adopts the traditional ruling that applied in defensive warfare. The specified goal of liberating the holy sites in Palestine and Saudi Arabia symbolize a commitment to ridding the entire Muslim world of Western influence. The intentional targeting of non-combatants as a method of causing fear to achieve a political agenda constitutes terrorism. Dramatic acts of terrorism against civilians, conducted by bin Laden and militant groups inspired by his ideology, aim to coerce Western governments to withdraw politically and militarily from the Middle East. Yet the questions remain: To what extent can the goals of Islamist ideology redeem the unorthodox methodology?

¹⁹*Messages*, 61.

To what extent does the argument of al-Qaeda adhere to the principles of Just War established in the early sources and the tradition of Islamic jurisprudence?

The “Theological” Arguments

The onset of modernity led to development of radical doctrine through the practice of *ijtihad* by ideologues with no formal training or education in Islamic jurisprudence, like al-Banna, Mawdudi, and Qutb. Similarly neither bin Laden, a construction contractor, or al-Zawahiri, a physician by profession, have credentials in Islamic jurisprudence. Kelsay offers a summary of the correlation between the tradition of Islamic jurisprudence and its role in the justifying arguments of today’s extreme militant Islamists:

“The fundamental problem with militant versions of Shari’a reasoning is that they confuse their own views with those of the Qur’an and the *sunna*. In doing so they are encouraged by a selective or piecemeal approach to the judgments articulated by historical *‘ulama*. Militants claim consistency with Islamic tradition. One is never clear just what tradition they mean, however. In the end, many end up posing as authoritarians, rather than submitting themselves to the hard and patient labor required for an understanding of authoritative texts.”²⁰

As Kelsay observes, extremists like bin Laden seek to justify their claims with precedents in the very same Islamic tradition that they denounce while simultaneously amending it with new doctrine. The extremist’s denunciation of moderate doctrines and scholars with a fundamentalist ideology constitutes an attempt to seize authority from the *‘ulama* and bolster support for radical doctrine. Furthermore, bin Laden’s title of “Sheikh,” assumed by bin Laden himself and echoed by his followers, signifies rhetorical tribute to the title of religious scholars in the Islamic tradition in an attempt to construct an image of religious authority.

²⁰Kelsay, *Arguing*, 187-188.

The rhetorical tricks and sophistry required to defend the religious authority of an individual like bin Laden weakens the validity of the justifications. However, in terms of justifying his authority for declaring *jihad*, bin Laden bypasses the classical restriction that it is the prerogative of the *imam* alone with the argument of individual duty. Comparing bin Laden's leadership of al-Qaeda's *jihad* to that of Saladin, al-Qaeda militants undertake a similar program of propaganda, depicting their leader as an embattled religious scholar and supreme *mujahid* to inspire support among Muslims. Ironically, while the fundamentalist rhetoric denounces the tradition of Islamic jurisprudence after the first four caliphs, the argument of militant groups like al-Qaeda rely on medieval and modern doctrines in arguing for the legitimacy of their authority to wage *jihad* without the declaration of the *imam*. Reaching back to precedents born in the Counter-Crusades, Al-Qaeda militants confront the question of legitimate authority by invoking the doctrine of sufficiency and individual duty to wage *jihad*.

Al-Qaeda also employs the analogy to the Crusades in relation to its goals of liberating the holy land. Utilizing this mobilizing rhetoric, al-Qaeda announces its just cause with straightforward, fundamentalist argument of global Islamism. Al-Qaeda groups champion the brand of *jihad* advocated by Qutb that rejected the notion of *jihad* as defensive warfare. *Jihad*, these radical Islamists argue, is an enterprise of establishing *shari'a* rule all over the world, not a geographically confined campaign. The goal to liberate the oppressed people of the world that they may know the freedom to accept Islam may prioritize the holy sites in Saudi Arabia and Palestine but by no means do these historically and religiously significant territories limit the mission. Kelsay cites a 2005 statement given by al-Zawahiri in which he outlines the three major ambitions of al-Qaeda: establishing the rule of *shari'a*; driving out the "Crusaders and Jews" – Western invaders – from Islamic lands; and liberating the world of these oppressors to attain the

freedom of the Muslim world to manage its own affairs.²¹ It is with these goals that al-Qaeda justifies the necessity to fight aggressively under the banner of *jihad*.

Though some elements of al-Qaeda ideology are at odds with classical Islamic doctrine, this kind of continuous and expansive *jihad* may, by its practical injunctions, more accurately reflect the classical concept of *jihad* than do the defensive campaigns waged since the 12th century. As Johnson has pointed out, the defensive campaigns of *jihad* that first took hold in response to the crusaders are, “not the religiously motivated and authorized offensive warfare that the classical jurists had in mind.”²² However, one needs not be a qualified jurist of Islamic law to see that the application of this classical doctrine, which was developed in the context of an expanding Islamic caliphate with a legitimate leader of a politically unified *umma*, hardly seems appropriate for today’s world. The modernist or apologist interpretation of *jihad* which requires that such fighting be defensive in nature insists that the underlying messages of Islamic sources invoke tolerance and peace, and the militant precedents of the *Sunna* and verses of the Qur’an are to be understood in their particular contexts. By Zaidi’s analysis, the Sword Verses quoted by bin Laden are usually from the later Medinate period of revelation when the Prophet received divine guidance for the practical purpose of dealing with immediate military threats to the Islamic nation.²³ Yet, as Kelsay observes, “The militant vision is one in which premodern precedents are not so much interpreted as applied.”²⁴ More by design than accident, bin Laden, like many militant extremists of the al-Qaeda camp, fails to contextualize the Qur’anic verses of militancy in his own understanding of their meanings and in his citation of them in his statements

²¹Kelsay, *Arguing*, 159-160.

²²Johnson, *Holy War*, 150.

²³Zaidi, “Fundamentalist Distortion,” 65.

²⁴Kelsay, *Arguing*, 162.

that defend the *jihad* of al-Qaeda. Bin Laden exhibits the characteristically fundamentalist tendency to intentionally separate elements of Islamic teaching from their contexts.

The trademark example of al-Qaeda's sophist rationalizations appears in making the difficult argument for the most controversial element of the extremists' warfare doctrine: the dissolution of the mandate of non-combatant immunity, prominent in classical Islamic jurisprudence and the modern Just War concept in Western and Islamic traditions alike. The easiest way to examine the argument is through the various statements of bin Laden, "the archetype of [the fundamentalist communicative strategy]," who defends his unorthodox interpretation of Islam that permits indiscriminate acts of violence.²⁵ Bin Laden employs several strategies to justify his intentional killing of non-combatants. One argument, termed by Kelsay as "the law of reciprocity," makes an amoral argument of retaliation, not Islamic warfare ethics.²⁶ The argument boils down to the killing of American civilians as retaliation for the killing of Muslim civilians by American agents, including Israel. In an interview with an al-Jazeera journalist in October of 2001, bin Laden responds to the question of whether or not the September 11th attacks were a transgression with the following argument: "So, as they kill us, without a doubt we have to kill them, until we obtain a balance in terror."²⁷ However, the difference between the civilian casualties inflicted by the United States in its military strikes in the Middle East and those inflicted by al-Qaeda *jihad* operations is the intent:

"No military campaign is free from tragedy or from mistakes. In the World Islamic Front *Declaration* and other statements, however, Muslim militants set for an intention to wage indiscriminate war *as a matter of policy*."²⁸

²⁵Syed Manzar Abbas Zaidi, "The Fundamentalist Distortion of the Islamic Message," *Athena Intelligence Journal* 3:4 (Oct.-Dec., 2008): 59-75 (hereafter cited as "Fundamentalist Distortion"): 64-65.

²⁶Kelsay, *Arguing*, 143.

²⁷*Messages*, 114.

²⁸Kelsay, *Arguing*, 196. Emphasis added by Kelsay.

The classical Muslim jurists established that the Islamic sources confirmed that killing innocent non-combatants and fellow Muslims was to be avoided, not pursued out of vengeance. This ruling, which represents the prevailing consensus among Muslim religious scholars and even other militant Islamist movements, is rejected by al-Qaeda.

Still, bin Laden asserts that there is more to the argument than mere vengeance. When pressed by the reporter, bin Laden confirms that this is indeed “an eye for an eye” defense, but maintains that it is both logically and religiously sound.²⁹ Bin Laden acknowledges that the example of the Prophet forbidding violence against women and children, central to the arguments against his indiscriminate warfare, is “true. . . valid and has been laid down by the Prophet in an authentic Tradition,” but is “not set in stone.”³⁰ Here, bin Laden exhibits the second major element of al-Qaeda’s justification for indiscriminate violence: abrogation. This practice of judging which of two conflicting one of the most challenging tasks reserved for only the most learned jurists in the tradition of *shari’a* reasoning. The 8th-9th century Sunni jurist al-Shafi’i wrote at length about interpreting divine declarations that may appear to be contradicted by later revelations, concluding that only the Qur’an could abrogate the Qur’an, as it literally delivers the word of God. Furthermore, al-Shafi’i argued that a life devoted to extreme effort in studying Islamic law, with divine guidance, was the only possible way to comprehend the meaning.³¹ In view of this tradition, bin Laden’s presumption of juridical authority is even more questionable. Though acknowledging that the Prophet forbade indiscriminate violence, bin Laden argues that this ruling is abrogated by a verse of the Qur’an (16:126): “God saying: ‘And if you punish (your enemy, O you believers in the Oneness of God), then punish them with the

²⁹*Messages*, 118.

³⁰*Ibid.*

³¹Kelsay, *Arguing*, 58-59.

like of that with which you were afflicted. . . .”³² However, as Lawrence observes, bin Laden intentionally stops short of finishing the verse, which ends with the conclusion, “but it is best to stand fast.”³³ This exhibits another tendency of the extremist argument – selective utilization of fractured Qur’anic verses to put a more militant spin on the implications of divine revelations.

This kind of disjointed quotation of the holy scriptures of Islam is typical of bin Laden’s epistemological arguments. Furthermore, bin Laden even changes the context of the verses themselves through omission of qualifying phrases. In addition to cutting verses short, as he did with the above mentioned verse to give divine sanction to retaliatory violence, bin Laden modifies the Qur’anic message by omitting parts in the middle of the verse. In a 1996 statement, bin Laden declares, “. . . and His words: ‘When you meet the disbelievers, strike them in the neck.’”³⁴ While bin Laden is indeed citing the Qur’anic verse 47:4, the complete text reads, “When you meet the disbelievers *in battle*, strike them in the neck, and once they are defeated, bind captives firmly – later you can release them by grace or by ransom – until the toils of war have ended.”³⁵ Thus, bin Laden perverts Qur’anic verse to make it appear to sanction the killing of all non-Muslims when in reality the verse served as a practical guide for the Prophet’s military engagements.

Bin Laden’s arguments also show to be inconsistent in terms of his classification of the attacks conducted by al-Qaeda members under his leadership or inspiration. The October 2001 interview shows how one element of his argument seeks to provide religious justification for the killing of non-combatants, which he first defines as women and children in acknowledging

³²*Messages*, 118.

³³*Ibid.*

³⁴*Ibid.*, 41. See also Zaidi, “Fundamentalist Distortion,” 66, which also argues that this point is evidence of intentional distortion of the Islamic message for militancy.

³⁵Zaidi, “Fundamentalist Distortion,” 66, emphasis added by author.

whom the Prophet forbade killing. Then, he defines non-combatants as children and innocents in citing the same doctrine, continuing to argue that the September 11th attacks targeted the Pentagon, a legitimate military target. The interviewer interrupts him to ask, “what about the World Trade Center,” to which bin Laden replies defensively:

“ . . . It wasn’t a children’s school! Neither was it a residence. . . most of the people who were in the towers were men that backed the biggest financial force in the world, which spreads mischief throughout the world. And those individuals should stand before God, and rethink and redo their calculations. We treat others like they treat us. Those who kill our women and our innocent, we kill their women and innocent, until they stop doing so.”³⁶

This response portrays a number of different inconsistencies in bin Laden’s argument. He first attempts to defend the legitimacy of the attack on grounds that it did not target children, as non-combatants. Then he revises the definition of non-combatants once again to “women and innocents,” a fourth definition in the same interview. Ultimately, bin Laden reverts to the Hammurabian argument of violent reciprocity.

In between bin Laden’s terminological variations, his defense carries another argument. Bin Laden implies that those who work in the World Trade Center were not innocent but guilty for America’s economic imperialism which he, and militants of the same persuasion, view as a destructive anti-Islamic form of crusading. Bin Laden has also voiced the argument of al-Qaeda militants that the citizenry of the United States is implicit in the crimes of the American government and military by the nature of representative government. Bin Laden argues that the “shared guilt of the citizens in a democratic state,” results from their responsibility for electing the government which acts on their behalf.³⁷ In this perspective, any actions of a democratically elected government necessarily reflect the desires and attitudes of its citizens. However, this classification would still exclude the substantial part of the American population under the

³⁶*Messages*, 119.

³⁷Kelsay, *Aruging*, 143.

voting age of eighteen. The argument militants use to justify the death of Israeli children, based on anticipation of their future mandatory military service, fails to bear any relevance to the United States. Moreover, that bin Laden classifies his own attacks as terrorism indicates that his ethical arguments about the guilt and innocence of non-combatants lacks sincerity. Bin Laden compares the terrorism of al-Qaeda against Americans to that of a police officer terrorizing a criminal, asserting, “America and Israel practice ill-advised terrorism, and we practice good terrorism, because it deters those from killing our children in Palestine and other places.”³⁸ Here, bin Laden defends his brand of terrorism as an enterprise of justice, partly with the argument that the Americans, including the non-combatants, are guilty of America’s and Israel’s crimes. The second aspect of this rationalization for terrorism is its perceived psychological affect on American foreign policy decisions – yet another argument of political logic, not religious imperative.

Another theological point of contention in the global attacks of al-Qaeda militants is the killing fellow Muslims, or as the militants would have it, those deemed to be apostates. Bin Laden argues that “he who allies himself with the disbelievers has become an apostate,” supplying Qur’anic verse 5:54 as evidence, though it only supports bin Laden’s point by saying that God loves those who are “humble towards the believers, and hard on the disbelievers.”³⁹ After the 1992 al-Qaeda hotel bombings in Yemen that resulted in multiple Muslim casualties, Mamdouh Mahmoud Salim, or Abu Hajer, one of bin Laden’s lieutenants, issued a *fatwa* that defended such indiscriminate violence on the following basis: “If he is a good Muslim, he will go to Paradise; if he is bad, he will go to hell, and good riddance. Thus [they] would find their

³⁸*Messages*, 120.

³⁹*Ibid.*, 123.

proper reward.”⁴⁰ Bin Laden has further radicalized such doctrine since, arguing that those who fail to drive the enemy out of their land are as guilty as the apostates that collaborate with them because they have shirked their individual duty as Muslims to participate in the *jihad*. Zaidi calls this reasoning a “blanket justification” that relieves al-Qaeda of responsibility for killing Muslims indiscriminately in attacks, many of which have been carried out in mosques.⁴¹ Such justifications show how the influence of Ibn Taymiyya’s ideas on waging *jihad* against apostate Muslims contributed to the development of extremist doctrine that supports indiscriminate violence against the “Jews and Crusaders” and fellow Muslims alike.

al-Qaeda in its Modern Context

The extreme militant brand of Islam advanced by al-Qaeda and bin Laden only represents a small fraction of today’s Muslims. In fact, al-Qaeda’s ideology is viewed as extreme even among contemporary militant global Islamist movements. Hizb ut-Tahrir provides an example of an organized global network of radical Islamists whose central leadership, unlike al-Qaeda, insists on the revival of the caliphate as a necessary prerequisite for waging violent *jihad* while at the same time it encourages Muslims to support *jihadi* movements across the world. Ayooob notes that “for HT, ordinary Muslims cannot declare *jihad*; it is the exclusive prerogative of the Caliph,” as a collective duty of the *umma*.⁴² More peaceful manifestations of political Islam are seen in more moderate Islamic reform movements in many parts of the Middle East. Among the

⁴⁰Wright, *The Looming Tower*, 175.

⁴¹Zaidi, “Fundamentalist Distortion,” 72.

⁴²Ayooob, *Political Islam*, 143.

world's Muslims who perceive a political mission of Islam, the militants of al-Qaeda compose a small minority.

Al-Qaeda's ideology is even at odds with contemporary movements of violent *jihad*. Localized religious nationalist movements like that of Hamas confine their warfare geographically, relying on the doctrines of Islamic jurisprudence that confirmed *jihad* as an individual duty in defense as legitimizing precedents. Al-Qaeda arises as an unprecedented phenomenon in the historical tradition of Islamic warfare. Ayoob concludes that al-Qaeda has developed its extremist doctrine of violent *jihad* characterized by global terrorist attacks "against the dictates of the leading jurists of classical Islam."⁴³ Further compromising the theological legitimacy bin Laden could hope to claim, the leading jurists of modern Islamic scholarship have also denounced al-Qaeda's warfare as unethical and unlawful. Kelsay observes how the respected leading Sunni scholar, the Sheikh al-Azhar, declared after al-Qaeda's 1998 embassy bombings, "Any explosion that leads to the death of innocent women and children is a criminal act, carried out only by people who are base cowards and traitors."⁴⁴ Even the more radical scholar Qaradawi, a strong supporter of Hamas's *jihad* in Palestine, condemned the September 11th attacks as, in Kelsay's words, "grave sins," and "a violation of *shari'a* norms."⁴⁵ The examples of such scholars distancing themselves and the movements they support from the terrorism employed by al-Qaeda stems from more than ideological dissonance. Kelsay suggests that the backlash against al-Qaeda by such scholars of a common enemy can be explained by "the obvious point that Qaradawi and others regard the Palestinian case as special, and do not

⁴³Ayoob, *Political Islam*, 143.

⁴⁴Kelsay, *Arguing*, 142.

⁴⁵Ibid.

want to see the justice of that cause contaminated by association with other, less clear cases.”⁴⁶

While bin Laden champions his cause and methodology as divinely sanctioned violence to liberate Islamic lands, with emphasis on Palestine, the Muslims who consider themselves or Palestinians to be engaged in legitimate warfare, such as members of Hamas, view al-Qaeda’s acts of terrorism as a liability to their just cause. Interestingly, the stated causes of Hamas and al-Qaeda are relatively similar; the polarizing differences arise from their methodologies.

As the voice of al-Qaeda and its militants, Osama bin Laden conveys a powerful, politically charged message of uncompromising defiance of United States hegemony and its corrupting influence on Islamic societies. Bin Laden and al-Qaeda militants share with other militant Islamist movements a common perception that the “Judeo-Crusader alliance” of the West is engaged in a continual ideological campaign to conquer the Islamic world through political, military, cultural, and economic domination. While many Muslims are sympathetic to the grievances bin Laden lodges against Arab regimes, the United States, Israel, and the West in general, al-Qaeda’s horrifying terrorist attacks are seen to clearly transgress the ethical restrictions of warfare in both classical and modern interpretations of *shari’a*. It is for this reason that bin Laden’s arguments fail to convince the majority of both his Western and Muslim audiences of the theological legitimacy of al-Qaeda’s global *jihad*.

⁴⁶Kelsay, *Arguing*, 143.

CONCLUSION

Justice and Morality in Modern Warfare: The Role of Religion

On December 10th, 2009, President Barack Obama delivered his Nobel Peace Prize acceptance speech before an international audience. Citing his own moral responsibility as the commander-in-chief of the military of a nation at war, Obama focused the topic of his lecture on the applications of Just War theory in today's conflicts. Several elements of Obama's lecture reflect modern ideas and preconceptions about the role religion played in shaping present day and historical conflicts around the world. The modern concept of Just War arises from the complex and dynamic development of war doctrines that varied by religion and culture. Obama summarized the process: "the concept of a 'just war' emerged, suggesting that war is justified only when certain conditions were met: If it is waged as a last resort or in self-defense; if the forced used is proportional; and if, whenever possible, civilians are spared from violence."¹

¹Barack H. Obama, "A Just and Lasting Peace," Acceptance speech for the Nobel Peace Prize (Oslo, December 10, 2009), http://nobelprize.org/nobel_prizes/peace/laureates/2009/obama-lecture_en.

However, this emergence took place over thousands of years, and until the 12th Century, only non-combatant immunity, of the various criteria he listed, was an actual doctrine of Christian ethics.

Obama's address characterized the most prevalent elements of mainstream warfare ethics in the Western tradition today. Obama voiced the prominent view of a just war as inherently evil; "no matter how justified, war promises human tragedy."² This attitude towards warfare stems more from extensive historical experience than theological or philosophical considerations alone. Augustinian doctrine did not consider violence and loss of life, even that of civilians, to be inherently immoral; bloodlust and enthusiasm for such externalities of war were the real crimes. Similarly, classical juridical and epistemological doctrines of the Islamic tradition exhort Muslims to wage war, but "always with the caveat of restraint."³ However, the human experience with war in the 20th century, such as WWII in which more civilians died than did soldiers, and the ever-impending possibility of nuclear holocaust during the Cold War, has led to the universal condemnation of war and the mourning of its necessity.

The criterion of violence as a last resort to defend against aggression is a central component of modern Just War theory. Though Augustine refuted self-defensive violence as subjective and motivated by a selfish impulse for self-preservation, the idea of war as political means by which different nations must sometimes revert to out of defensive necessity is generally accepted in modern theory as a necessary evil. Obama voiced this doctrine: "I – like any head of state – reserve the right to act unilaterally if necessary to defend my nation."⁴

Thomas Aquinas's contribution to the Western Just War tradition, defense of the common good,

²Obama, "A Just and Lasting Peace."

³Aboul-Enein and Zuhur, "Islamic Rulings on Warfare," 8.

⁴Obama, "A Just and Lasting Peace."

became accepted as a duty of political leaders. The expectation that a sovereign ruler provide for the security of those under his rule, a fundamental element of social contract theory developed during the European Enlightenment, has pervaded Western political philosophy for centuries. In recent decades, however, defense of the common good has come to mean more than protecting a nation-state or people against direct military aggression.

Obama asserted that the cause of every war must be a “just and lasting peace.”⁵ This challenge, Obama argued, obligates the leaders of world superpowers “beyond self-defense or the defense of one nation against an aggressor.”⁶ He continued, “I believe force can be justified on humanitarian grounds,” promoting military action taken “to prevent the slaughter of civilians by their own government, or to stop a civil war whose violence and suffering can engulf an entire region.”⁷ Obama reflected the opinion of contemporary Just War theorist Michael Walzer who argues that the goal of preventing or putting an end to “acts that shock the moral conscience of mankind,” justifies going to war against the party responsible.⁸ The recent consideration of scenarios in which interventionist military engagement qualifies as just war suggests that campaigns of liberation manifested by both the Crusade and radical Islamist creeds have a place in modern *jus ad bellum* ethics.

Military campaigns of liberation are surrounded with controversy because the nature of the initiating party’s warfare is not defensive in the sense of an immediate response to an aggressor. Urban II declared the Crusades to be a war for the liberation of the Christians and holy sites of Christendom in the East from Muslim oppression, the Augustinian theological justifications behind the declaration of war supported an offensive campaign with the idea that

⁵Obama, “A Just and Lasting Peace.”

⁶Ibid.

⁷Ibid.

⁸Michael Walzer, *Just and Unjust Wars*, rev. ed. (New York: BasicBooks, 2006) 107.

vindication was an act of love to restore justice and peace. Al-Qaeda's radical Islamist ideology that promotes offensive warfare draws on the perceived mission given by Islamic sources to wage *jihad* as a war of liberation; the ideological onslaught of anti-Islamic political systems has oppressed the freedom of all humanity to know true justice through the implementation of *shari'a*. As the historical examples of theological justification for military campaigns of liberation indicate, the legitimacy of non-defensive warfare depends on the just cause of establishing divine justice on earth.

The ideological motives and goals behind these two campaigns and the liberation ideology advanced in some Just War thinking today have more in common than history would suggest. While defensive warfare claims legitimacy based on the assumed right to fight against the war-initiating aggressor for self-preservation, liberation warfare claims legitimacy through the moral imperative to implement its lofty goal of transcendent justice. The Crusades sought to vindicate an injustice done to Christianity and the Christians of the East under the theologically derived mission to right a wrong. Militant Islamism advocates violent uprisings to “depose *jahiliyya* from the leadership of man,” an enterprise of social justice, the “foremost duty of Islam in this world.”⁹ Likewise, social justice qualifies as the just cause for liberation warfare in modern Western thought. International acceptance of the legitimacy of force employed in humanitarian interventions stems from a sense of moral responsibility to address injustice inflicted upon a distant group.

This sense of responsibility, Obama suggested, arises out of a faith – not religion – but a faith in the progress of mankind. As Christian and Muslim ethicists insist of their relative religions, Obama argued that “if we divorce [this faith] from the decisions that we make on

⁹Qutb, *Milestones*, 245.

issues of war and peace – then we lose what’s best about humanity . . . we lose our moral compass.”¹⁰ While the Western concept of Just War theory began with the fusion of Roman legal doctrine with Christian ethical discourse on violence in the 4th century, the secularization of the moral basis for modern Just War theory indicates that Christian values transcend religious creed. The word “faith” still implies a transcendent or sublime source of morality without associating modern Just War theory to the controversial taboo of religious justifications for war.

The concept of a holy war is widely considered to be contradictory to religion. While a Holy War is a just war by definition, the observed manifestations of violence motivated by religious doctrine, most recently the global terrorist attacks of al-Qaeda, have led to human suffering on a horrific scale. Reflecting on the Western tradition, Obama suggested that “[al-Qaeda] extremists are not the first to kill in the name of God; the cruelties of the Crusades are amply recorded.”¹¹ Though he makes no claim to be a medieval historian, Obama’s invocation of the legacy of the Crusades as unjustified, hate-driven warfare reflects just how prominent this misunderstanding of the historical conflict, including the motives driving the historical campaigns continues to be even among the World’s academic and political elite. However, the documented atrocities of the medieval crusaders and global terrorism are both characterized by indiscriminate warfare with perceived religious injunction. On these grounds, Obama rejected the concept of Holy War, arguing, “no Holy War can ever be a just war. For if you truly believe that you are carrying out divine will, then there is no need for restraint.”¹² While observant of the historical tendency to justify prohibited actions by just cause, this condemnation ignores the essential theological doctrines in both Christian and Islamic traditions of warfare ethics.

¹⁰Obama, “A Just and Lasting Peace.”

¹¹Ibid.

¹²Ibid.

Barring the recent additions of radical militant doctrine, both Christian and Islamic traditions condemn the killing of innocents in any context, and in war, forbid intentional violence against non-combatants. While Augustine did not discriminate between soldiers and non-combatants in terms of their objective guilt, he still viewed civilians as illegitimate targets. On the opposite end of the spectrum, bin Laden's justifications for indiscriminate warfare rely on the claim that all Americans, both soldiers and civilians are subjectively guilty due to the representative nature of democratic government. Yet, the overwhelming majority of Islamic jurisprudence, classical, medieval, and modern, argues against the legitimacy of this claim. In general, both Christian and Islamic doctrines suggest that cases where civilian casualties are unintended may be forgiven with repentance.

The controversial aspect to modern *just in bello* doctrines lies in determining cases of military necessity. Operations where civilian casualties can be anticipated, for example, are difficult to justify even when the target is legitimate. Military commanders must consider a variety of ethical questions, not least among them, the extent to which the civilian death toll or strategic priority of the intended target affect whether or not "collateral damage" can be considered an acceptable transgression of ethical standards for warfare. The concept of military necessity as an excuse for violating *jus in bello* restrictions is extremely relevant in discussion of both historical and modern examples. Some pillaging of the Crusaders in Eastern Europe on the path of the Crusades occurred as a result of practical necessity to resupply on the warpath. Saladin likewise deviated from classical Islamic principles for political and military necessity during the Counter-Crusades. Today, the theological argument of al-Qaradawi seeks to legitimize Hamas's resort to suicide attacks in the conduct of *jihad* against Israel with a formal

decree that argues, “Necessity makes the forbidden things permitted.”¹³ While bin Laden’s justification for intentionally killing non-combatants makes no argument for their practicality, he defends al-Qaeda’s attacks against distant targets in the United States and other Western, anti-Islamic powers as a necessary prerequisite to implementing Islamic reform in the Middle East due to the political and economic hegemony the United States exercises over local Islamic governments. Jurists, and more recently, politically active individuals, have developed unorthodox doctrines to legitimize violence generally considered illicit out of a need for a military strategy that could be both practical for the challenges at hand and theologically justifiable.

Unprecedented circumstances prompted reinterpretation of religious sources to produce unprecedented theological doctrines. Modern phenomena such as the non-state actor have left Muslims with unanswered questions about complex scenarios unimagined by contemporaries of the Prophet or per-modern religious scholars of classical or medieval Islamic jurisprudence. While the Pope still serves as a source of religious authority for the world’s Catholics, the Protestant Reformation undermined the previously established and respected structure of Church authority as each literate individual with a bible became a theologian. The Islamic Proto-Reformation of the 19th and 20th centuries affected the authority of the *‘ulama* with similar consequences; literate Muslims, an expanding proportion of Muslim populations, assumed the right to practice of *ijtihad* previously reserved for the class of professional religious scholars. Such trends have led to the interpretation of *shari’a* by Muslims in professions like journalism and construction, and the issuance of *fatwas* by such individuals that promote less theologically conservative doctrines of questionable legitimacy. Political discontent and nationalist grievances

¹³Kelsay, *Arguing*, 141.

gave birth to populist movements that adopted Islamist ideology as a means for attaining mobilizing power and religious legitimacy for armed uprisings.

The circumstances created by the onset of modernity in the Islamic world created opportunities for redefinition and reapplication of *shari'a* by individuals untrained in Islamic jurisprudence. Riley-Smith observes of al-Qaeda, “Globalization and migration has blurred the geographical boundaries between the *dar al-Islam* and the *dar al-harb* and has provided the *jihadists* with the opportunity, denied to their predecessors, to deliver long-range blows.”¹⁴ The strategic shift of al-Qaeda, promoted by bin Laden, to go on the offensive and conduct overseas attacks on the United States and its allies, Riley-Smith observes, partly stems from the realization that such operations were possible and even, in the minds of the militants, justifiable. The debate over defining the *dar al-Islam* and the *dar al-harb*, distinctions critical to the application of *jihad* doctrine, has continued to divide Muslim scholars since European imperialism challenged the sovereignty of Islamic polities with colonial ventures. However, the theological legitimacy of declaring *jihad* or waging it by questionable methods depends not on how politically effective acts of terrorism prove to be for al-Qaeda, rather, on its compatibility with the fundamental principles of Islamic doctrine. As seen in the case of Hamas, practicality itself became adopted as a doctrine of *jihad* jurisprudence to justify policy changes in both extremist and moderate directions. The erosion of authoritative structures of Islamic jurisprudence and a historical tendency to Islamicize secular or Western ideas allowed for Hamas to adopt flexible policies in light of difficult and challenging realities.¹⁵

The complicating reality of interpreting *shari'a* today is that the world lacks a variety of elements present during the time of the Prophet. For one, the Muslim *umma* was united under a

¹⁴Riley-Smith, *The Crusades, Christianity, and Islam*, 76.

¹⁵Nüsse, *Muslim Palestine*, Conclusion.

single political and religious authority engaged in military campaigns of political expansion. Debate continues today between fundamentalist and modernist interpretations of Islamic creed as to whether the context of the precedents for Islamic warfare should be considered in interpreting *shari'a* or these doctrines are timeless imperatives appropriate for every circumstance. One of the biggest challenges to the legitimacy of historical military campaigns concerns the legitimacy of the authority declaring and waging war of *jihad*. The early sources and classical works of jurisprudence are clear; *jihad* may only be declared and waged by the *imam*, which in classical Islam was a role fulfilled by the caliph. The end of the fourth caliphate marked the end of Muslim unity, as contending parties argued as to who was the rightful heir to the caliphate. Al-Ghazali's doctrine of sufficiency provided a legitimizing doctrine for *jihad* warfare in the absence of an *imam*. Supported by other medieval jurists like al-Sulami in the context of the Crusades and Ibn Taymiyya in response to Mongol invaders, this doctrine proposed that in the event that the army of volunteers waging *jihad* on behalf of the Muslim *umma* fails in its purpose, then fighting becomes an individual duty of every able-bodied Muslim. Muslims rulers put this theological doctrine into practice, as Saladin did to justify fighting defensive warfare against the Crusaders and anti-colonial resistance movements centuries later, setting the historical precedents militants now drawn upon in modern conflicts.

Many modern movements of militant Islamism recognize the lack of a legitimate authority to declare *jihad* requires that such warfare be postponed until after the reinstatement of the caliphate. More radical approaches to religiously justify violence such as the Mahdism have failed to gain legitimacy. Mahdism's most infamous incarnation was the ideology behind the seizure of the Grand Mosque of Mecca in 1979 that led to the slaughter of fellow Muslims at the holiest site in Islam. Somewhere in between the strategies of postponing *jihad* until a caliph can

legitimate declare and lead it and the apocalyptic claims of extremist militants to be *Mahdi*, Hamas and al-Qaeda claim legitimate authority with invocation of the historical doctrine of *jihad* as an individual obligation in defense. While al-Qaeda's ideology interprets the doctrine to include wars of liberation as the defense of Islam or mankind, Hamas's restriction to defensive warfare against the immediate threat of Zionist territorial ambitions is much more reminiscent of the historical precedents.

The doctrine of *jihad* as an individual duty in defense relies extensively on an argument that transcends religion. Al-Sulami argued that the invading *frangi* and resulting suffering inflicted upon Muslims constituted an emergency situation in which the divine commandment to wage *jihad* became the obligation of every individual Muslim in lieu of an *imam*-authorized corps of volunteer warriors. This doctrine is an early example of theological justification for the idea that extreme or unprecedented circumstances can sometimes suspend the legal or ethical restrictions on warfare, applicable to *jus ad bellum* and *jus in bello* alike. The implications of this kind of attempt to legitimize unprecedented warfare tactics and strategies in modern campaigns of *jihad* are seen in different forms with Hamas and al-Qaeda. However, the idea of an emergency circumstance permitting a suspension of ethical standards in warfare also threatens to destroy the legitimacy of Western Just War theory. In his speech, Obama warned against this notion on grounds of maintaining standards of morality and legitimacy:

“We have a moral and strategic interest in binding ourselves to certain rules of conduct. And even as we confront a vicious adversary that abides by no rules, I believe the United States of America must remain a standard bearer in the conduct of war. That is what makes us different from those whom we fight . . . We lose ourselves when we compromise the very ideals that we fight to defend . . . We honor those ideals by upholding them not when it's easy, but when it's hard.”¹⁶

¹⁶Obama, “A Just and Lasting Peace.”

While bin Laden justifies indiscriminate attacks of terrorism weakly with the law of reciprocity and sophistry, rich with historical allusion and rhetoric, Obama advocated a strategy of Just War for the strategic benefit of legitimacy gained by maintaining the moral high ground and the ideological benefit adhering to ethical doctrines and principles of justice in times of adversity.

The prominent characterization of holy wars as violent campaigns of indiscriminate hate unbridled by a sense of moral restraint more closely represents the sad truth of the human experience in wars waged in the name of God than the conceptual validity of fighting for a just cause with the conviction that such warfare is divinely willed. Yet the very criteria of modern Just War theory have religious roots in theologically ordained principles of Christian ethics, amended and revised over centuries. In reality, the growing acceptance of humanitarian interventions as a category of Just War reflects a sense of responsibility to attain justice not merely for oneself or nation through self-defense, but for mankind as a whole as a global enterprise of social justice. The religious imperatives that inspired the Crusades and militant Islamism share in this liberation ideology, though the legacy of the former and the radical manifestations of the latter have stained the concept of violence for a divine cause with the blood of countless innocent men, women, and children. While religion has played a role in rationales behind some of the world's most scarring tragedies, it has also proven to be a compelling force behind good-willed campaigns for justice and peace. The trajectory of Just War theory seems to be reconnecting with its Augustinian roots in the incorporation of liberation ideology and advocacy of military intervention for the transcendent purpose of justice.

Bibliography

Books

- Ali, Tariq. *The Clash of Fundamentalisms: Crusades, Jihads, and Modernity*. London: Verso, 2003.
- Allman, Mark J. *Who Would Jesus Kill? War, Peace, and the Christian Tradition*. Winona: Anselm Academic, 2008.
- Anonymous. *Imperial Hubris: Why the West Is Losing the War on Terror*. Washington, D.C.: Brassey's, Inc., 2004.
- Anonymous. *Through Our Enemies' Eyes: Osama bin Laden, Radical Islam, and the Future of America*. Washington, D.C.: Brassey's Inc., 2002.
- Armstrong, Karen. *Holy War: The Crusades and Their Impact on Today's World*. New York: Doubleday, 1988.
- Asbridge, Thomas. *The First Crusade: A New History*. New York: Oxford University Press, 2004.
- Ayoob, Mohammed. *The Many Faces of Political Islam: Religion and Politics in the Muslim World*. Ann Arbor: The University of Michigan Press, 2008.
- Bacevich, Andrew. *The Limits of Power: The End of American Exceptionalism*. New York: Metropolitan Books, 2008.
- Beckerlegge, Gwilym, ed. *Colonialism, Modernity, and Religious Identities: Religious Reform Movements in South Asia*. Oxford: Oxford University Press, 2008.
- Bergen, Peter L. *Holy War, Inc.: Inside the Secret World of Osama bin Laden*. New York: Touchstone, 2002.

- Bonner, Michael. *Jihad in Islamic History: Doctrines and Practice*. Princeton: Princeton University Press, 2006.
- Brundage, James A. *Medieval Canon Law and the Crusader*. Madison, Milwaukee: The University of Wisconsin Press, 1969.
- Bukay, David. *From Muhammad to Bin Laden: Religious and Ideological Sources of the Homicide Bombers Phenomenon*. New Brunswick: Transaction Publishers, 2008.
- Chazen, Robert. *In the Year 1096: The First Crusade and the Jews*. Philadelphia: The Jewish Publication Society, 1996.
- Cole, Juan R. I. *Napoleon's Egypt: Invading the Middle East*. New York: Palgrave Macmillan, 2007.
- Cole, Juan R. I. *Colonialism and Revolution in the Middle East: Social and Cultural Origins of Egypt's 'Urabi Movement*. Princeton: Princeton University Press, 1993.
- Danziger, Raphael. *Abd al-Qadir and the Algerians: Resistance to the French and Internal Consolidation*. New York: Holmes & Meier Publishers, Inc., 1977.
- Gerges, Fawaz A. *The Far Enemy: Why Jihad Went Global*. 2nd ed. New York: Cambridge University Press, 2009.
- Gräf, Bettina and Jakob Skovgaard-Petersen, ed. *Global Mufti: The Phenomenon of Yusuf al-Qaradawi*. New York: Columbia University Press, 2009.
- Gunaratna, Rohan. *Inside Al Qaeda: Global Network of Terror*. New York: Columbia University Press, 2002.
- Holt, P. M., et al., eds. *The Cambridge History of Islam*. 2 vols. Cambridge: Cambridge University Press, 1970.

- Husain, Ed. *The Islamist: Why I Joined Radical Islam in Britain, What I Saw Inside and Why I Left*. London: Penguin Books, 2007.
- Jansen, Johannes J. G. *The Neglected Duty: The Creed of Sadat's Assassins and the Islamic Resurgence in the Middle East*. New York: Macmillan Publishing Company, 1986.
- Johnson, James Turner. *The Holy War Idea in Western and Islamic Traditions*. University Park, Pennsylvania: The Pennsylvania State University Press, 1997.
- Johnson, James Turner and John Kelsay, ed. *Cross, Crescent, and Sword: The Justification and Limitation of War in Western and Islamic Tradition*. New York: Greenwood Press, 1990.
- Johnson, Nels. *Islam and the Politics of Meaning in Palestinian Nationalism*. London: Kegan Paul International, 1982.
- Kelsay, John. *Arguing the Just War in Islam*. Cambridge: Harvard University Press, 2007.
- Kelsay, John. *Islam and War: A Study in Comparative Ethics*. Westminster: John Knox Press, 1993.
- Lane-Poole, Stanley. *Saladin and the Fall of the Kingdom of Jerusalem*. Beirut: Khayats, 1964.
- Lambton, Ann S. K. *State and Government in Medieval Islam: An Introduction to the Study of Islamic Political Theory: The Jurists*. New York: Oxford University Press, 1981.
- Lawrence, Bruce ed. and James Howarth trans. *Messages to the World: The Statements of Osama bin Laden*. London: Verso, 2005.
- Levitt, Matthew. *Hamas: Politics, Charity, and Terrorism in the Service of Jihad*.
- Lewis, Bernard. *The Crisis of Islam: Holy War and Unholy Terror*. New York: Modern Library, 2003.
- Lyons, Malcolm Cameron and D. E. P. Jackson. *Saladin and the Politics of Holy War*. New York: Cambridge University Press, 1982.

- Maalouf, Amin. *The Crusades Through Arab Eyes*. Translated by Jon Rothschild. London: Al Saqi Books, 1984.
- Madden, Thomas F. *The New Concise History of the Crusades*. Updated Student ed. Lanham: Rowman & Littlefield Publishers, Inc., 2006.
- Mawdudi, Abul A'la. *Towards Understanding Islam*. Translated and edited by Khurshid Ahmad. Leicester: The Islamic Foundation, 1980.
- Nüsse, Andrea. *Muslim Palestine: The Ideology of Hamas*. Amsterdam: Harwood Academic Publishers, 1998.
- Perkins, John. *Confessions of an Economic Hit Man*. San Francisco: Berrett-Koehler, 2004.
- Peters, Edward, ed. *The First Crusade: The Chronicle of Fulcher of Chartres and Other Source Materials*. Philadelphia: University of Pennsylvania Press, 1971.
- Peters, Rudolph. *Islam and Colonialism: The Doctrine of Jihad in Modern History*. The Hague: Mouton Publishers, 1979.
- Peters, Rudolph. *Jihad in Classical and Modern Islam*. Princeton: Markus Wiener Publishers, 1996.
- Qutb, Sayyid. *Milestones*. Beirut: The Holy Koran Publishing House, 1964.
- Richards, D. S., trans. *The Chronicle of Ibn al-Athir for the Crusading Period from al-Kamil fi'l-ta'rikh. Part 1, The Years 491-541/1097-1146: The Coming of the Franks and the Muslim Response*. Burlington: Ashgate, 2007.
- Richards, D. S., trans. *The Chronicle of Ibn al-Athir for the Crusading Period from al-Kamil fi'l-ta'rikh. Part 2, The Years 541-589/1146-1193: The Age of Nur al-Din and Saladin*. Burlington: Ashgate, 2007.

- Riley-Smith, Jonathan. *Crusaders and Settlers in the Latin East*. Burlington: Ashgate Publishing Company, 2008.
- Riley-Smith, Jonathan. *The Crusades, Christianity, and Islam*. New York: Columbia University Press, 2008.
- Riley-Smith, Jonathan. *The First Crusade and the Idea of Crusading*. Philadelphia: University of Pennsylvania Press, 1986.
- Russell, Frederick H. *The Just War in the Middle Ages*. Cambridge: Cambridge University Press, 1975.
- Said, Edward. *Orientalism*. New York: Vintage Books, 1979.
- Shimoni, Gideon. *The Zionist Ideology*. Hanover: Brandeis University Press, 1995.
- Somerville, Robert. *The Councils of Urban II*. Vol. 1, *Decreta Claromontensia*. Amsterdam: Adolf M. Hakkert, 1972.
- Steffen, Lloyd. *Holy War, Just War: Exploring the Moral Meaning of Religious Violence*. Lanham: Rowman and Littlefield Publishers, Inc., 2007.
- Tyerman, Christopher. *Fighting for Christendom: Holy War and the Crusades*. New York: Oxford University Press Inc., 2004.
- Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. Rev. ed. New York: BasicBooks, 2006.
- Weithman, Paul. "Augustine's Political Philosophy." *The Cambridge Companion to Augustine*. New York: Cambridge University Press, 2001, (234-252).
- Wendell, Charles, ed. *Five Tracts of Hasan Al-Banna (1906-1949): a selection from the Majmu'at rasail al-Imam al-shadid Hasan al-Banna*. Berkely: University of California Press, 1978.

William, Archbishop of Tyre. *A History of Deeds Done Beyond the Sea*, translated and annotated by Emily Atwater Babcock and A.C. Krey. Vol 1. New York: Columbia University Press, 1943

Wright, Lawrence. *The Looming Tower: Al-Qaeda and the Road to 9/11*. New York: Alfred A. Knopf, 2006.

Journal Articles

Abu-Amr, Ziad. " Hamas: A Historical and Political Background." *Journal of Palestine Studies* 22:4 (Summer 1993): 5-19.

Atran, Scott. "The Surrogate Colonization of Palestine, 1917-1939." *American Ethnologist* 16:4 (Nov., 1989): 719-744.

Bar-Yosef, Eitan. "The Last Crusade? British Propaganda and the Palestine Campaign, 1917-18." *Journal of Contemporary History* 36:1 (Jan., 2001): 87-109.

"British Mandate for Palestine." *The American Journal of International Law* 17:3 (Jul., 1923): 164-171.

Burke, Jason. "Al Qaeda." *Foreign Policy* 142 (May-Jun., 2004): 18, 20, 22, 24, 26.

Cowdrey, H. E. J. "The Peace of God and the Truce of God in the Eleventh Century." *Past & Present* 46 (Feb., 1970): 42-67.

Euben, Roxanne L. "Killing (For) Politics: Jihad, Martyrdom, and Political Action." *Political theory* 30:1 (Feb., 2002): 3-45.

Falk, Richard and Asli Ü. Bâli. "International Law at the Vanishing Point." *Middle East Report* 241 (Winter, 2006): 34-41, 48.

Gartenstein-Ross, Daveed. "New OBL tape: Appeasement Talk and Cited Westerners." *The Long War Journal* (September 14, 2009), <http://www.longwarjournal.org/threat>

-matrix/2009/09/new_obl_tape_appeasement_talk.php.

Hartigan, Richard Shelly. "Saint Augustine on War and Killing: The Problem of the Innocent."

Journal of the History of Ideas 27:2 (Apr. - Jun., 1966): 195-204.

Haqqani, Husain. "Islam's Medieval Outposts." *Foreign Policy* 133 (Nov.-Dec., 2002): 54-64.

Heston, Alan. "Crusades and Jihads: A Long-Run Economic Perspective." *Annals of the*

American Academy of Political and Social Science 588 (Jul., 2003): 112-135.

Holt, P. M. "Saladin and His Admirers: A Biographical Reassessment." *Bulletin of the School*

of Oriental and African Studies (University of London) 46:2 (1983): 235-239.

Hroub, Khaled. " Hamas after Shaykh Yasin and Rantisi." *Journal of Palestine Studies* 33:4

(Summer, 2004): 21-38.

Huntington, Samuel P. "The Clash of Civilizations?" *Foreign Affairs*, 72:3 (1993): 22-49.

Johnson, James Turner. "Ideology and the Jus Ad Bellum: Justice in the Initiation of War."

Journal of the American Academy of Religion 41:2 (Jun., 1973): 212-228.

Johnson, James Turner. "Just War, As It Was and Is." *First Things: A Monthly Journal of*

Religion and Public Life (Jan., 2005). [http://www.firstthings.com/article/2007/01/just](http://www.firstthings.com/article/2007/01/just-war-as-it-was-and-is-2)

-war-as-it-was-and-is-2.

Johnson, James Turner. "Historical Tradition and Moral Judgment: The Case of Just War

Tradition." *The Journal of Religion* 64:3 (Jul., 1984): 299-317.

Kristianasen, Wendy. "Challenge and Counterchallenge: Hamas's Response to Oslo." *Journal*

of Palestine Studies 28:3 (Spring, 1999): 19-36.

Lambton, Ann K. S. "A Nineteenth Century View of Jihad." *Studia Islamica* 32 (1970): 181-

192.

Lerman, Eran. "Mawdudi's Concept of Islam." *Middle Eastern Studies* 17:4 (Oct., 1981): 492-509.

Litvak, Meir. "The Islamicization of the Palestinian-Israeli Conflict: The Case of Hamas." *Middle Eastern Studies* 34:1 (Jan., 1998): 148-163.

Madden, Thomas F. "Crusade Propaganda: The Abuse of Christianity's Holy Wars." *National Review Online* (November 2, 2001). <http://article.nationalreview.com/?q=MzhhODM1MDhkYWMyNTRiYmRjMzg2NmY2YjM3ZTRiZDQ=#more>.

Madden, Thomas F. "Crusaders and Historians." *First Things: A Monthly Journal of Religion and Public Life* (Jun.-July, 2005). <http://www.firstthings.com/article/2007/01/crusaders-and-historians-42>.

Madden, Thomas F. "The Real History of the Crusades." *Crisis Magazine*, April 1, 2002), http://insidecatholic.com/Joomla/index.php?option=com_content&task=view&id=3463&Itemid=48.

Matthews, Weldon C. "Pan-Islam or Arab Nationalism? The Meaning of the 1931 Jerusalem Islamic Congress Reconsidered." *International Journal of Middle East Studies* 35:1 (Feb., 2003): 1-22.

Maqdsi, Muhammad, trans. "Charter of the Islamic Resistance Movement (Hamas) of Palestine." *Journal of Palestine Studies* 22:4 (Summer 1993): 122-134.

Milton-Edwards, Beverly. "The Concept of Jihad and the Palestinian Islamic Movement: A Comparison of Ideas and Techniques." *British Journal of Middle Eastern Studies* 19:1 (1992): 48-53.

Munro, Dana Carleton. "The Speech of Pope Urban II at Clermont, 1095." *The American Historical Review* 11:2 (Jan., 1906): 231-242.

- Munson, Ziad. "Islamic Mobilization: Social Movement Theory and the Egyptian Muslim Brotherhood." *The Sociological Quarterly* 42:4 (Autumn, 2001): 487-510.
- Pape, Robert A. "The Strategic Logic of Suicide Terrorism." *The American Political Science Review* 97:3 (Aug., 2003): 343-361.
- Parvin, Manoucher and Maurie Sommer. "Dar al-Islam: The Evolution of Muslim Territoriality and Its Implications for Conflict Resolution in the Middle East." *International Journal of Middle East Studies* 11:1 (Feb., 1980): 1-21.
- Riley-Smith, Jonathan. "The Motives of the Earliest Crusaders and the Settlement of Latin Palestine, 1095-1100." *The English Historical Review* 98:389 (Oct., 1983): 721-736.
- Shepard, William E. "Sayyid Qutb's Doctrine of 'Jahiliyya'." *International Journal of Middle East Studies* 35:4 (Nov., 2003): 521-545.
- Stein, Kenneth W. "The Intifada and the 1936-1939 Uprising: A Comparison." *Journal of Palestine Studies* 19:4 (Summer, 1990): 64-85.
- Swedenburg, Ted. "Al-Qassam Remembered." *Alif: Journal of Comparative Poetics* 7 (Spring 1987): 7, 9, 24.
- Swift, Louis J. "Augustine on War and Killing: Another View." *The Harvard Theological Review* 66:3 (Jul., 1973): 369-383.
- Swift, Louis J. "St. Ambrose on Violence and War." *Transactions and Proceedings of the American Philological Association* 101 (1970): 533-543.
- Von Elbe, Joachim. "The Evolution of the Concept of the Just War in International Law." *The American Journal of International Law* 33:4 (Oct., 1939): 665-688.
- Zaidi, Syed Manzar Abbas. "The Fundamentalist Distortion of the Islamic Message." *Athena Intelligence Journal* 3:4 (Oct.-Dec., 2008): 59-75.

Other Sources

Aboul-Enein, Youssef H. "Ayman al-Zawahiri: The Ideologue of Modern Islamic Militancy."

The Counterproliferation Papers, Future Warfare Series No. 21. USAF

Counterproliferation Center, Air University, Maxwell Air Force Base, Alabama.

Aboul-Enein, Youssef H. and Sherifa Zuhur. "Islamic Rulings on Warfare." Strategic Studies

Institute, U.S. Army War College, 2004.

Asad, Muhammad, trans. and exp. *The Message of the Qur'an: The Full Account of the*

Revealed Arabic Text Accompanied by Parallel Transliteration. Bristol: The Book

Foundation, 2003.

Avalon Project at Yale Law School. "The Covenant of the League of Nations (Including Amendments adopted to December, 1924)." Lillian Goodman Law Library.

http://avalon.law.yale.edu/20th_century/leagcov.asp.

Azzam, Abdullah. *Defense of the Muslim Lands: The First Obligation After Iman*. Trans.

"Brothers in Ribatt." Obtained from <http://www.kalamullah.com/Books/defence.pdf>.

Christie, Niall. *Translation of extracts from the Kitab al-Jihad of 'Ali ibn Tahir Al-Sulami (d. 1106)*. Cornell University, 2001. <http://www.arts.cornell.edu/prh3/447/texts/Sulami>.

Dajani-Shakeel, Hadia. "A Reassessment of Some Medieval and Modern Perceptions of the Counter-Crusade." *The Jihad and Its Times*, ed. Hadia Dajani-Shakeel and Ronald A. Messier. Ann Arbor: Center for Near Eastern and North African Studies, University of Michigan, 1991.

Encyclopedia of Islam. 2nd ed. <http://www.brillonline.nl/subscriber/uid=1492>.

Merriam-Webster Online Dictionary, <http://www.merriam-webster.com/dictionary>.

- Mithaq Harakat al-Muqawama al-Islamiyya " Hamas": Filastin*. Obtained from <http://www.islamonline.net/Arabic/Harakat/2009/01/images/covenant.pdf>.
- Obama, Barack H. "A Just and Lasting Peace." Acceptance speech for the Nobel Peace Prize. Oslo, December 10, 2009. http://nobelprize.org/nobel_prizes/peace/laureates/2009/obama-lecture_en.
- al-Qaradawi, Yusuf. *The Lawful and Prohibited in Islam*. Obtained from <http://irn.no/old/halal/lawfull.pdf>.
- Riley-Smith, Jonathan. "'Early Crusades to the East and the Costs of Crusading 1095-1130" in *Cross-Cultural Convergences in the Crusader Period: Essays Presented to Aryeh Grabois on his Sixty-Fifth Birthday*. Ed. Michael Goodich, Sophia Menache, and Sylvia Schein. New York: P. Lang, 1995.
- Scham, Paul and Osama Abu-Irshaid. " Hamas: Ideological Rigidity and Political Flexibility." *United States Institute of Peace*, Special Report 244, 2009.
- U.S. Congress. Senate. Committee on Foreign Relations. *The Global Reach of al-Qaeda: Hearing before the Subcommittee on International Operations and Terrorism: 107th Cong., 1st sess., December 18, 2001*.
- Upton, Todd Patrick. "Sacred Topography: Western Sermon Perceptions of Jerusalem, the Holy Sites, and Jews During the Crusades, 1095-1193." PhD diss., University of Colorado, 2007.
- Wehr, Hans. *A Dictionary of Modern Written Arabic*. 4th ed. Edited by J. Milton Cowan. Ithaca: Spoken Language Services, Inc., 1994.