

# Bin Laden's reasons: American "occupation" of Arabia

by [John Kelsay](#) in the [February 27, 2002](#) issue

In recent months, a legion of commentators on Islam have emphasized that true Islam has nothing to do with the killing of innocent people. Despite the apparent religious motives of the September 11 suicide bombers, President Bush and others have stressed that “Islam means peace.” But other commentators have responded that Islam is a militant faith, which at times requires its adherents to make war on non-Muslims.

Pertinent to this discussion is a 1998 statement called the “Declaration on Jihad Against Jews and Crusaders,” produced by Osama bin Laden and several other militant leaders who styled themselves the World Islamic Front. This declaration is worth scrutinizing for anyone wishing to understand the reasoning and motives of those responsible for the September 11 attacks and others influenced by their ideas—for how it both uses and departs from traditional Islamic teaching. (An excerpt from the declaration appears on p. 28.)

The World Islamic Front brought together Osama bin Laden’s al-Qaeda (“the groundwork”) and four other organizations, including Islamic Jihad and the Egyptian Islamic Group. The formation of the front is a sign that at least the leaders of these groups see themselves as pursuing a common set of Islamic goals. It is difficult to say how many people these leaders represent, but they aim to address the conscience of “all Muslims.”

The declaration is a formal statement of the duty of Muslims, written in the style of what I call “Shari’a reasoning.” (To call it “Islamic jurisprudence” or “Islamic religious law” would be slightly misleading.) Shari’a reasoning presupposes that there is an ideal way for human beings to live. The very term “Shari’a” means “the Path.” The declaration further presupposes that God provides “signs” for those who would discern the contours of this path. These signs are primarily texts: the Qur’an and the hadith, or “reports” relating the exemplary practice of Muhammad. Shari’a

reasoning is, in effect, a kind of transgenerational conversation among Muslims regarding the implications of these signs and about the behaviors that are most consistent with the ideal way and which therefore will lead to happiness in this world and the next.

In Shari'a reasoning, these signs must be correlated with the facts of the contemporary situation. It is clear that the authors of the declaration consider the "occupation" of the Arabian peninsula by U.S. forces as the primary, though not the only, indication that the Muslim community faces an emergency. From other statements by bin Laden and his colleagues, we know he also has expressed concern about the situation in Bosnia, Kosovo, Chechnya and Kashmir. The World Islamic Front ties the post-gulf war presence of U.S. troops in Saudi Arabia to the ongoing suffering of the Iraqis and the Palestinians. The declaration suggests that there is a vast conspiracy in which the U.S. and its allies seek by various means to negate the influence of Islam, undercut the Muslim community, and control the natural resources of Islamic countries.

It is this crisis that leads to the declaration's central judgment: that fighting against Americans and their allies—civilians and soldiers—is an individual duty for every Muslim who can do so in any country where that is possible. The phrasing of this judgment is most significant, in terms of Shari'a reasoning. Jihad, or "struggle," is a wide-ranging term in Islamic tradition. Always connected with the qualifying phrase "in the path of God," it is tied to the general duty of Muslims to "command the good and forbid the evil" in a variety of ways—by doing good works, promoting social justice, voting, teaching in schools and, under certain conditions, by *qital* ("fighting").

Even here, there are important nuances regarding the duty of Muslims. Under ordinary conditions, for example, when fighting is justified to secure the borders of an Islamic state, it is described as a "collective duty." This implies that an established ruler or governing authority will make a judgment concerning the necessity of fighting. Such a ruler is authorized to provide for the common defense by raising an army, levying taxes and generally rallying support from the citizenry. Every Muslim should support the effort, although not every Muslim has to fight.

Under emergency conditions, however, the duty to fight is described as an "individual duty." If, for example, an enemy has invaded Islamic territory, compromising the lives, liberty and property of Muslims, and the established

authorities are unable or unwilling to mount an effective defense, the duty to fight devolves to every Muslim. Ordinary lines of command and control are suspended. An underage person may leave home to fight without parental approval; a woman may join the fight without the approval of her husband or father.

In a 1996 letter, bin Laden spoke of a collective duty to strike against the U.S. presence in the Arabian peninsula. Muslims, bin Laden wrote, should put aside their differences and join in a communal resistance to oppression. But by 1998, the judgment was that the crisis had reached the level of an emergency.

In support of this judgment, a selection of the opinions of “ulama [learned authorities] throughout Islamic history” is cited. The authors of the declaration argue that the tradition of Shari’a reasoning, in connection with a faithful rendering of present-day political life, provides precedents relevant to emergency conditions. If one combines the claim that “nations are attacking Muslims like people fighting over a plate of food” with the citation of Qur’an 4:75—“And why should you not fight in the cause of God and of those who, being weak, suffer oppression?”—one has the heart of the declaration.

Three issues are of particular import in the document: the authority of the authors to render Shari’a judgments, the scope of legitimate fighting in Shari’a reasoning, and the question of legitimate targets.

With respect to the authority of the authors, the question is one of credentials. Historically, the textual nature of Shari’a reasoning gave rise to a class of scholars known as al-*ulama*, or “the learned.” One becomes a member of this class by completing a long course of study in grammar, philology, history and logic, as well as in interpretation of the Qur’an and the hadith. Mastery of these fields qualifies one to issue opinions (*fatwa*) regarding the duty of Muslims in particular circumstances. Even so, these opinions usually echo the great masters of an established school of thought. Only a very few ever attain the status of a *mujtahid*, who is qualified to issue “independent” opinions.

So far as we know, none of the five signers of the 1998 declaration has the requisite credentials of a member of the learned class. Osama bin Laden, for example, holds a degree in public administration from one of the Saudi universities. The title “shaykh” attached to his name, reflecting his self-image as a valid participant in the discussions of the learned, is misleading, for it implies that he has completed some

portions of the standard Shari'a curriculum. One can only surmise that he and his colleagues believe that, in the emergency situation, they are authorized to override or ignore the ordinary lines of authority.

The notion that Muslims have an obligation to fight Americans and their allies "in any country where that is possible" immediately commands attention. The declaration's use of crisis language echoes that of other Islamic resistance groups. Still, most of these groups speak only of armed resistance in the service of defending or liberating their homeland. The charter of the Hamas group, for instance, focuses on the duty of each Muslim to participate in fighting to liberate Jerusalem from Israeli control. It does not call on Muslims to carry the fighting abroad.

The reasoning of the declaration seems clear: the crisis facing Muslims has its roots not only in the corruption or inadequacy of the governments of Muslim states, but in the policies of the U.S. and its allies. Seeing the world as their battlefield, the authors call for Muslim fighters to carry the battle abroad.

On this point, Muslims might raise a question of prudence, among other things. What will be the consequences of fighting on such a scope? Will it bring about more harm than good to ordinary Muslims? This question of impact is one that established Shari'a authorities have asked of every resistance or radical movement over the last 20 years. Bin Laden and others have alleged that coalition bombing resulted in the deaths of Muslim civilians. But who is responsible for these deaths? Do not those who issue imprudent calls for fighting Americans anywhere and everywhere bear some, perhaps even primary, responsibility?

Finally, with respect to legitimate targets, the declaration says that Muslims should fight against civilians as well as soldiers. But just as clearly, the precedents in the tradition of Shari'a reasoning reflect the teaching of the Prophet: "Struggle in the path of God. Do not cheat or commit treachery. Do not mutilate or kill women, children, or old men." In the tradition, this and other texts become the basis for a general rule: Never directly and intentionally target noncombatants.

It would seem, therefore, that the authors of the declaration are calling for an egregious violation of Shari'a tradition. So far as I know, crisis situations facing Muslims have never been considered sufficient reason to override the provision against direct targeting of noncombatants. The logic of the provision is that direct

and intentional targeting of noncombatants constitutes murder. Those who commit murder, even in the context of war, are classified in Shari'a reasoning as war criminals. It is therefore difficult to understand how the authors of the declaration reason as they do.

The authors are engaged with one of the most important traditions in Islamic intellectual life, Shari'a reasoning. A similar engagement is key to a response. The canons of Shari'a reasoning are public. To commit oneself to speaking in Shari'a terms is to commit oneself to certain rules of the game. At various points, the authors of the declaration violate or stretch those rules. They can and should be called to account for this.

Christians, Jews, Muslims and all other people have an interest in engaging traditions of reasoning that speak of the obligation to seek justice—including, perhaps even especially, justice in the conduct of armed struggle. What is the connection between Islam and the events of September 11? The only connection that ever exists between a religious tradition and the actions of believers is the one those believers create, as they seek to justify their actions. In turn, it is the responsibility of others to answer back, and to show that these connections are well or ill founded, sound or weak—or as in the case of Osama bin Laden and his colleagues, the result of a combination of impudence and a lack of grounding in the tradition.