Sovereignty under attack: the international society meets the Al Qaeda network

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Abstract. This article examines the complex relations between a violent non-state actor, the Al Qaeda network, and order in the international system. Al Qaeda poses a challenge to the sovereignty of specific states but it also challenges the international society as a whole. This way, the challenge that Al Qaeda represents is putting the survival of the system under risk. Consequently it requires that the international society will collectively respond to meet the threat. But challenges to both the practical sovereignty of states and to the international society do not have to weaken the system. Instead, such challenges if handled effectively may lead to the strengthening of the society of states: a robust international society is dynamic and responsive to threats. Its members could cooperate to adapt the principles and the institutions on which the system is founded to new circumstances. Through its focus on the preservation qualities of the international society this article also reinforces the significance of the English School to the study of international relations. It raises important questions that could be answered in the framework of the English School.

Introduction

The events of 11 September 2001 resurrected interest in terrorism. While scholarly interest in terrorism existed before 11 September, the magnitude, sophistication and ruthlessness of the attacks generated new questions regarding the role of terrorism in the international state-centric order. This article will explore one such issue,[1] the relation between religious terror groups and order in today's society of states.

One of the main themes in the US response to the attack was to portray it as a part of a wider global danger. Terrorism, according to this framing, threatens stability, and therefore poses a problem for democratic and undemocratic regimes alike. Hence, meeting the threat of terrorism is in the interest not only of the US, but also of the rest of the international community, requiring that all states collaborate to eliminate the danger.[2]

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[1] While acknowledging that there is no perfect definition of terrorism and that defining terrorism is a very controversial issue, I adopt Robert Jervis's attempt to define the phenomenon. Terrorism is 'the use of violence for political or social purposes that is not publicly authorized by leaders of recognized political units, including acts that are sponsored and supported by states, but not publicly avowed'. Robert Jervis, 'An Interim Assessment of September 11: What Has Changed and What Has Not?' *Political Science Quarterly*, 117:1 (2002), pp. 37–8.

[2] For example, see President Bush's speech in the UN General Assembly: 'President Bush Addresses the UN', *Washington Post*, 10 November 2001.

On the other hand, increasing sympathy for Bin Laden and his group in the Muslim world negates the Bush administration's discourse. Echoing Huntington's 'clash of civilizations',[3] Muslims dissatisfied with the 'war on terror' appear to understand the events as a confrontation between the Muslim world and the Western-Christian world (with the US as its spearhead).[4] Undoubtedly, there is support for the 'clash of civilizations' thesis in the West too; the difference lies mainly in identifying the offender and the attacked civilisation. The two competing frames – one in which the state system fights to defend itself from a non-state actor that brutally violates the state-centric logic of international relations in the modern era, and the other where two separate civilisations transcend physical state borders – reflect confusion regarding the nature of the war.

The English School's conception of International Society (IS) allows us a more comprehensive picture of Al Qaeda's challenge, both to the sovereignty of specific states, and to the principles, rules, and institutions that bind states together in a society. Studying this challenge is significant for several reasons. On the practical side, if indeed Al Qaeda is a threat to the IS as a whole, then the required response should be collective and not restricted to the few countries that were directly targeted. Theoretically this question is valuable because it addresses an important issue that fits into the research agenda of the English School but is so far understudied. The most important task of the IS is to preserve the state system. This goal overrides its other goals when they conflict with it.[5]

But the English School largely ignores the question of what constitutes a challenge to the state system, how one identifies such a challenge, and what are its potential effects. David Armstrong's attempt to analyse the challenge of revolutionary states to the society of states deals with only one kind of challenger: states that challenge the system mainly on an ideological basis. The functional similarity between those states and the members of the society of states that they challenge gives them strong incentives to be socialised to the system.[6] However, my analysis focuses on the challenge to the IS from dissimilar units, that is, non-state actors that seek to transform the whole system. By incorporating non-state actors more directly into the study of the IS, I hope to complement Armstrong's work. Lastly, this article will provide a starting point for the exploration of important questions with which the English School should be concerned.

This article focuses on terrorist actors, in particular religious fundamentalist groups, and their position toward sovereignty-based IS. The main reason for my concentration on religious terror organisations is that their number among active terror organisations has risen substantially since the 1980s. They are responsible for most of the casualties from terrorist acts, even excluding the 11 September attack, the deadliest attack ever launched by a terror organisation.[7] More important, the

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[3] Samuel Huntington, 'The Clash of Civilizations', *Foreign Affairs*, 72:3 (1993), pp. 22–49.

[4] For example, 'The Unreleased Interview: A Discussion on the New Crusader Wars', *Jehad Online, Thunders of Truth*', <www.jehad.net.>; Interview with Gulboddin Hekmatyar, the leader of the Afghani opposition group Hezb-e-Islami, *Al-Hayat*, 2 November 2002.

[5] Even though it is not clearly stated this way, the idea is implied in Hedley Bull's work. See Hedley Bull, *The Anarchical Society* (New York: Columbia University Press, 1977), pp. 16–17.

[6] David Armstrong, *Revolution and World Order: The Revolutionary State in International Society* (New York: Oxford University Press, 1993).

[7] Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 1998), pp. 90–94.

divine legitimating sources of their claims and the apparently more revolutionary order they seek to create justifies special attention.

The article comprises four parts. In the first, I locate this article within the English School tradition. Following is a discussion of the complex relations between sovereignty – both as an attribute of a specific state, and as an organising principle in world politics – and the IS. An examination of the challenge that Al Qaeda represents is the centre of the third section.[8] In the concluding section I summarise my argument and suggest avenues for further research in the framework of the English School.

Sovereignty, international society and the protection of the system

The concept of state sovereignty has attracted substantial attention from international relations scholars.[9] The notion is controversial and complex, to the extent that some authors even avoid defining it. Moreover, for some, the changing nature of sovereignty renders the formulation of a definition useless.[10] Those who do try to devise a definition are divided. Ruggie, for example, defines sovereignty as 'the institutionalization of public authority within mutually exclusive jurisdictional domains'.[11] Thomson, on the other hand, identifies it as the recognition by internal and external actors that the state has the exclusive authority to intervene coercively in activities within its territory.[12] And Krasner unpacks sovereignty, claiming that the concept can be used in four different ways: (1) 'Domestic sovereignty', (2) 'Interdependence sovereignty, (3) 'International legal sovereignty', and (4) 'Westphalian sovereignty'.[13]

I suggest that sovereignty should be understood as a two-layered concept. On the first level, sovereignty is an attribute of a state.[14] Ideally, a sovereign state is the sole authority over a territory; it exerts control over that territory, and is free from outside intervention by other states. A state can decide to enter into agreements that

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[8] For analytical reasons, this article posits Al Qaeda and other Islamic terrorist organisations as distinct groups that can be identified even though they exhibit dense inter-group connections. Hopefully, the analytical benefits will compensate for the descriptive injustice. Those necessary presuppositions require accepting the conclusions of this study with caution, at least until further evidence surfaces to fill in the information gaps.

[9] John Ruggie's seminal works in particular were a milestone in the study of sovereignty. For example, John Ruggie, 'Continuity and Transformation in the World Polity: Toward a Neorealist Synthesis', in Robert O. Keohane (ed.), *Neorealism and Its Critics* (New York, Columbia University Press, 1986), pp. 131–57.

[10] Keohane avoids formulating a definition of sovereignty. See Robert O. Keohane, 'Hobbes's Dilemma and Institutional Change in World Politics: Sovereignty in International Society', in Hans-Henrik Holm and Georg Sorensen (eds.), *Whose World Order? Uneven Globalization and the End of the Cold War* (Boulder, CO: Westview Press, 1995), pp. 165–86. On the definition problem, see Thomas J. Biersteker and Cynthia Weber, 'The Social Construction of State Sovereignty', in Thomas J. Biersteker and Cynthia Weber (eds.), *State Sovereignty as Social Construct* (Cambridge: Cambridge University Press, 1996), pp. 1–20.

[11] Ruggie, 'Continuity and Transformation', p. 143.

[12] Janice E. Thomson, 'State Sovereignty in International Relations: Bridging the Gap between Theory and Empirical Research', *International Studies Quarterly*, 39 (1995), p. 219.

[13] Stephen D. Krasner, *Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999), pp. 9–12.

[14] Fred Halliday, *Revolution and World Politics: The Rise and Fall of the Sixth Great Power* (Durham, NC: Duke University Press, 1999), p. 11.

reduce its authority and its ability to control, but such steps – taken with the consent of the state – are in line with its rights as a sovereign entity. On the second layer, sovereignty is an organising principle for the international system. As such, it serves as the basis for order in the system, establishing patterns of behaviour that reduce conflict between states – the organs of the system. Understood this way, sovereignty divides the world into independent entities without overlapping authorities, and prescribes normative rules that allow for peaceful coexistence between states.

A challenge to sovereignty on the second level may reflect a threat to the order on which the state system is based. While the undermining of international order may concern most states only indirectly at the beginning, if it materialises and gets stronger this threat may become all too tangible. Therefore, I argue, challenges to the underlying foundations of the international system require special attention.

But in order to comprehend such challenges, we first need to understand the way in which order is established in the international system. Thus, a conceptualisation of the state system is required. Although the state system, based on the principle of state sovereignty, has existed for a few hundred years,[15] international relations scholars tend to avoid viewing it as an independent construct. While some issues are identified as global in scope and thus as requiring a collective response (such as global warming), systemic threats that undermine the state system have not been acknowledged, and consequently states' ability to face challenges to the system has been curtailed.

One exception is the work of scholars in the English School tradition, in which Hedley Bull and his colleagues highlight elements of interstate cooperation and order even under anarchy. The English School distinguishes between the international system and the international society. An international system is formed when two or more states have sufficient contact, and sufficient impact upon one another's decisions, to cause them to behave – at least in some measures – as parts of a whole.[16] International society (or a society of states), on the other hand, is 'a group of states which not merely form a system, in the sense that the behaviour of each is a necessary factor in the calculations of others, but also have established by dialogue and common consent rules and institutions for the conduct of their relations and recognise their common interest in maintaining these arrangements'.[17] This conceptualisation is based not only on the convergence of interests between states, but on a thicker sense of community[18] that binds states together and provides them with general guidelines to membership, including rights and obligations. This

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[15] There are many divergent opinions regarding the date of birth of the state system. For one enlightening account, see Andreas Osiander, 'Sovereignty, International Relations, and the Westphalian Myth', *International Organization*, 55:2 (2001), pp. 251–87.

[16] Bull, *The Anarchical Society*, pp. 10–11.

[17] Hedley Bull and Adam Watson, 'Introduction', in Hedley Bull and Adam Watson (eds.), *The Expansion of International Society* (Oxford: Oxford University Press, 1984), p. 1. Note that IS cannot exist without an international system. Yet, an international system does not require the existence of IS. According to Bull, an IS is distinct by states' recognition of their common interests and by their conception of themselves as bound by a common set of rules in their relations. See Bull, *The Anarchical Society*, p. 13.

[18] Buzan distinguishes between international regimes that have merely instrumental implications and the institutions of the IS which have much deeper constitutive effects. See Barry Buzan, 'The English School: An Underexploited Resource in International Relations', *Review of International Studies*, 27 (2001), p. 475.

sense of community moderates states' behaviour and allows for general order to exist. This conceptualisation does not ignore the important role of conflict in international relations, but it emphasises that elements of IS always exist, even if they are sometimes precarious.[19]

The IS has various goals, among them the preservation of the society of states, maintaining the independence of states, establishing peace as the normal condition in international relations, and achieving the common goals of all social life, such as limiting violence, keeping promises, and establishing possessions.[20] Occasionally some of these goals may conflict. Bull does not commit himself to a ranking of these goals, but from his account it appears that the preservation of the system overrides the other goals and even justifies violation of the principle of sovereignty.[21] In fact, one can argue that the real reason behind the principle of sovereignty is the preservation of the system through the delineation of boundaries for state action and the consequent reduction of friction between states.

Order in the IS is maintained through shared values and interests, by the rules that states establish, and by the institutions that enforce these rules.[22] According to Bull, there are three complexes of rules that help in sustaining international order: constitutional normative principles, 'rules of coexistence', and rules that regulate cooperation among states.[23] These rules are supported by fundamental institutions. Bull discusses five such institutions: the Balance of Power, International Law, Diplomacy, War, and the Great Powers. This list is not exhaustive; Bruce Cronin, for example, argues that hegemony can also be seen as an institution of the IS.[24] Some of the institutions that Bull addressed appear to have lost power (great powers and balance of power), or to have changed (diplomacy). Nevertheless, there seems to be a consensus that international law remains an important institution.

Bull defines international law as 'the body of rules which binds states and other agents in world politics in their relations with one another and is considered to have the status of law'.[25] International law serves order in the IS by identifying the idea of a society of sovereign states as the supreme normative principle of the political organisation of mankind; stating the rules of coexistence between states; and helping in achieving compliance with the rules of the IS.[26]

Although the preservation of the IS appears to be its first and most important goal, it has received little attention from English School scholars. The most attention has been paid to establishing the norm against wars of aggression. But when this norm is discussed, the context is the preservation of peace rather than an explicit recognition that such wars endanger the foundations of the IS. A second type of challenge to the IS comes from revolutionary states. As David Armstrong explains, 'major revolutions force established states to reconsider and redefine both their

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[19] Bull, *The Anarchical Society*, p. 41.
[20] Ibid., pp. 16–17.
[21] Ibid., pp. 17–18
[22] Ibid., pp. 53–63.
[23] Ibid., pp. 67–70.
[24] Bruce Cronin, 'The Paradox of Hegemony: America's Ambiguous Relationship with the United Nations', *European Journal of International Relations*, 7:1 (2001), pp. 103–130.
[25] Bull, *The Anarchical Society,* p. 127.
[26] Ibid., pp. 140–2.

social identity as members of a society of states and the normative and juridical principles upon which that society is based'.[27] Armstrong found that the burden of managing a country helped in extinguishing the revolutionary fervour of revolutionary states and provided them incentives to socialise to the state system. At the same time, the state system did not remain static: member states came to the system's defence and thus contributed to the development of the system.[28] Unfortunately, Armstrong's study is the exception rather than the rule;[29] the issue of how the IS identifies threats from revolutionary states and how it responds to such threats remains understudied.

Some may argue that globalisation, too, can be considered a threat to the IS.[30] In recent decades, various scholars have pointed at the alleged decline of the state system, usually through the retreat of the state from dealing with certain issue areas (such as money), the emergence of new spheres with low state involvement (such as cyberspace), and the rise of non-state actors that showed signs of successfully influencing states' policies and taking over subject areas that the state largely ignored or mishandled.[31] Whether and to what extent these trends indeed represent threats to the state system is controversial. Nevertheless, even if valid, these claims still concern a relatively benign attack on the IS by forces using only means that are considered legitimate. Furthermore, the working of such forces may be considered to be in line with the aim of advancing the world society.

A different type of threat to IS comes from violent non-state actors who deny the legitimacy of the state system and the foundations on which the society of states is based. Such actors may also try to advance an alternative order. The relation between such entities and the IS is the focus of this study, in an effort to complement Armstrong's state-centric study. While Armstrong's work focuses on states, I argue that the incentives and constraints to revolutionary states may differ from those that govern the behaviour of non-state actors – dissimilar units to the system's units.

Violent non-state actors can challenge the IS in three essential ways. First, they may reject and undermine the basic rules on which the IS is founded, and the institutions that help in maintaining order. Such challenges can manifest themselves in the rejection of the state as the main political unit in world affairs – the rejection of the principle that states are sovereign to contract with other states and to pursue independent foreign policy. Also significant is the negation of the principle that states are the sole actors who can legitimately use force, and the dismissal of accepted restrictions on the use of force (such as the norm of sparing non-combatants).

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[27] Armstrong, *Revolution and World Order*, p. 243.

[28] Ibid.

[29] Barry Buzan briefly mentions that even in its most basic form, the IS legitimises intervention against regimes that threaten its established order, but he does not take this point further. See Barry Buzan, 'International Society and International Security', in Rick Fawn and Jeremy Larkins (eds.), *International Society after the Cold War: Anarchy and Order Reconsidered* (London: Macmillan Press, 1996), p. 275.

[30] On the possibility of viewing globalisation and interstate interaction as two distinct processes currently at work, see David Armstrong, 'Globalization and the Social State', *Review of International Studies*, 24 (1998), pp. 461–78.

[31] Two examples of studies that point at the decline of the state and the rise of non-state actors are Susan Strange, *The Retreat of the State: The Diffusion of Power in the World Economy* (Cambridge & New York: Cambridge University Press, 1996); and Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998).

The importance of international law in identifying the normative principles of the IS, stating the basic rules of coexistence of the system's units, and bringing about compliance to the principles of the society of states renders an attack on international law as a legitimate institution (rather than claims about specific elements of international law) an attack on the IS as a whole. Similarly, a rejection of the legitimacy of the United Nations may be understood as a challenge to the whole system, as the UN embodies the main tenets of the IS.

Note that even if an actor rejects the basic rules and institutions of the IS, he might find it fruitful to use the language of the IS in order to unveil the 'hypocrisy' or internal contradictions of the system. After all, the notion of sovereign equality of states contradicts institutions of the IS that emphasise the superiority of the big powers over other states and thus the inequality of states (such as, the rights of the five permanent members in the Security Council). But the adoption of the discourse might gradually increase the system's socialisation pressures and render such groups no more than reform movements that accept the system's principles, seeking only to make the system more rational or to highlight values other than order, especially justice.[32] Furthermore, one should remember that actors who reject the system's principles and institutions do not necessarily weaken the system. Their challenge may in fact reinforce the system: they may help members of the IS to find deficiencies in the norms and rules that guide it, leading to the articulation and institutionalisation of tighter and more coherent rules.

A second way in which a violent non-state actor can challenge the IS is by undermining state–society relations through denying states' ability to provide their basic responsibility to their citizens – general security – for example, by the use of weapons of mass destruction (WMD). The destructiveness of WMD led to the establishment of a norm against the use of such weapons.[33] Consequently, their proliferation must be curtailed. Even in the few cases where the acquisition of such weapons has been allowed, as with the five nuclear states in the Non-Proliferation Treaty (NPT), the words and spirit of the treaty signal that this is an exception and a sub-optimal situation, stemming from political and power considerations, and should be remedied in the future. The actors holding WMD hold the responsibility of ensuring that these weapons not be used.

To be considered a responsible actor in the international arena, actors must be rational, or at least sensitive to costs. Rational actors will be able to calculate costs and benefits and therefore avoid the use of WMD. But for these calculations to work, the actors possessing such weapons must be states, or aspire to statehood. Leaving aside questions of morality, the assumption is that the destructiveness of WMD is so tremendous that actors exposed to threat of such lethal retaliation will avoid using them. Furthermore, states can be held accountable to the IS and have established frameworks and institutions that enable cooperation, signalling of intentions, and reduction of risks.

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[32] Bull's *Anarchical Society* focused on the issue of order in the IS. In his 1983 Hagey lectures he tried to deal more systematically with the question of justice in the IS. See Hedley Bull, 'Justice in International Relations: The 1983 Hagey Lectures', in Kai Alderson and Andrew Hurrel (eds.), *Hedley Bull on IS* (London: Macmillan Press and New York: St. Martin's Press, 2000), pp. 206–45.

[33] On the nuclear and chemical weapons taboo, see Richard Price and Nina Tannenwald, 'Norms and Deterrence: the Nuclear and Chemical Taboos', in Peter Katzenstein (ed.), *The Culture of National Security* (New York: Columbia University Press, 1996), pp. 114–52.

These considerations are relevant with some non-state actors but not with others. Non-state actors who aspire to statehood have strong incentives to behave responsibly and to comply with the norms in order to preserve international support and to gain external recognition for their claims and later for their regime. Such actors also have constituencies that could be threatened with retaliation and whose extermination is not in the best interest of the non-state actors who claim to represent them.

But other non-state actors might not be so sensitive to costs, and the logic of deterrence cannot be applied to them. Groups who do not identify with a specific constituency that could be threatened, or whose constituencies are tied to and represented by states who could provide protection, may feel unconstrained to use WMD (for example, even though bin Laden has a large Saudi constituency, it is unlikely that the US would threaten to strike the Saudi population in response to an Al Qaeda attack). Similarly, WMD may be used by groups who seek to punish and destroy, or who wish to provoke an overreaction from state actors, believing it would advance their cause.

The use of WMD would undermine the social contract between the state as an institution and the citizens of the state. One of the main functions of the state is to provide security to its citizens. True, there is no complete guarantee of the safety of each individual. Furthermore, states do turn to the use of force in war, deploying and endangering the lives of citizens who serve in the military. Nevertheless, states succeed most of the time in providing security for the bulk of their people; when they go to war, they at least claim the collective good. In addition, the shared interests of states in limiting violence and their ability to inflict heavy damage on each other allow them in most instances to realise their part of the deal.

The uncontrolled use of WMD might inflict destruction at a level that would substantially affect the functioning of the IS and create unprecedented levels of terror. Media coverage would multiply the psychological effects of such attacks, spreading terror across national boundaries. The repetition of such attacks would demonstrate the futility of states in providing the promised security, thus undermining the public's trust in the institution of the state. If states cannot meet their obligations to the people, and if the people lose confidence in the institution of the state, the whole system is threatened. Of course, one instance of WMD use would not be sufficient to undermine the IS; but if repeated a number of times, the systemic threat would start to emerge.

While I chose to focus on the use of WMD, lesser types of terrorism may also erode the fabric of the IS. Sufficient to recall the terror Americans in the Washington DC area experienced in the autumn of 2002 due to two snipers. The level of terror from repeated attacks on key targets such as public transportation (especially suicide attacks in subway stations), or crucial infrastructure facilities (such as power grids) would be much higher and could lead to the erosion of order and trust in the government.

But there is also another side to this coin. If states identify the proliferation of WMD as a problem that threatens order in the IS, they may respond to that threat in a manner that makes the IS even more robust. States may act to reinforce the norm against the possession of WMD by non-state actors and against the use of such weapons. More concrete steps can involve designing regimes to curtail proliferation, tighter control over weapons' components and their trade, and higher levels of cooperation and coordination between states.

A third avenue by which a violent non-state actor may undermine the IS is by provoking an overreaction by the hegemon that leads to the breakdown of the accepted code of conduct for states' behaviour in general and for the hegemon's in particular. This can be done by magnifying the conflict between the hegemon's dual roles as systemic leader and great power, provoking it to act in accordance with the latter at the expense of the former. As Bruce Cronin explains, a dominant country's role as a systemic leader is one of the IS institutions. The dominant state's hegemonic status is defined by the leadership role it assumes and by the public goods it helps provide. States agree to hegemonic leadership only if they accept the programme that the hegemon proposes and view it as serving the broader interests of the society of states. Within the context of IS, the institution of hegemony generates specific norms of behaviour. The hegemon enjoys certain recognised prerogatives, but it also assumes obligations including certain limits on its behaviour, among them respecting legal sovereign equality, following the rules, avoiding unilateral acts that may violate them, and accommodating secondary powers of major importance.

But the dominant state also has a role as a great power. In that capacity, its primary responsibility is to use its resources to enhance the welfare of its own domestic constituents and institutions. When domestic considerations are overwhelming, a 'role strain' may emerge in which the state's adherence to its domestic considerations could undermine its leadership role as a hegemon and consequently the IS for which hegemony is a pillar institution. The dominant state may try to define a particular situation as affecting not only its own welfare but also that of the system as a whole, in order to bring the two roles in agreement. However, such redefinition may amount to changing the specific role prescription for the hegemon and thus require renegotiating the boundaries for what is considered legitimate behaviour.[34]

If the hegemon fails to accommodate the concerns of the other members of the IS and to legitimise new boundaries for its actions, the outcome can be erosion of the IS. Thus, an actor who identifies the normative basis of an IS and the practices that derive from those shared values could tailor an action that would magnify the dominant state's 'role strain' and indirectly erode the IS. Note that the non-state actor does not have to be aware of the normative foundations of the IS to undermine it. Such erosion could well be the unintended consequence of acts that are aimed to hurt a specific state and not the IS as a whole.

Overreaction may also magnify the hostility of public opinion in various countries toward the hegemon. This could have the effects of increasing the recruiting potential of the violent non-state actor, constraining governments' ability to support the hegemon (due to domestic pressures), and even encouraging balancing behaviour by affected states.

Religious terrorism, sovereignty and the international society

In this section I explore the complex relationship between terror groups, and in particular religious terror groups, and sovereignty and the IS. I will emphasise

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[34] Cronin, 'The Paradox of Hegemony', pp. 103–30.

challenges from such groups, but at the same time I will highlight the ways in which those same groups may actually reinforce the system in their attack on the IS and the principle of sovereignty.

The interaction between religious terror groups and the IS is complex and creates diverse, sometimes even conflicting effects. The use of force by non-state actors demonstrates this complexity well. One of the main characteristics of the modern state system is that the state has the exclusive authority to use violence domestically or externally. Hence, by resorting to violence, terrorist groups inherently challenge states' sovereignty. However, there is a qualitative variation in the nature of the challenge terrorist groups represent. Most terror groups have a very narrow agenda that focuses on one specific state, challenging the authority of that state (domestic sovereignty) without asking to challenge the IS. Such a group aspires to achieve certain political goals that usually amount to the creation of a separate state or a succession of the existing regime (for example, the Turkish PKK). One can almost say that by aspiring to statehood, those terrorist groups actually reinforce the IS by reifying the state as the fundamental political unit. Thus the undermining of sovereignty in its first meaning may lead to the strengthening of sovereignty in its higher-level meaning.

Conversely, a system-challenging group, or a trans-state terrorist group, renounces the appropriateness of the IS altogether and the constituting principles on which it is based. Instead, it wishes to replace the sovereignty-based system with an alternative organising principle. Two examples of such groups would be anarchic terrorist groups and Marxist terrorist groups; both try to alter the fundamentals of the international system (although the anarchists' alternative system is in fact a non-system). Note that such actors, too, can reinforce the IS if their actions lead states to dedicate more resources to fighting terrorism. The challenge from such groups may in fact lead states to overcome interstate conflicts and to cooperate in confronting the terrorist threat. More important, a systemic challenge can bring about changes in the IS' underlying values, providing an external shock that leads states to redefine the foundations of the system and reconstruct their relations based on this updated refined understanding. This is a paradox trans-state terrorist groups face: by being too successful, they may bring about their own demise and the reinforcement of the institution they would like to bring down.

Note that intra-state terrorist groups and trans-state terrorist groups are ideal types located on opposite ends of a continuum. Terrorist groups may vary in their challenge to the IS. Imagine, for example, a terrorist group that calls for the creation of a bloc comprised of a number of states, but does not challenge the existence of the system of sovereign states. Indeed, some terrorist organisations might have features in common with both intra-state and trans-state terrorist groups – for example, an organisation that fights to gain control over one specific state but claims to draw its legitimacy from religious sources, or one that attempts to depose a state's leader but broadens the responsibility for the leader's behaviour to those states in contact with the attacked regime. By adding those states to the list of its targets, the terrorist group challenges states' authority to pursue independent foreign policy.

In religious terror groups, the complexity is increased. Religion itself offers a competing logic to the sovereignty-based state system.[35] The religious challenge

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[35] Susanne Hoeber Rudolph, 'Introduction', in Susanne Hoeber Rudolph and James Piscatori (eds.), *Transnational Religion and Fading States* (Boulder, CO: Westview Press, 1997), p. 12.

unfolds in several ways. The religious source of authority is divine and higher than the state's authority. As states and religions share the same constituency, religious people need to balance between the religious and the national aspects of their identity. When the two clash, religious people might be trapped because they cannot obey a state law that contradicts 'higher' religious imperatives.

But religion and state sovereignty do not necessarily clash. More often than not, state and religion find ways to accommodate each other – for example, with the view that sovereignty belongs to God, who allows people to do as they choose. In this view, God's sovereignty is not part of this world; thus the logic of the state and the logic of religion are located in different spheres and do not conflict. However, this formulation collapses when dealing with fundamentalists who believe that God's kingdom is part of this world. For people who hold such a view, the placing of sovereignty in any authority other than God is usurpation of 'God's throne'.[36]

Religion also challenges the territorial dimension of the state, since it does not recognise arbitrary national borders: it unites people around a set of rules applied on a non-territorial basis. The more political the religion, the more it threatens the state, because it suggests an organising principle that negates physical borders. State sovereignty can also be challenged by religious aspirations to form a religious territorial-based entity that includes all of its members. Such aspirations renounce the division of the world into states and threaten the integrity of states. At the same time, one may argue that the territoriality dimension of such aspirations is in line with the logic of the state system. The negation is therefore not of borders as such, but of the drawing of specific borders. Thus, the success of a religious movement in uniting its members under one government would amount to no more than the creation of a single large state that could be socialised to the norms, rules, and institutions of the IS. Religious centres are another source of tension between state and religion, as two dissimilar entities have claims over the same place. But again, the territorial anchor suggests that even religious groups can subscribe to the territoriality element of the society of states.

The idea of 'holy war' represents another religious challenge to the state's authority. According to James Turner Johnson, holy war in Christianity was associated with particular historical circumstances and unique religio-political relationships. It was discarded after the Protestant reformation-related wars in the sixteenth and seventeenth centuries due to intellectual rejection and an emotional and psychological revulsion at the brutality of religious wars. Consequently, religion was subordinated to the state and the defence of religion rendered the state's internal affair and not a cause for interstate wars.[37]

The view of 'holy war' (*Jihad*) in Islam is different. There are different types of *Jihad* and they are not necessarily violent.[38] Nevertheless, *Jihad* as war against the 'infidels' was never clearly rejected on a religious basis. It was usually ignored or

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[36] William Zartman, 'Islam, the State and Democracy', in Charles E. Butterworth and William I. Zartman (eds.), *Between the State and Islam* (Cambridge: Cambridge University Press, 2001), p. 234.

[37] James Turner Johnson, *The Holy War Idea in Western and Islamic Traditions* (Pennsylvania State University Press, 1997), pp. 10–13.

[38] For example, *Jihad* of the heart (moral reformation), of the tongue (spreading the words of God), and of the hand (action according to God's will). See Johnson, *The Holy War Idea*, p. 19.

explained away by rulers and the religious scholars that supported them, only to be invoked again by fundamentalist Muslim scholars such as Sayyd Qutb. Moreover, in classical Islam, the *Caliph*, being both religious and political leader, had the authority to call for *Jihad*,[39] but later the religious authority of the ruler diminished. This, in turn, left the *Ulama'* the religious authority, but made the religious establishment dependent on the ruler. As long as the ruler exerted dominance over the clerics, there was no contradiction between the religious 'holy war' and the state reason; but when clerics decide to call for a 'holy war' based on their independent judgment, the balance between the state and religious authority erodes and concomitantly the leader's discretion in decisions of war.

Note that state logic and religious logic sometimes converge when a state defines itself as a religious state. This takes place to different degrees: some states equate religious law with state law and confer the highest authority to clerics (for example, Iran and the Taliban's Afghanistan). Others, such as Israel, Egypt, and Jordan, claim religious identification but keep the connection between state and religion limited: authority and control over the citizens is in non-religious hands; the state does not adopt the whole religious codex; and religion and its clerics do not enjoy superior status. In many cases, clerics are subordinate to the state authority and the government nominates or approves the main clerical positions.

Thus, a confrontation between state logic and religious logic represents a possible erosion of the IS. Usually, the inherent tension is contained and both elements manage to accommodate each other. This, however, is not the case with religious-based terrorist groups, which inherently challenge states' sovereignty. Yet, even religious terror groups vary. Different organisations represent different types of threats based on the means they employ and their goals and vision of the state or of the world should they succeed in their struggle. Most religious terror groups confine their attacks to the sovereignty of a specific state. They tolerate the state system or even accept it, focusing instead on influencing the policies of the states in which they live, or on altering the regime and imposing religious rule loyal to the imperatives of the religion (for example, the Palestinian *al-Jihad al-Islami*). In this way, they challenge sovereignty at the first level only, while reifying sovereignty as an organising principle in world politics. On the other side of the continuum, however, are religious terror groups that do not confine their attacks to a specific territory but seek to transform the whole system by creating a new world order based on their religion. Such groups challenge the foundations of the IS.

The distinction in this case might be problematic, because state-based fundamentalist groups might envision a second stage in which they fight to impose their religion over a broader part of the world. Conversely, a group can anchor its claims broadly and call for the transformation of the whole system for strategic reasons, without serious intention to follow through. Declaring a global agenda may help to increase the group's recruiting appeal, or it can assist the group in extracting resources from donors and other terror groups. A group may also formulate a broad agenda with the aim of realising it, but it may later decide to abandon some of its goals for various reasons. After the Islamic revolution in Iran (1979), the new regime tried to spread the revolution. However, the difficulties it encountered and its

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[39] Ibid., p. 91.

responsibilities once in power led to a substantial retreat from this goal. Iran sponsors Islamic terrorism, but more for its own strategic interests. Iran's behaviour and its meaning are still disputed, but it appears, to a large extent, consistent with the principles of the state system. Therefore, studying the ideological programmes of various groups and their willingness to invest substantial efforts in pursuing that broader goal would be crucial for identifying their nature.

It is important to clarify that religious extremists who wish to impose religious order exist in all religions,[40] but evidently, religious terrorism looms larger in Muslim societies. There is nothing inherent in Islam that explains the growing phenomenon of religious extremism in the Muslim world, most of which does not adopt extremism and fighting in the name of religion. One might argue that the conflation of state and religion in Islam is conducive to religious-oriented politics that takes a violent form when frustrated. To strengthen the argument, one could compare the relation between state and religion in Islam and in Christianity and argue that their entanglement in Islam is conducive to the growth of violent political Islam; whereas the separation of church and state in Christianity (at least since the establishment of the state system), and the self-restraint Christianity exerts with regard to the spheres of jurisdiction (quarantined mainly in the personal sphere), has reduced religious zeal regarding the state's identity and policies. The relation between state and religion in Islam is controversial: many scholars and religious figures argue that state and religion are indeed conflated,[41] while others argue that 'Islam is political only in the sense of providing the ethics for governing but not the technical instructions for establishing a government in an "Islamic state"'.[42] Needless to say, for Islamic fundamentalists the answer is clear: there can be no separation between religion and the state. Furthermore, for them, Islam requires absolutist universalism: a vision of a worldwide order based on Islam.

An explanation for the appeal of religious terrorism in the Muslim world should, therefore, be supplemented by factors outside religion, in particular the environment in which fundamentalism emerged. As Bassam Tibi argues, the state-system was imposed on the Muslim world by Western states; but the norms and values that serve as the foundation for this system failed to take root, and the prevailing worldview remained religious and not secular. Under these circumstances, it is not surprising that the crisis of the nation-state in that part of the world led to falling back on religious ideology by default.[43] The bottom line, then, is that while the case examined engages with one Muslim group, the theoretical framework is compatible with religious terrorism originating from other religions as well.

Al Qaeda's two-level challenge

Marking one year from the attack on the US, Al Qaeda published a book discussing the context of the attack, its goals, implications and consequences. In the book the

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[40] See Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence* (Berkeley, CA: University of California Press, 2000).

[41] For example, Johnson, *The Holy War Idea*, pp. 16–17.

[42] For example, Bassam Tibi, *The Challenge of Fundamentalism: Political Islam and the New World Disorder* (Berkeley, CA: University of California Press, 1998), p. 166.

[43] Ibid., pp. 82–137.

network's spokesmen made four demands, calling on the US to: (1) Stop any form of assistance to Israel; (2) Lift the 'siege' on all Muslim peoples, and first of all the Iraqi people; (3) Evacuate all US forces from all Muslim lands and in particular from the 'land of the Holy Places', that is, Saudi Arabia; and (4) End its support for the regimes that oppress the Muslim peoples.[44]

How should we understand such demands, and what do they tell us about the challenge from Al Qaeda? The relations between Al Qaeda and sovereignty and the IS are myriad and complex. Al Qaeda challenges both. However, sometimes its challenge to the sovereignty of specific states may reinforce sovereignty as an organising principle, thus strengthening the principal foundations of the IS. Furthermore, the network's attacks may provoke state responses that strengthen both sovereignty and the society of states. For reasons of space, I will focus only on Al Qaeda's challenge to sovereignty and the society of states. The effects of these challenges, especially those stemming from states' responses, will have to await further research.

Al Qaeda's challenge to states' sovereignty

At the first level, challenge to sovereignty is manifested by grudges, demands, and actions directed against specific state actors. A substantial part of Bin Laden's anger is directed at the Arab regimes, whom he accuses of corruption, claiming that they are occupied with accumulating wealth for themselves while neglecting their people. In their pursuit of wealth, those regimes rely on three institutions – the security services, the media, and the *Ulama'* (the clerical elite) – who assist in the maintenance of order. But domestic control mechanisms, bin Laden argues, were not sufficient to maintain the regimes' control, causing the Gulf countries to turn to non-Muslim countries for assistance.[45]

The Saudi regime is a prime target for bin Laden's criticism. It is therefore worth examining this criticism at length. Bin Laden indicts the regime for negligence of the social services and the state's infrastructure; for the ill-preparation of the military; and for assisting the kingdom's enemies in their acts against Muslims. According to bin Laden, instead of pursuing a genuine Islamic foreign policy, Saudi Arabia is attached to the American outlook (and before, the British outlook), which bears the greatest enmity to Islam. All these accusations lead to the conclusion that the regime is committing a crime against Islam.[46]

Bin Laden attributes the deteriorating Saudi economic situation to the rulers' corruption and 'sinful behavior' (influential princes, he argues, compete for personal gain and self-interest, ignoring the needs of the country). Furthermore, the elites have failed to undertake an independent oil policy, and instead have subordinated this precious resource to the needs of the US economy, agreeing to expensive and

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[44] *The September 11 Raid: a Comprehensive Understanding of the Event that Shocked the World* (in Arabic), The Center for Islamic Studies and Issues, September 2002.

[45] Osama Bin Laden, *Declaration of War against the Americans Occupying the Land of the Two Holy Places*. Publshed in *al Quds al Arabi*, 23 August 1996.

[46] Interview with bin Laden, conducted by Peter Arnett of the CNN, March 1997.

counterproductive weapon purchases from the US at the expense of the Saudi economy.[47] Religiously, the Saudi regime abandoned the 'true way of God'. It suspended Islamic law and replaced it with 'man-made law'. In bin Laden's view, the ruling elite represents itself as religious only in order to gain legitimacy.[48] It has installed weak figures that will yield to its wishes, including issuing a *Fatwah* (religious edict) that approves the Israeli-Palestinian peace process, thus facilitating 'the hand over of Palestine to the Jews',[49] and another that permitted the presence of American forces in the kingdom. At the same time the regime refused to meet the criticism of the 'truthful *Ulama'* and the righteous youths', instead acting against them and even imprisoning some of these *Ulama'*.[50]

Under these circumstances the turn to force is imperative, but at least until the Riyadh bombing (May 2003), bin Laden appeared self-deterred from a direct assault on the Saudi regime which may lead to a civil war. Instead, bin Laden called for an assault on what he sees as the root of the problem: the 'Zionist-Crusader alliance' headed by the US.[51] The US is the power that stands behind the Saudi regime and is responsible for the regime's betrayal of its responsibilities to Islam and the Muslim nation.[52] The fall of the US will solve the Arab regimes' problem: 'Russia was the head of the communist bloc. With the disintegration of Russia communism withered away in Eastern Europe. Similarly, if the US is beheaded the Arab kingdoms will wither away.'[53]

For a long period the American military presence on Saudi soil appeared most bothersome to bin Laden, especially once the war with Iraq, the justification for this presence, ended in 1991.[54] As he explains: 'the country of the Two Holy Places has in our religion a peculiarity of its own over the other Muslim countries. In our religion, it is not permissible for any non-Muslim to stay in our country.'[55] Following the 2003 Iraq war, the US evacuated most of its facilities in Saudi Arabia, but a small number of military personnel and a much larger number of Western workers remain in the kingdom. Al Qaeda will not be satisfied with less than a complete evacuation of non-Muslim Westerners. Moreover, the perception of occupation will stay intact as long as the US is perceived to have strong influence on Saudi policies.

The US presence in Arabia reflects, in bin Laden's view, the escalation of the US 'campaign against the Muslim world' after the Cold War. In his view, the US is

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47 Bin Laden, *Declaration of War*.
48 'The New Powder Keg in the Middle East', *Nida'ul Islam*, 15 (October-November, 1996).
49 Bin Laden even issued two special communiqués in which he explained why the *Fatwah* that sanctioned the peace process is invalid. See Mamoun Fandy, *Saudi Arabia and the Politics of Dissent* (New York: St. Martin's Press, 1999), pp. 187–9.
50 'The New Powder Keg in the Middle East'.
51 Bin Laden, *Declaration of War*.
52 Interview with CNN, March 1997.
53 From an interview with bin Laden held on 18 March 1997. Quoted in Simon Reeve, *The New Jackals: Ramzi Yousef, Osama bin Laden and the Future of Terrorism* (Boston, MA: Northeastern University Press, 1999), p. 262.
54 Bin Laden was furious when Saudi Arabia allowed the US to deploy its forces in the kingdom after Iraq's invasion of Kuwait. He even offered to deploy his loyalists from among the 'Arab Afghans' so that the Saudis would not need the non-Muslim forces. Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (New Haven, CT: Yale University Press, 2000), p. 133; Reeve, *The New Jackals*, p. 171.
55 Interview with CNN, March 1997.

trying to eradicate Islam in its entirety. He provides further 'evidence' for this 'conspiracy', such as the US policy toward Iraq and its culmination in two wars and the occupation of the country. The US-led UN humanitarian intervention in Somalia becomes an American conspiracy to control Muslims in the Horn of Africa; the 1990s international weapons embargo on the Balkan states becomes an intended withholding of arms from the Muslims of Bosnia, leaving them prey to the 'Christian Serbians'. Even the atomic bombing of Japan in 1945 is enlisted as an illustration of 'American terrorism'.[56] One could read these accusations as evidence that bin Laden accepts the current state-based system. The target of his accusations is the US, which allegedly looks at others through religious rather than national lenses. Furthermore, it also appears that Al Qaeda's use of religious symbols is at least partly strategic. It allows the network to appeal to a broader audience and to provoke a strong emotional response. Both are significant if Al Qaeda wants to confront such a preponderance of power.

Much of bin Laden's criticism is directed at specific actors, and many of his grudges could be remedied, in theory at least, through policy adjustments. But to evaluate the challenge one also needs to know Al Qaeda's vision for the future, after the *Mujahideen* emerge victorious. Bin Laden rarely refers to that vision.[57] This ambiguity is in line with Tibi's argument that except for invoking the need for an 'Islamic order' *(Nizam Islami)*, political Islam fails to offer a programme.[58] In fact, as Mark Juergensmeyer claims, the majority of those fighting in the name of religion do not see the end of the struggle in sight. They believe that the war will continue after they are gone, possibly for generations.[59] Details of a future order are rendered, then, less important. In addition, by making future programmes ambiguous, the network is able to sustain the bridge it has built between its global *Jihad* agenda and the more local agendas of most of its affiliates. Consequently, Al Qaeda is better able to use the resources of the broader *Jihadi* movement.

Despite the apparent ambiguity, it can be confidently determined that bin Laden aspires to rejuvenate the Muslim *Umma*; to abolish the unnatural borders that separate the different Muslim states; and to establish one unified religious Muslim community. How the *Umma* will function and even whether bin Laden wishes to restore the institution of the *Khalifat* cannot be inferred with confidence from his declarations. Put this way, it is plausible to argue that Al Qaeda seeks to create a super-state; but such aspirations are not necessarily in conflict with the Westphalian state system. The fact that Bin Laden does not dismiss the continuation of commercial ties between the *Umma* and the Western world seems to support such an interpretation. Bin Laden argues that in the past, the 'Muslim community' traded with other nations in times of peace and even in times of war. In the same vein, oil – the resource of the 'Muslim community' – will still be traded because it is the 'great Islamic wealth and a large economical power essential for the Islamic *Umma*'. For this reason, bin Laden objects to any attack on the oil facilities of Saudi Arabia, viewing it as counterproductive to the *Umma*.[60] However, in contrast to the abuse of

[56] 'The New Powder Keg in the Middle East'.
[57] Fandy, *Saudi Arabia and the Politics of Dissent*, pp. 192–3.
[58] Tibi, *The Challenge of Fundamentalism*.
[59] Juergensmeyer, *Terror in the Mind of God*.
[60] Bin Laden, *Declaration of War*.

this 'Muslim resource' by the Saudi regime, bin Laden promises that in the future, market mechanisms and not US interests will determine oil prices.[61]

Al Qaeda's challenge to the international society

In order to explore the complex relations between Al Qaeda and order in the IS, one should observe Al Qaeda's position and actions toward the fundamental rules and institutions of the IS. More specifically, I will discuss Al Qaeda's conception of sovereignty and its attitude toward International Law and the UN, the organisation that embodies and symbolises the current society of states. I will also examine Al Qaeda's attempts, both direct and indirect, to bring about the breakdown of the system.

Bin Laden's divinely centred picture of the world rejects the state system. His reference group is the Muslim community (the *Umma*) and not a particular country. Indeed, he calls on all Muslims to wage an encompassing *Jihad* that includes religious, economic,[62] and military struggles. Al Qaeda operations transcend territorial borders also. It assists with religious struggles everywhere Muslims live, but it has global reach beyond these arenas, with cells in every continent. Maybe the most symbolic indication of the network's breach of the territorial dimension is its wide use of cyberspace.

Bin Laden hardly mentions the state system, but in the rare cases he has, the connotation has been negative. Nevertheless, the rejection of the state system was based on its practices rather than principles. Thus, bin Laden argues that the West and especially the US has divided the Muslim nation into many independent states to weaken the Muslim community and prevent Muslims from rising to the real challenge, the war against the US. Muslims are pitted against themselves in an attempt to damage human and economic resources, destroy infrastructure, and divide the society. Thus, Muslims should unite because only through collective action can they drive the US out of the Muslim world. The state system is rejected in this formulation because it is the manifestation of an American scheme. The call for unification indicates acceptance of the state system but also a wish to change its structure from within.

One of the main tenets of the society of states is the acceptance of states as the only legitimate authority to use force. Acting independently inside Muslim-populated states, Al Qaeda violates this principle. Furthermore, the attacks on the US preceded the establishment of 'true' Muslim regimes able to repel the US invasion. Hence, the war is not state-led, but rather fought by individual *Mujahideen* and Islamic movements like Al Qaeda.

Bin Laden's concept of sovereignty conflicts in various aspects with the conception of sovereignty as a source of order in the society of states. He argues that the reliance of the Gulf countries on Western support led them, and especially Saudi Arabia,[63] to lose their sovereignty, as seen in the launching of attacks against Iraq

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[61] Interview with CNN, March 1997.
[62] Interview with al-Jazeera, aired 10 June 1999; Bin Laden, *Declaration of War*.
[63] 'The New Powder Keg in the Middle East'.

from some Gulf countries.[64] This understanding of sovereignty might seem question-able, because states are sovereign to grant some rights to other actors without compromising their overall sovereignty. However, compromising one's sovereignty out of submission reduces the legitimacy of such agreements and violates the principle of sovereign equality. Interestingly, in fact bin Laden provides another example of what Krasner termed 'organized hypocrisy'.

But bin Laden's conception of sovereignty is different in other respects too. His conception narrows the authority of leaders of Muslim countries; there are some basic imperatives – such as denying the presence of non-Muslim elements, and especially military forces, on Muslim land – that a Muslim ruler cannot negate. Muslim leaders must maintain the religious purity of their states by resisting any Western presence. Muslim governments are not sovereign to ignore their obligations; 'these countries belong to Islam and not to those rulers'.[65] Domestic opposition to a state's policies is not uncommon, but the negation of legitimacy is usually attributed to lack of popular support or to deficient procedures, rather than to violation of religious imperatives.

In fact, in bin Laden's view the political authority of both Muslim states and 'infidels' to pursue independent foreign policy is restricted. Muslim states are not allowed to pursue foreign policy that conflicts with divine imperatives. But non-Muslim countries are also not sovereign in this regard. US actions are illegitimate and require resistance, that of *Jihad*, whenever they hurt Muslims, even if indirectly. The depiction of the *Jihad* against the US as contingent solely on US policies is misleading. The proclaimed goal of the *Jihad* is to drive the US away from all Muslim countries, but this demand does not refer only to the withdrawal of US forces from the Arabian Peninsula; the US is also required to 'desist from aggressive intervention against Muslims in the whole world'.[66] This encompassing phrase renders a potential exit from this religious war an optical illusion, especially when every American act that has bearing on any Muslim population can and is framed as directed against the 'Muslim community'.

Bin Laden's attitude towards the UN – an important symbol of the IS – is instructive in understanding his view of the society of states. In some aspects it appears that Al Qaeda does not necessarily dismiss the fundamentals of the UN, but rather its practices. In his declarations, bin Laden attempts to unmask the true nature of the UN as a tool that serves the narrow interests of the strong powers while violating the principles on which it was founded. It is therefore the manifest-ation of an unjust international order. Instead of working to achieve its declared goals, the UN has become 'an instrument of crime against Muslims',[67] cooperating with the aggressors, the strong powers, in the suppression of the weak, mainly Muslims; the UN ignores the aggressors' deeds but hastens to convict the weak who try only to defend themselves. It ignores the 'torture' and killings of Muslims in Kashmir and Chechnya, while supporting the US military campaign against innocent people in Afghanistan. The UN also forced the separation of East Timor, a

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[64] Interview with ABCNEWS, December 1998.
[65] Ibid.
[66] Interview with CNN, March 1997.
[67] 'Bin Laden Lashes Out at the UN, US Attacks in Taped Massages', CNN, 3 November 2001.

part of the Islamic World, from Indonesia,[68] and in 1947 decided on the division of Palestine and thus 'surrendered the land of Islam to Jews'.

But Al Qaeda's challenge goes beyond the practices of the institution, rejecting some of its foundations. For example, in our time the authority to recognise sovereignty (which Krasner calls 'international legal sovereignty'[69]) is granted to the states.[70] The ultimate external recognition of sovereignty is a state's admittance to the UN and other organisations. Some states (especially de-colonised states) have even acquired their independence through UN resolutions. Rejection of the authority of states and international organisation to grant recognition and the appeal to a different source of authority represents, then, a challenge to the IS. In bin Laden's view, the recognition power states hold is reduced in *Dar al-Islam* because a territory that was once controlled by Muslims, and especially an Islamic sacred place, cannot become un-Muslim (for example, Spain, East Timor), regardless of states' decisions. Hence, the recognition of Israel's sovereignty is unlawful and a source for his criticism of Saudi Arabia, the Palestinian Authority, and other Arab regimes.[71]

Bin Laden's conception of what constitutes a legitimate state is not external recognition or meeting some 'standards of civilization'. Instead, the source of legitimacy comes from the strict application of God's words. Thus, in the Muslim world, only states like the Taliban's Afghanistan (which received international recognition only from Saudi Arabia, Pakistan, and the UAE) are legitimate. This example is illustrative of the huge distance between prevailing norms of state behaviour in the current IS and in the religiously sanctioned vision of a political entity.

The UN also symbolises the quest for international collective action, the anchoring of foreign policies in international norms, and the appeal for international legitimacy. But bin Laden argues that the search for international legitimacy contradicts, at least with respect to the Arab leaders, the legitimacy and superiority of the *Qur'an* and Islamic law. Furthermore, the norms on which the UN rests are Western and antithetical to Islam. Hence, those who seek the UN's support deny, in bin Laden's opinion, the legitimacy of the *Qur'an*, further evidence of their betrayal of Islam.[72]

International Law is another IS institution that Al Qaeda rejects. According to Al Qaeda, only God is sovereign to create law; man-made law is prohibited because those who create law in fact try to make themselves partners and equals to God.[73] Thus, states do not have the discretion to form domestic law, let alone international law that might be influenced by the laws and norms of the West, which are antithetical to the radical understanding of Islam. In addition, since UN resolutions are a significant source of international law, the rejection of UN authority also implies rejection of international law.

The war on terrorism puts heavy strain on international law. The legal implications of the war, and especially the question of the treatment and rights of terrorists,

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[68] Address of Osama bin Laden, *Al-Jazeera*, 3 November 2001.
[69] Krasner, *Organized Hypocrisy*, pp. 14–20.
[70] Thomson, 'State Sovereignty in International Relations', p. 229.
[71] Fandy, *Saudi Arabia and the Politics of Dissent*, pp. 187–190.
[72] 'This War is Fundamentally Religious', Address of Osama bin Laden, *Al-Jazeera*, 3 November 2001.
[73] Bin Laden, *Declaration of War*.

became a source of conflict between the US and other states and human rights groups. The implications for international law are still unclear. States may fail to reach a consensus; this might undermine the institution, but such an outcome is not inevitable. It might well be the case that the need to adjust international law to the new security environment of the post-11 September world would make it more robust.

Another manifestation of Al Qaeda's challenge is the network's attempts to undermine the public's trust in governments' ability to provide security to their citizens. While the challenges discussed so far were ideological, this challenge concerns the network's activities. Close reading of its ideology and attitude toward the use of weapons that could create mass casualties indicates that the possession of WMD by the network is endangering the IS. The larger the arsenal and the further the group's reach, the bigger the challenge. Bin Laden himself has stated that it is a religious duty for those fighting a *Jihad* to acquire the most effective weapons available, including WMD. Furthermore, 'it would be a sin for Muslims not to try to possess the weapons that would prevent the infidels from inflicting harm on Muslims'.[74] Following India's nuclear tests in 1998, bin Laden called on the Muslim nation in general and Pakistan in particular to prepare for *Jihad*, including a Muslim nuclear bomb.[75] The Muslim nation has at least the same right as Israel and the 'Christian West' to possess nuclear weapons.[76]

These declared intentions were backed up with attempts to acquire WMD. In November 2001, bin Laden even sent deterrence threats to the US and its allies, declaring that he held nuclear and chemical weapons and would use them if the US employed such weapons in their campaign against him.[77] While Western sources do not believe that Al Qaeda possesses the bomb,[78] preventing the acquisition and use of WMD is a major concern for the US and its allies. In fact, analysts and practitioners argue that Al Qaeda is preparing another spectacular attack using WMD.[79]

Although bin Laden argues that the bomb is a deterrence weapon, the credibility of such claims is doubted. First, the use of the bomb for extortion could provide significant payoff. Second, because Al Qaeda does not have a territory-based constituency – authority and control over the Muslim world are still reserved to states – the calculations of deterrence are too uncertain and circumstantial. It is unlikely that the US could retaliate with WMD against a Muslim country just because Al Qaeda has strong popular support in that country. Such retaliation is possible only against countries that actively help and harbour Al Qaeda leaders. In such a case, we are back to interstate relations and to traditional deterrence considerations. Bin Laden himself may be susceptible to self-deterrence, as Al Qaeda's temporary avoidance of direct attacks on the Saudi regime indicates, but unless the network gains a tangible asset it is hard to imagine that a credible threat

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[74] Interview with ABCNEWS, December 1998.

[75] Peter Bergen, *Holy War, Inc., Inside the Secret World of Osama bin Laden* (New York: The Free Press, 2001), p. 100.

[76] Interview with al-Jazeera, 10 June 1999.

[77] Hamid Mir, 'Osama Claims He has Nukes: if the US Uses N-Arms it will Get Some Response', *Dawn*, 10 November 2001.

[78] Webster and Watson, 'Bin Laden's Nuclear Threat', *The Times*, 26 October 2001.

[79] 'Second Report of the US Monitoring Group on Sanctions against Al Qaeda, the Taliban and their Associates and Associated Entities', 1 December 2003.

could be directed against it. Third, bin Laden's ethics of *Jihad*, and the unfolded schemes to use chemical weapons in terror attacks in Europe, suggest that he might use nuclear weapons if and when he has them.

Before 11 September, Al Qaeda did not clearly state what it viewed as legitimate targets. This question is especially significant because the doctrine of *Jihad* forbids the killing of innocents. Nevertheless, through the years there has been a noticeable escalation in the targeting policy of Al Qaeda and its affiliates, shifting from attacks on American military personnel abroad to attacks on American soil and 'soft targets' around the world. This evolution is accompanied by a system of declaratory justifications. In March 1997, bin Laden asserted that the attacks are directed against US military personnel in Saudi Arabia, but that some Muslims might 'react' violently to the 'executions' of children in Iraq.[80] In February 1998, he and his associates issued a *Fatwah* calling the killing of Americans – civilian and military – and their allies a religious duty for every Muslim who can carry it out.[81] In May 1998, he blatantly rejected the separation between military and civilian targets: because the US does not make such a distinction, Muslims can reciprocate. Furthermore, such retaliation might be the only way to stop the US from its wrongdoing.[82]

Following the 11 September attack, bin Laden emphasised the collateral damage formulation: since the US occupies a Muslim territory and uses civilians as human shields, it may be attacked. 'For instance, if bandits barge into a home and hold a child hostage, then the child's father can attack the bandits and in that attack even the child may get hurt'. The attack was not aimed at women and children but at 'America's icons of military and economic power'.[83] Having said that, bin Laden went on to justify the killing of people in that attack, arguing that they were not civilians, but rather were working for the American system, 'which abuses the world'.[84]

Nevertheless, the most common justification for the killing of civilians is that the American people are accountable for their government's policies. Americans choose their government, a choice that stems from accepting its policies. The public elects the Congress, which endorses all government measures; Americans pay taxes that fund the execution of US policies; and the US military is part of the American people.[85] The repetition of this last formula, the abandonment of previous explanations, and the continuous attacks and foiled plans to hit civilians with conventional and chemical weapons reinforce the implication that, if in his possession, bin Laden may use WMD. Al Qaeda's view of the conflict and the evident belief that the sanctity of the objectives justifies any means indicate that Al Qaeda rejects the moral foundations of the WMD taboo. The network's bloody track record only reinforces this conclusion. Bin Laden's attitude toward the death of Muslims during attacks on US targets demonstrates that he values fighting the US over human life. In bin Laden's view, the sacrifice of Muslim lives is a regrettable necessity, because the US

[80] Interview to the CNN, March 1997.
[81] Bin Laden, '*Jihad* against Jews and Crusaders', *Al Quds al Arabi*, 23 February 1998.
[82] Interview with Frontline, May 1998.
[83] Mir, 'Osama Claims He has Nukes', *Dawn*, 10 November 2001.
[84] David Bamber, 'Bin Laden: Yes I did it', T*he Telegraph*, 11 November 2001.
[85] Osama bin Laden, 'Letter to America', *Observer,* 24 November 2002.

uses Muslims as a shield. The sacrifice of these Muslims is outweighed by the harm the US causes the Muslim nation.[86]

The third avenue for challenging the IS is the provocation of the hegemon to a course of action that would undermine the sense of community and shared values and interests among all states. Duran argues that provoking an American over-reaction was an important motive behind the September 11 attack.[87] Many may consider the American response as excessive, but it is still too early to assess whether the alleged overreaction has indeed led to the outcome that Al Qaeda was hoping to create. The evidence at this point suggests that it has not. While anti-American sentiments have reached new heights, the 'Muslim street' did not meet bin Laden's expectations. It has not toppled any Arab regimes, and did not even prevent those countries from cooperating with the US in its war on terrorism. The Muslim street also does not appear eager to face the US in the many *Jihad* arenas, the creation of which it facilitated by the broadening of its military involvement. While objections to American foreign policy and especially to its unilateralist tendencies are quite prevalent, there is no evidence that other states are beginning to balance against the US, or that the other powers are ceasing to cooperate with it in the war on terrorism. If anything, the period after the war in Iraq is characterised by attempts to mend the rift, find common ground, and re-establish cooperation between the US and other powerful members of the international community.

Conclusions

IR literature fails to view the state system as an order which must be defended by its members. The English School conception of the IS – the society of states – is the one exception. The English School acknowledges that one of the most important objectives of the IS is the preservation of the system, and discusses the threat of revolutionary states to the system and the system's response to this challenge. This study complements that work by dealing with the challenge to the system from a specific category of non-state actors: religious terror groups.

Terror organisations inherently challenge states' domestic sovereignty. However, at the same time, most terror organisations, in their quest for statehood, or by forcing states to put their differences aside to cooperate against the threat, reinforce the sovereignty-based IS. This illustrates one complexity of the concept of sovereignty that has not received sufficient attention: that sovereignty can be viewed as a two-layered concept, first as an attribute of an individual state, and second as an organising principle of the international system. And while sovereignty can be violated in the first layer, this same breach can strengthen sovereignty on the second level.

With religious terror groups, the challenge to sovereignty becomes even more complex because the logic that drives them, God's sovereignty, contradicts the logic of the state system. Religion and the society of states have demonstrated their ability

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[86] Interview with ABCNEWS, December 1998.
[87] Michael Duran, 'Somebody Else's Civil War', *Foreign Affairs*, 81:1 (January–February, 2002).

to co-exist. However, when a group relies on religion for the achievement of political goals and wishes to base world order on an encompassing religious ideology, sovereignty comes under attack. Still, this threat has different levels, corresponding to the extent of the group's goals: some try to impose religious order in one specific state and accept the dominance of the state system; others want to transform the whole system, and therefore their challenge is more extensive.

The attack on sovereignty as an organising principle can be seen as one element in the complex relations between religious terror groups and the IS. By examining the links between a violent non-state actor and the fundamental principles and institutions of the IS, I tried to provide a better account of the challenge. I also articulated two specific mechanisms through which a violent non-state actor may undermine the IS: eroding the state-society relationship, and provoking a hegemon to ignore or to try to forcefully alter the agreed-upon rules of the IS. But the outcome of such challenges does not have to be the breakdown of the system. In fact, these challenges could help in the further consolidation and tightening of the IS.

Al Qaeda's ideology not only challenges the sovereignty of specific states, but also brings under attack some of the principles and institutions of the IS. Al Qaeda rejects the authority of states to recognise other states, especially when it comes to 'Muslim land'. The network objects to the UN and international law, two of the principal symbols of today's IS, because they deny, allegedly, the legitimacy of the *Qur'an*. God is the only authority to create laws. Therefore, state laws in Muslim countries are subordinated to God's law, or they are unlawful and heretical. In non-Muslim countries, on the other hand, the minimum required from states' laws and policies is that they will not contradict God's laws. The doctrine of states' monopoly over coercion disappears in bin Laden's worldview, because when God's words are at stake, those who are authorised, and in fact obliged, to use force are God's believers, even if the state apparatus decides to avoid *Jihad*. Finally, Al Qaeda and the order it aspires to impose are transnational and to a large extent de-territorialised. The common denominator among its members is a belief that transcends boundaries. God's true believers should ignore or fight the territorial division of the Muslim world as the unnatural creation of the West. Eventually, Bin Laden's future *Umma* will surpass these borders. Whether that entails the creation of an Islamic super-state that could be socialised to become a member of the society of states cannot be determined with confidence. Al Qaeda envisions a world dominated by Islam. This vision is so remote that it is hardly discussed. But some of bin Laden's comments suggest that the possibility that the Muslim state would be absorbed into the IS cannot be rejected out of hand.

The network's fascination with WMD capabilities is alarming. Al Qaeda is an example of an undeterrable non-state actor. When this characteristic is combined with a view that rejects the taboo against the use of WMD and the belief that such use is useful and morally justified, the threat to the IS is evident. If Al Qaeda undertakes multiple attacks with WMD, the social contract between states and their citizens might erode. As states will have failed to provide their people the most basic right, that of security, a major legitimating factor for the existence of the state will break down. Al Qaeda's ability to promote an alternative order appears limited without any clear and viable programme put forth. At the same time, the IS has been resilient and resolved to eliminate the network. But the increasing ability of non-

state actors to acquire WMD and the growing willingness to use them exposes the current system to the threat of destruction nonetheless. This analysis puts the American attempt to eradicate Al Qaeda in a less selfish light: while acting to defend the interests of the US, the efforts of the Bush administration serve the interests of the IS as well. Therefore, all states should see Al Qaeda and its affiliates as a collective problem and act to address this problem accordingly – with collective efforts. But this analysis also suggests that the US should be careful not to respond to the challenge in a way that would undermine the IS. To confront the fundamentalist threat requires that the hegemon try to achieve wide agreement, leading to the adaptation of the IS to the new security environment. If it fails to do so, the US might find that while it tries to protect the society of states from one challenge, it is undermined by its own behaviour.

The study of the protection of the IS should not stop here. This article raises some interesting questions that deserve scholarly attention. I suggested some connections between the IS and religious terror groups. But students of international politics should now pay close attention to the side of the states. Are states capable of identifying challenges to the IS? What is the process by which they eventually come to accept or reject the claim that such a challenge exists? In what way is the identification of challenges from non-state actors different from the identification of threats from revolutionary or rough states, and how is the recognition of benign challenges different from that of violent ones? Is there any causal relation between the structure of the international system and the identification of challenges to the system? Which great powers' structure is conducive to identifying and confronting such threats? Keeping in mind that self-preservation is every organ's first objective, can a state system that fails to take the required steps to fend off a threat be considered an IS?

The question of states' responses to systemic threats from religious terror groups can also serve as a case study for the necessary conditions for the emergence and existence of an IS. Barry Buzan argued that the emergence of an IS does not require shared culture among the members of that society. Instead, it could be seen from a functional perspective as 'a rational long-term response to the existence of an increasingly dense and interactive international system'.[88] Observing the process by which states work to preserve the system may indicate whether cultural affinity was required to acknowledge the threat and face it, or if the main factor was functional, that is, states who are targeted cooperate to fend off a tangible threat. As this partial list of questions demonstrates, the rumours about the death of the English School were premature: today, even more than in the past, it has a lot to offer to students as well as to practitioners of international relations.

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[88] Barry Buzan, 'From International System to IS: Structural Realism and Regime Theory Meet the English School', *International Organization*, 47:3 (1993), pp. 327–52.