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Keywords

Human Rights Law, States, Women, Law and Society

NO OTHER GODS BEFORE ME: * SPHERES OF INFLUENCE IN THE RELATIONSHIP BETWEEN CHRISTIANITY AND ISLAM

DAVEED GARTENSTEIN-ROSS**

I. INTRODUCTION

The relationship between Christianity and Islam vaulted to great national importance following the September 11, 2001 attacks and the “war on terror” that the United States declared thereafter. Since the attacks, various commentators have attempted to contextualize the role that religion plays in this conflict. For example, Salman Rushdie, in a much-discussed *New York Times* op-ed, declared bluntly that the war in Afghanistan following the September 11th attacks was “about Islam.”¹ On the other hand, the *Toronto Star* editorialized: “That the Sept. 11 hijackers were Arab Muslims says no more than that Timothy McVeigh was Christian or Baruch Goldstein was Jewish.”² But regardless of these differences

* *Exodus* 20:3 (“You shall have no other gods before me.”). Cf. THE MEANING OF THE HOLY QUR’AN 10:66 (Abdullah Yusuf Ali trans., 10th ed. 1999) (“Behold! verily to Allah belong all creatures, in the heavens and on earth. What do they follow who worship as His ‘partners’ other than Allah? They follow nothing but fancy, and they do nothing but lie.”).

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1. Salman Rushdie, *Yes, This Is About Islam*, N.Y. TIMES, Nov. 2, 2001, at A25.

In a similar (although far from identical) vein, a number of books advancing sharp critiques of Islam were published following the September 11 attacks. See, e.g., ERGUN CANER & EMIR CANER, UNVEILING ISLAM: AN INSIDER’S LOOK AT MUSLIM LIFE AND BELIEFS (2002); MARK A. GABRIEL, ISLAM AND TERRORISM: WHAT THE QURAN REALLY TEACHES ABOUT CHRISTIANITY, VIOLENCE, AND THE GOALS OF THE ISLAMIC JIHAD (2002); ROBERT SPENCER, ISLAM UNVEILED: DISTURBING QUESTIONS ABOUT THE WORLD’S FASTEST GROWING FAITH (2002).

2. *It’s Folly to Blame Islam for Hatred, Fanaticism*, TORONTO STAR, Dec. 9, 2001, at A13; see also Scott Alexander, *Inalienable Rights?: Muslims in the U.S. Since September 11th*, 7 J. ISLAMIC L. & CULTURE 103, 124 (2002) (“I cannot help but ask how, on the level of rhetoric, these popular Christian preachers [who have been severely critical of Islam] are any different than an Osama bin Laden?”).

Whether McVeigh actually considered himself to be Christian—as the *Toronto Star’s* quote suggests—is, at the very least, debatable. See Maggie Gallagher, *Timothy McVeigh, Christian Terrorist*, TOWNHALL.COM, Oct. 28, 2002, at <http://www.townhall.com/columnists/maggiiegallagher/mg20021028.shtml> (arguing that the notion of “Timothy McVeigh, Christian terrorist” is a “patent falsehood” in light of the fact that Jesus made no

between commentators, virtually nobody would argue that religion is simply irrelevant to the war on terror. Whether it is expressed through fears that combat on Islamic soil will inflame the Muslim street³ or concern about the influx of Christian missionaries that have tended to follow such military operations,⁴ virtually all observers agree that religion is a significant factor in this conflict.

Without a proper appreciation of both Muslim religious sensibilities and the manner in which the West is perceived by that faith's adherents, policymakers do indeed risk exacerbating extant problems, by, for example, increasing public sympathy for terrorists within the Islamic world. Thus, this article describes a powerful strain of thought that has historically existed within both Christianity and Islam, and that continues to guide a significant number of both faiths' adherents today. This strain of thought holds that both religions possess distinct geographical "spheres of influence," in the same way that nation-states are thought to possess their own spheres of influence.⁵ Thus, Christians whose worldviews are shaped by this concept will be very concerned about perceived encroachments into the "Christian West," while Muslims who share this perspective will be worried about the erosion of Islam's power within the "Islamic world."

The notion that Christianity and Islam possess distinct geographical spheres of influence is by no means universally held by Christians and Muslims. However, a large number of adherents to both faiths conceptualize their religion as possessing a geographical sphere of influence. Moreover, the believers who hold this view tend to wield disproportionate influence within both faiths.⁶ This view thus merits our attention, since even small, committed groups of believers have often heavily influenced the course that Christianity and Islam have followed.⁷ A framework for understanding the interactions between the Christian world and Muslim world that takes into account this perception of religious spheres of influence can thus help to reduce the potential for conflict between the two faiths.

appearance in McVeigh's rhetoric, McVeigh "had no firm convictions about an afterlife," and McVeigh was described as "an avowed agnostic' whose sudden last-minute decision to see a Catholic priest just before his execution surprised everyone who knew him").

3. See, e.g., Rajan Menon, *Why Russia Says 'Nyet' to the U.S.*, CHI. TRIB., Mar. 12, 2003, at 23C ("An American war against Iraq followed by a prolonged occupation could inflame the Muslim world.").

4. See, e.g., Chandra Muzaffar, *Evangelising the World*, NEW STRAITS TIMES (Malaysia), July 21, 2003, at 10; David Van Biema, *Missionaries Under Cover*, TIME, June 30, 2003, at 36.

5. See *infra* Part II.A.

6. Their influence is magnified by the fact that they tend to be more religiously inclined—often including acknowledged leaders of both religions—and hence more likely to lobby the state or undertake independent action on their faith's behalf.

7. Examples of this phenomenon include the Reformation, wherein a small group of thinkers led a major theological revolution within Christianity, see OWEN CHADWICK, *THE REFORMATION* (1964); the rise of Wahhabism, which was made possible by the alliance between the theologian Muhammad ibn Abdul Wahhab and the political leader Muhammad ibn Saud, see DORE GOLD, *HATRED'S KINGDOM: HOW SAUDI ARABIA SUPPORTS THE NEW GLOBAL TERRORISM* 17-21 (2003); and the life of Sayyid Qutb, whose life and writings "inspired many of the radical Islamic movements of the 1970s and 1980s." Hamid M. Khan, Note, *Nothing is Written: Fundamentalism, Revivalism, Reformism and the Fate of Islamic Law*, 24 MICH. J. INT'L L. 273, 308 (2002).

The spheres of influence concept is usually identified with both realist and neorealist theories of international relations (IR), which argue that nation-states seek to maximize their power.⁸ The *perception* of Christians and Muslims who believe that their faith possesses a geographic sphere of influence mirrors the predictions of realist IR theories; these adherents view their faith as operating in a manner similar to the nation-state, with the religion's power waxing or waning in relation to a variety of competitors. Indeed, they may view their religion as a more vital and more legitimate actor than the nation-state.⁹ However, this article employs liberal IR theory to examine how this perception of religious spheres of influence affects the way that individuals and states behave internationally. In contrast to realism, the liberal theory of international relations places greater emphasis on state-society relations than on the structural relationship between nation-states.¹⁰

Although realist theory holds that spheres of influence are only one strategy among many that nation-states may employ to expand their power, Christians and Muslims who believe that their faith possesses a geographic component view spheres of influence as far more important to their religion than to nation-states. Such believers perceive spheres of influence as an essential strategy. In part, they think spheres of influence are important for reasons rooted in the history and doctrines of both faiths,¹¹ but there is also a structural reason for this view. This structural reason derives from the facts that while religions may be powerful elements within the state—and while some religions may even deny that any separation should exist between the state and the faith¹²—religions are not themselves coterminous with the nation-state. Instead, both Christianity and Islam are today forced to vie for power within the state. The spheres of influence strategy provides the nation-state a reason to act on the dominant religion's behalf and also generates pressure from the faithful demanding that the state do so.¹³

8. See JOHN T. ROURKE, *INTERNATIONAL POLITICS ON THE WORLD STAGE* 17-18 (7th ed. 1999); see also *infra* Part II.B.1.a (discussing realist IR theories).

9. See *infra* note 103 and accompanying text.

10. See *infra* Part II.B.1.b (explaining liberal theory).

11. See *infra* Parts III.A and IV.A.

12. See Donna E. Arzt, *Religious Human Rights in Muslim States of the Middle East and North Africa*, 10 EMORY INT'L L. REV. 139, 143 (1996) ("There is no separation of 'mosque and state' in Islam."); see also *infra* note 103 and accompanying text.

13. This structural reason for reliance on spheres of influence raises the obvious question of whether adherents to other major world religions also perceive their faiths as possessing geographic spheres of influence. Some evidence suggests that this perception of spheres of influence may indeed extend to other religions.

For example, the recent wave of brutal attacks on missionaries in India suggests that some Hindus may believe that Christianity is invading their faith's sphere of influence. See generally Marion Lloyd, *Fear and Violence Stalk Christians and Muslims in India*, HOUSTON CHRON., Sept. 8, 1999, at A13 (describing the rape of several nuns, as well as an incident in which fifteen men barged into a church and murdered a Roman Catholic priest); Paul Marshall, *Hinduism and Terror*, FIRST THINGS, June 1, 2004, at 10 ("In the past decade, extremist Hindus have increased their attacks on Christians, until there are now several hundred per year."); Alessandra Stanley, *Pope Tells India His Church Has a Right to Evangelize*, N.Y. TIMES, Nov. 8, 1999, at A3 ("Anti-Christian attacks by Hindu fundamentalists, often encouraged by political extremists, have increased dramatically in the last two years, with more than

Both Christianity and Islam enjoy religious primacy within their perceived spheres of influence. Many adherents to both faiths seek to expand these spheres of influence while simultaneously preventing competitors from gaining a foothold within them. One way these adherents attempt to expand their religions' spheres of influence is through aggressive proselytism.¹⁴ Also, both religions often employ the coercive power of the state to increase their power and inhibit competitors'

150 recorded incidents of church lootings, beatings, rapes and killings.”).

Most Buddhist states impose limitations on minority faiths within their borders, sometimes in a dramatic fashion. In Bhutan, both proselytism by citizens of non-Buddhist faiths and also religious conversions are prohibited. DEP'T OF STATE, ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM 2001 at 507 (2001) [hereinafter REPORT ON RELIGIOUS FREEDOM]. Dissidents have also reported that “Buddhist religious teaching . . . is permitted in schools; however, the teaching of other religious traditions is not.” *Id.* at 508. In Burma, governmental authorities prohibit Christian proselytism in some areas, and in one instance “clergy were beaten to discourage proselytizing.” *Id.* at 115. Christian groups have also experienced “increasing difficulties in obtaining permission to build new churches,” and are not legally allowed to import translations of the Bible into indigenous languages. *Id.* at 115-16. Burmese Muslims face even greater restrictions, as they “report that they essentially are banned from constructing any new mosques anywhere in the country.” *Id.* at 113. The Burmese government has gone so far as establishing “Muslim-free zones” where no Muslims are permitted to live and mosques have been destroyed. *Id.* at 118. In Laos, foreigners are legally prohibited from proselytizing, and religious conversions are also prohibited in certain localities. *Id.* at 173. The Laotian government has also arrested a number of adherents to minority faiths for their religious activities. *Id.* at 175; see also NINA SHEA, IN THE LION'S DEN: A SHOCKING ACCOUNT OF PERSECUTION AND MARTYRDOM OF CHRISTIANS TODAY & HOW WE SHOULD RESPOND 84 (1997) (explaining that a Protestant pastor was imprisoned on charges of “showing a video without permission, ‘causing division,’ and illegally ‘spreading his faith’”). The Laotian government has explicitly criticized Christianity as “a Western or imperialist ‘import’ into the country,” REPORT ON RELIGIOUS FREEDOM, *supra*, at 174, thus suggesting that the government may view attempts at propagating Christianity as an intrusion on a perceived Buddhist “sphere of influence.”

Similarly, the Jewish nature of the State of Israel is codified in its laws. See Declaration on the Establishment of the State of Israel, 1948, 1 L.S.I. 3, 4, (1948) (providing for “the establishment of a Jewish State in Eretz-Israel [the Land of Israel]”); Basic Law: The Knesset (Amendment No. 9), 39 L.S.I. 216 (1984-85) (providing that a candidates’ list cannot participate in Knesset elections if one of its objects is “negation of the existence of the State of Israel as the State of the Jewish people”). One commentator has noted that Israel’s Jewish character is also demonstrated by “the fact that the Sabbath and the Jewish holidays have been declared to be the official days of rest for the majority of the population, that the flag and emblem express Jewish tradition, and that the army has to provide only Kosher food to its soldiers.” Ruth Lapidoth, *Freedom of Religion and of Conscience in Israel*, 47 CATH. U.L. REV. 441, 443 (1998).

However, one area where other major world religions differ from Christianity and Islam is proselytism. Christianity and Islam are both firmly committed to expanding their spheres of influence through proselytism. See J. Paul Martin, *Christianity and Islam: Lessons from Africa*, 1998 B.Y.U. L. REV. 401, 402 (1998); see also *infra* Parts III and IV. The other major world religions are generally non-evangelical. See Garrett Epps, *What We Talk About When We Talk About Free Exercise*, 30 ARIZ. ST. L.J. 563, 572 n.35 (1998) (“Jews do not proselytize or seek converts among the Gentiles.”); Kinji Kanazawa, *Being a Buddhist and a Lawyer*, 66 FORDHAM L. REV. 1171, 1171 (1998) (“Buddhism is not an evangelical or apostolic creed; it does not seek followers, yet it encourages anyone who would follow the path to enlightenment.”); Ruti Teitel, *A Critique of Religion as Politics in the Public Sphere*, 78 CORNELL L. REV. 747, 810 n.272 (noting “Hinduism’s prominent ethos against evangelizing”). The question of whether adherents to other major world religions also believe that their faiths possess geographic spheres of influence may be a fruitful subject for future research.

14. See *infra* Parts III.A.4, III.B.3, IV.A.1, IV.B.1.

growth (although in the contemporary context, this is done more frequently and more dramatically in the Islamic world). Individual adherents to the dominant religion may simultaneously attempt to discourage competitors' growth independent of the state's policies. In their extreme form, these efforts may result in religiously motivated violence, but such efforts are not always so sinister.

The main competitors that Christianity and Islam face within their perceived spheres of influence today are other faiths, secularism, and certain sects within the same religion. Despite this variegated competition, Christians who believe in a Christian sphere of influence are especially wary of Islam, while Muslims who believe in an Islamic sphere of influence are especially wary of Christianity. This mutual suspicion stems both from the faiths' historical relationship and also from the fact that, in the words of R. Albert Mohler, president of the Southern Baptist Theological Seminary, they are "major competitors... for the convictions and the souls of human beings around the world."¹⁵ Indeed, while Christianity is the world's largest faith,¹⁶ Islam is acknowledged to be one of the world's fastest growing religions.¹⁷

Part II explains the concept of spheres of influence. Thereafter, Parts III and IV illuminate the perception held by a significant number of Muslims and Christians that their faiths possess geographic spheres of influence, as well as the historical and contemporary strategies that adherents to both religions have employed to preserve and expand these spheres.¹⁸

Finally, this article concludes by discussing the predictive value of applying the spheres of influence concept to the relationship between Christianity and Islam, and by suggesting policy prescriptions that follow from the concept's application. If Western policymakers are sensitive to the widespread perception in the Muslim world that the Islamic faith possesses a geographical sphere of influence, and if they are aware of the potential for their own actions to be perceived as attempts to extend the Christian sphere of influence, then they should be able to reduce the

15. R. Albert Mohler, *quoted in R. Albert Mohler Discusses His Support for Allowing Christian Evangelist Missionaries to Proselytize in Iraq*, FRESH AIR, May 5, 2003 (NPR), LEXIS, News Library, News Group File.

16. Christianity claims about two billion adherents. *See, e.g., Amy Lee, Iraq Echoes Easter Theme; Situation Mirrors Biblical Rebirth*, DETROIT NEWS, Apr. 20, 2003, at 1C; *Visual Bible International Begins Filming the Gospel of John*, BUS. WIRE, Jan. 27, 2003, at LEXIS, News Library, News Group File.

17. Islam is often described as the world's fastest-growing faith. *See, e.g., The Gods That Failed*, ECONOMIST, Sept. 13, 2003, LEXIS, News Library, News Group File; Michael Pakenham, *Gregorian Succinctly Explores the Global Complexity of Islam*, BALT. SUN, June 15, 2003, at 11F; Steven Simon, *The New Terrorism: Securing the Nation Against a Messianic Foe*, BROOKINGS REV., Jan. 1, 2003, at 21. However, some controversy exists about whether Islam or Christianity is actually growing more rapidly. *See PHILIP JENKINS, THE NEXT CHRISTENDOM: THE COMING OF GLOBAL CHRISTIANITY 5-6 (2002)* (arguing that Christianity is, in fact, the world's fastest-growing religion).

18. My goal in writing this article is not to engage theological controversies within either Christianity or Islam. While some authors writing about the darker moments in the history of both faiths have attempted to distinguish the religions' "true" doctrines from the manner in which the faiths have been manipulated, I am content to leave this analysis to theologians. Instead, I am concerned with how adherents to these religions have behaved—and continue to behave—in practice.

potential for their pursuit of the war on terror—as well as other actions that they take within the perceived Muslim sphere of influence—to result in more recruits to the terrorists' cause.

II. FRAMEWORK

This Part describes the “spheres of influence” framework. Part II.A defines and discusses the spheres of influence concept in the context of the nation-state because this is the context in which scholars have traditionally understood and developed the concept. Part II.B then discusses how the idea of spheres of influence can help to produce a better understanding of the relations between Christianity and Islam.

A. Nation-States' Use of Spheres of Influence

1. Early Use of Spheres of Influence

A “sphere of influence” is a geographic area within which a dominant state exerts its power and attempts to exclude other states outside the region from doing so.¹⁹ A state's sphere of influence will, of course, include the territory within its own borders. But, in addition, a state's sphere of influence will typically include an area beyond its borders. This area may be large or small. It may be one that the state firmly controls and from which the state successfully excludes competing states, or it may be a sort of buffer zone or disputed frontier area in which a state struggles with other states for influence or supremacy. A state's sphere of influence is like a set of concentric circles, the innermost being the state's own territory, often followed by geographic areas that are outside of the state but that the state controls (through allegiances, agreements, or even brute force), and ending with the outermost circle, which includes contested regions overlapping with the outermost spheres of another state (or states). The outermost circles, where states' spheres overlap, are where inter-state conflicts commonly emerge.

The term “spheres of influence” describes more than just geographic areas, however. It also describes a strategy that has been used since the advent of the nation-state. The strategic concept of “spheres of influence” refers to the method by which states define, defend, and expand territory under their control, while attempting to undermine competing states' attempts to do the same. They employ this strategy in order to maintain their security or increase their power. States may establish tacit spheres of influence by exerting military or economic might within a less powerful region, or merely by announcing their intent to do so. States may formally establish spheres of influence through agreements, either between the more powerful state and the less powerful state within its sphere, or between two powerful states that agree not to interfere in each others' spheres of influence. Such agreements may be consensual or coercive.²⁰ It is this sense of the term—

19. Henry Kissinger, for example, has described “spheres of influence” as assigning “preponderant influence over large regions to specific powers.” HENRY KISSINGER, *DIPLOMACY* 40-41 (1994).

20. For a description of how spheres of influence may be established by core states with the consent of peripheral states, see Charles A. Kupchan, *After Pax Americana: Benign Power, Regional Integration, and the Sources of a Stable Multipolarity*, INT'L SEC., Fall 1998, at 42 (describing the

spheres of influence as a strategy—that is central to this article’s analysis of the relations between Christianity and Islam.

In the United States, perhaps the earliest explicit manifestation of the spheres of influence strategy was the Monroe Doctrine—President Monroe’s famous decision in 1823 to exclude European powers from the Western Hemisphere. The traditional realist view of this doctrine is that it “arose from the attempt of the Holy Alliance—composed of Prussia, Russia, and Austria—to suppress the revolution in Spain in the 1820s.”²¹ The United States, fearing that the Holy Alliance’s intervention in Spain would spill over into intervention in Spain’s colonies in Latin America, responded with a policy designed to exclude European colonialism from the Americas.²² The Monroe Doctrine moved American foreign policy from merely opposing American intervention in struggles in Europe to opposing European intervention in the Americas.²³ It defined the United States’ sphere of influence as encompassing all of the Western Hemisphere.

“For the greater part of American history,” the Monroe Doctrine defined “the American national interest.”²⁴ After defining its sphere of influence, the United States exerted its power to defend and enlarge this sphere of influence by keeping other states out. For example, Henry Kissinger describes President Polk’s 1845 incorporation of Texas into the United States and President Andrew Johnson’s 1868 purchase of Alaska as preemptive efforts by the United States to defend its sphere of influence against even the possibility of an outside threat.²⁵ By the early 1900s, the United States had gone so far as to proclaim its sovereignty over virtually all of North America and had strongly encouraged, if not forced, even Great Britain to abandon its role there.²⁶ The Monroe Doctrine was alive and well in 1919, when President Wilson unhesitatingly cited it as a focal point of the new international order that he envisioned.²⁷ And in 1939, soon after the Nazi occupation of Prague, President Franklin D. Roosevelt argued that “the continued political, economic and social independence of every small nation in the world does have an effect on our national safety and prosperity. Each one that disappears weakens our national safety and prosperity.”²⁸ Although the United States did not act on this articulated principle until after the Japanese bombing of Pearl Harbor, President Roosevelt’s reasoning was an aggressive application of the spheres of

concept of “benign unipolarity”).

21. KISSINGER, *supra* note 19, at 35. For the view held by liberal IR theorists, see *infra* notes 74-76 and accompanying text.

22. *Id.*

23. Message of President Monroe to Congress, December 2, 1823, in THE RECORD OF AMERICAN DIPLOMACY 182 (Ruhl J. Bartlett ed., 1954); see also Captain Davis Brown, *The Role of Regional Organizations in Stopping Civil Wars*, 41 A.F. L. REV. 235, 238 (1997).

24. KISSINGER, *supra* note 19, at 812-13.

25. *Id.* at 36-37.

26. As an example of spheres of influence at work in the early twentieth century, Kissinger cites President Theodore Roosevelt’s understanding that the United States was to exert its influence in the Western Hemisphere and that Great Britain was to do the same on the Indian subcontinent. *Id.* at 40-41.

27. *Id.* at 235.

28. *Id.* at 383 (quoting FRANKLIN D. ROOSEVELT, 13 COMPLETE PRESIDENTIAL PRESS CONFERENCES OF FRANKLIN DELANO ROOSEVELT 262 (1939)).

influence paradigm: America, in order to defend its sphere, will defend smaller countries to prevent the emergence of threats to its core territory.

The United States is not the only country to adopt the spheres of influence paradigm. Kissinger observes, for example, that Russia had, for two hundred years before Stalin arrived on the scene, continuously attempted to resolve disputes with its neighbors

bilaterally rather than at international conferences. Neither Alexander I in the 1820s, Nicholas I thirty years later, nor Alexander II in 1878 understood why Great Britain insisted on interposing itself between Russia and Turkey. In these and subsequent instances, Russian leaders took the position that they were entitled to a free hand in dealing with their neighbors.²⁹

2. The Cold War

The Cold War, and the strategy of containment that accompanied it, was the most vivid realization of the spheres of influence concept.³⁰ For approximately forty years, the United States and Soviet Union each defined a sphere of influence, defended it primarily against intrusion by the other, and attempted to enlarge it at the expense of the other.³¹ Just as the Soviet Union viewed the United States as inherently and ideologically expansive,³² the United States viewed the Soviet Union in the same way, understanding the world as one of zero-sum competition in which any gain for the Soviets was a loss for the Americans.³³

As a result of both countries' perceptions that the other power posed a substantial threat, bipolar competition between the United States and Soviet Union was intense during the Cold War. This competition resulted in a virtual dividing of the planet into either part of the United States' sphere of influence, part of the Soviet Union's sphere, or in some instances neutral or nonaligned blocks. Samuel Huntington describes this period: "For the forty years of the Cold War, conflict permeated downward as the superpowers attempted to recruit allies and partners and to subvert, convert, or neutralize the allies and partners of the other

29. *Id.* at 432.

30. The strategy of containment was first proposed by George Kennan, writing pseudonymously as "X." See George F. Kennan, writing as "X" in *The Sources of Soviet Conduct*, 25 FOREIGN AFF. 566 (July 1947). Kennan warned of Soviet expansionism, and wrote that the United States' proper response "was to conduct a long-term, patient but firm and vigilant containment of Russian expansive tendencies until either the break up or the gradual mellowing of Soviet power." *Id.*

31. See James B. Steinberg, *Policy and Principles: The Clinton Administration's Approach*, 19 FORDHAM INT'L L.J. 1340, 1341 (1996) (noting that the idea of containment "set the direction for more than forty years of U.S. foreign policy"); Michael Hahn, Book Review, 3 GEO. PUBLIC POL'Y REV. 209, 209 (1998) (reviewing RICHARD HAASS, *THE RELUCTANT SHERIFF: THE UNITED STATES AFTER THE COLD WAR* (1997)).

32. See HENRY A. KISSINGER, *NUCLEAR WEAPONS AND FOREIGN POLICY* 51-52 (abridged ed. 1958) (explaining that, because the Soviet Union viewed conflict between capitalist and Communist countries as inevitable, "[c]onciliatory American statements will . . . appear to Soviet leaders either as hypocrisy or stupidity, ignorance or propaganda").

33. *Id.* at 3 ("Because harmony between different social systems is explicitly rejected by Soviet doctrine, the renunciation of force will create a vacuum into which the Soviet leadership can move with impunity.").

superpower.”³⁴ The United States, for example, announced the Truman Doctrine—a policy, modeled on the Monroe Doctrine and intellectually rooted in the spheres of influence paradigm, of allying with and defending democratic nations throughout the world.³⁵ The Soviets did the same for their Communist counterparts.

To illustrate, the United States expanded its sphere by exerting influence over Western Europe (countries such as West Germany and Italy), Northeast Asia (Japan), and the Persian Gulf. The Soviet Union did the same by defining several Eastern European countries as its client states. Soviet leaders required these satellite states to consult with the Soviet Union, and had the right to pick their heads of government.³⁶ Frequently, “appointments to major Party positions in Eastern Europe were only given to those individuals with extensive experience in Moscow.”³⁷ The Soviet Union was able to pursue such a heavy-handed Eastern Europe policy because “[t]he Americans accepted a Soviet sphere of influence.”³⁸

Although the United States and Soviet Union occasionally directly asserted themselves within each other’s spheres of influence during the Cold War,³⁹ they did so rarely. Both powers were far more likely to try to alter policies within the other’s sphere through persuasion or attempts to create an international consensus in order to pressure the other power into altering the policies it pursued within its sphere of influence.

B. Spheres of Influence in the Relationship Between Christianity and Islam

1. Theoretical Foundations of the Spheres of Influence Concept

Two separate IR theories—realism and liberal theory—help to shed light on the implications of Christians’ and Muslims’ perception that their religions possess geographic spheres of influence. Realist IR theory illuminates the perception of believers who hold that their faith possesses a geographic sphere of influence; these adherents view their faith as operating in a manner similar to nation-states,

34. SAMUEL P. HUNTINGTON, *THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER* 272 (1996).

35. The Truman Doctrine was an expression of America’s new strategy of containment of the Soviet Union. One element of America’s containment strategy was to defend “all future targets of Soviet expansion.” JOHN LEWIS GADDIS, *STRATEGIES OF CONTAINMENT: A CRITICAL APPRAISAL OF POSTWAR AMERICAN NATIONAL SECURITY POLICY* 21 (1982). The Truman Doctrine, proclaimed on March 12, 1947, stated that “it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or outside pressures.” *Id.* at 22.

36. Stephen D. Krasner, *Making Peace Agreements Work: The Implementation and Enforcement of Peace Agreements Between Sovereigns and Intermediate Sovereigns*, 30 *CORNELL INT’L L.J.* 651, 668 (1997).

37. *Id.* at 666.

38. *Id.* at 668.

39. One example is the Soviet Union’s activities in Latin America during the 1980s. See, e.g., George Gedda, *Salvadoran Gets a U.S. Visa Despite Being Murder Suspect*, *SUN-SENTINEL* (Fort Lauderdale, Fla.), Dec. 13, 1996, at 2A (mentioning that leftist guerillas in El Salvador in the 1980s were backed by the Soviet Union and Cuba); T. Christian Miller, *Ortega Tries to Disarm Terror as an Election Issue*, *L.A. TIMES*, Nov. 4, 2001, at A28 (mentioning that the Soviet Union was linked to the Sandinistas in Nicaragua).

with the religion's power either increasing or decreasing relative to such competitors as other faiths, secularism, and "deviant" sects within the same religion. In turn, liberal IR theory helps us to understand how this perception of religious spheres of influence affects the behavior of individuals and states on an international level.

a. Realism

The spheres of influence concept is most consistent with, though not inextricably linked to, the realist school of IR articulated by political scientists such as Hans Morgenthau,⁴⁰ Kenneth Waltz,⁴¹ and John Mearsheimer.⁴² Realists hold "three core beliefs."⁴³ First, realists hold that states are the principal actors in international politics.⁴⁴ Second, realists believe that the anarchic international system, rather than the internal characteristics of states, primarily dictates states' behavior.⁴⁵ Realism's third and final core belief is that states compete for power or security.⁴⁶

According to the defensive realism commonly associated with Waltz, states focus on maintaining the status quo—not on maximizing their power, but on maintaining what they have.⁴⁷ According to defensive realism: "The international system itself provides incentives for expansion and aggressive strategies only under very limited conditions. States can often achieve security by pursuing

40. See HANS MORGENTHAU, *POLITICS AMONG NATIONS: THE STRUGGLE FOR POWER AND PEACE* (5th ed. 1972).

41. See KENNETH WALTZ, *THEORY OF INTERNATIONAL POLITICS* (1979).

42. See JOHN J. MEARSHEIMER, *THE TRAGEDY OF GREAT POWER POLITICS* (2001). There is no single "realist" theory. Rather, realism is "a collection of approaches with differing points of emphasis" converging on a few central tenets. See JONATHAN HASLAM, *NO VIRTUE LIKE NECESSITY: REALIST THOUGHT IN INTERNATIONAL RELATIONS SINCE MACHIAVELLI* 12 (2002). One may divide the realist school into several sub-categories of realism, ranging from "classical realism" (also sometimes labeled "human nature realism"), see MORGENTHAU, *supra* note 40, to "defensive realism" (also known as "structural realism"), see WALTZ, *supra* note 41, to "offensive realism," see MEARSHEIMER, *supra*. See also *infra* notes 47-51 and accompanying text (elaborating upon the differences between offensive and defensive realism).

43. MEARSHEIMER, *supra* note 42, at 17.

44. See WALTZ, *supra* note 41, at 104; Anne-Marie Slaughter, *Interdisciplinary Approaches to International Economic Law: Liberal International Relations Theory and International Economic Law*, 10 AM. U. J. INT'L L. & POL'Y 717, 722 (1995). Despite this core realist belief, realism is still useful in illuminating the perception held by many Christians and Muslims that their faiths possess geographical spheres of influence. See *infra* notes 52-53 and accompanying text.

45. MEARSHEIMER, *supra* note 42, at 17; see also John J. Mearsheimer, *Disorder Restored*, in *RETHINKING AMERICA'S SECURITY* 222 (Graham Allison & Gregory Treverton eds., 1992) ("[T]he international political system is anarchic, which means that each state must always be concerned to ensure its own survival. A state can have no higher goal than survival, since profits matter little when the enemy is occupying your country and slaughtering your citizens.").

46. MEARSHEIMER, *supra* note 42, at 18; see also KENNETH N. WALTZ, *MAN, THE STATE AND WAR* 238 (1959) ("Each state pursues its own interests, however defined, in ways it judges best. Force is a means of achieving the external ends of states because there exists no consistent, reliable process of reconciling the conflicts of interest that inevitably arise among similar units in a condition of anarchy.").

47. See Jeffrey W. Taliaferro, *Security Seeking Under Anarchy: Defensive Realism Revisited*, INT'L SEC., Winter 2001, at 128 (2000) (describing and defending defensive realism).

moderate foreign policies.”⁴⁸

In contrast, according to the offensive realism most commonly associated with Mearsheimer, “[t]he overriding goal of each state is to maximize its share of world power” rather than merely to maintain the balance of power.⁴⁹ Great powers, according to offensive realism, have hegemony as their ultimate aim because a state maximizes its chances for survival only by being the sole power in the system.⁵⁰ They are not content with the status quo distribution of power, but rather seek to gain for themselves a greater share, by war if the costs are sufficiently low, or by waiting for more favorable circumstances to initiate force.⁵¹

Although realism is inherently state-centered, and does not “take account of domestic political ideology or structure, or of the multiplicity of sub-state actors that determine state policy at the domestic level,”⁵² realist theory has value in helping us to understand how many Christians and Muslims believe their religions’ spheres of influence operate. After all, most Christians and Muslims who believe that their faith possesses a geographic sphere of influence also view their religion as an independent international actor capable of challenging the nation-state—and perhaps, as a more legitimate actor than the nation-state. Moreover, realism’s focus on power in international relations provides further insight into how many Christians and Muslims view the relations between Christianity and Islam. As R. Albert Mohler noted, Christianity and Islam are “major competitors” for the “convictions and souls” of people worldwide.⁵³ Many Christians and Muslims see this competition as zero-sum, wherein any gain that Islam makes within the Christian world produces a net loss for Christianity, and any inroads that Christianity makes within the Muslim sphere of influence represents a net loss for Islam.

The implications of this perception varies from believer to believer. Mirroring Mearsheimer’s offensive realism, some Christians and Muslims think that their religion should aim for hegemony, and attempt to marginalize other faiths that pose a major challenge.⁵⁴ On the other hand, more similar to Waltz’s

48. *Id.* at 129

49. MEARSHEIMER, *supra* note 42, at 2; see also Mearsheimer, *supra* note 45, at 217 (“States have historically competed with each other for military security in circumstances best characterized as a zero-sum game. That competition, which sometimes leads to war, has long been the defining characteristic of international politics.”).

50. MEARSHEIMER, *supra* note 42, at 2.

51. *Id.*; Waltz further explicates this view:

In anarchy there is no automatic harmony. . . . A state will use force to attain its goals if, after assessing the prospects for success, it values those goals more than it values the pleasures of peace. Because each state is the final judge of its own cause, any state may at any time use force to implement its policies. Because any state may at any time use force, all states must constantly be ready either to counter force with force or to pay the cost of weakness. The requirements of state action are, in this view, imposed by the circumstances in which all states exist.

WALTZ, *supra* note 46, at 160.

52. Slaughter, *supra* note 44, at 723.

53. Mohler, *supra* note 15.

54. See, e.g., Van Biema, *supra* note 4, at 36 (quoting evangelist Luis Bush as saying, “From its

defensive realism, some Christians and Muslims are more concerned with maintaining the religious traditions of the societies in which they live than in aggressively spreading their faith.

b. Liberalism

Liberal IR theory provides us with further insight into the implications of the perception of religious spheres of influence by demonstrating how this perception affects the way that individuals and states behave internationally. The central insight of liberal IR theory is that "state-society relations—the relationship of states to the domestic and transnational social context in which they are embedded—have a fundamental impact on state behavior in world politics."⁵⁵ This view contrasts with realism, which holds states to be autonomous, unified actors driven by their power position vis-à-vis other states.⁵⁶

Traditionally, liberal scholars have downplayed their theory's salience as a coherent alternative to realism and institutionalism. Instead, they have focused on teleological observations that form the "liberal family." These include the theoretical possibility of international peace,⁵⁷ the strong proclivity for peace among democratic states and capitalist economies,⁵⁸ and the propensity of liberal states to comply with international law.⁵⁹ Liberal theory is also associated with a number of normative prescriptions that stem from its concern for the individual, including support for human rights and free enterprise. For these reasons, some scholars—even those sympathetic to liberalism—have stressed that it is not "canonical,"⁶⁰ that it "is not committed to ambitious and parsimonious structural theory,"⁶¹ and that it is best seen as an "approach" as opposed to a theory.⁶²

center in the 10/40 Window [between the tenth and fortieth latitudes], Islam is reaching out energetically to all parts of the globe; in a similar strategy, we must penetrate [its] heart with the liberating truth of the gospel"); see also Dinesh D'Souza, *Osama's Brain: Meet Sayyid Qutb, Intellectual Father of the Anti-Western Jihad*, WKLY. STANDARD, Apr. 29, 2002, at 16 ("[Muslim ideologue Sayyid] Qutb contended that since the West and Islam are based on radically different principles, there is no way that Islamic society can compromise or meet the West halfway. Either the West will prevail or Islam will prevail.").

55. Andrew Moravcsik, *Taking Preferences Seriously: A Liberal Theory of International Politics*, 51 INT'L ORG. 513, 513 (1997).

56. Liberalism can also be contrasted with institutionalism, which emphasizes regime structure as a guide to state behavior. The three approaches are compared in *id.* at 514; see also generally THEORIES OF WAR AND PEACE (Michael E. Brown et al. eds., 1998); CHARLES, W. KEGLEY, JR., CONTROVERSIES IN INTERNATIONAL RELATIONS THEORY: REALISM AND THE NEOLIBERAL CHALLENGE (1995).

57. MICHAEL W. DOYLE, WAYS OF WAR AND PEACE 206 (1997).

58. Michael Doyle, *Kant, Liberal Legacies, and Foreign Affairs, Parts 1 and 2*, 12 PHIL. & PUB. AFF. 205 (1983) (democratic states); DOYLE, *supra* note 57, at 230 (capitalist economies).

59. See generally Anne-Marie Slaughter, *International Law in a World of Liberal States*, 6 EUR. J. INT'L L. 503 (1995).

60. DOYLE, *supra* note 57, at 206.

61. Robert O. Keohane, *International Liberalism Reconsidered*, in THE ECONOMIC LIMITS TO MODERN POLITICS 155, 172-73 (John Dunn ed., 1990).

62. Mark W. Zacher & Richard A. Matthew, *Liberal International Relations Theory: Common Threads, Divergent Strands 2* (paper presented at the 88th Annual Meeting of the American Political Science Association; Chicago, Ill, 1992).

Recently, however, Andrew Moravcsik has led an attempt to reformulate liberal IR theory into a “nonideological and nonutopian form appropriate to empirical social science.”⁶³ It is this more scientific understanding of liberalism that is useful to understanding how Christians’ and Muslims’ perception that their religions possess spheres of influence affects international relations. Moravcsik refines liberalism’s focus on state-society relations into three core assumptions. First, in contrast to realism, liberalism holds that the fundamental actors in international politics are individuals and private groups.⁶⁴ Second, liberalism holds that states (or other political institutions) represent some subset of domestic society, on the basis of whose interests state officials define state preferences.⁶⁵ Third, liberalism holds that the configuration of interdependent state preferences determines state behavior.⁶⁶

Liberalism is thus a “bottom-up” theory in which individuals and aggregations of individuals are the primary drivers of politics. As Moravcsik explains: “Socially differentiated individuals define their material and ideational interests independently of politics and then advance those interests through political exchange and collective action.”⁶⁷ The state, then, is “not an actor but a representative institution constantly subject to capture and recapture, construction and reconstruction by coalitions of societal actors.”⁶⁸ In this view, state behavior is chiefly motivated by those individuals and groups able to foist their preferences on the state—either through elections, violence, or other means.

It is important to note that this assumption applies equally to pluralistic and tyrannical regimes; the societal coalition determining state policy can range from a broad-based political party to a narrow cadre of elites. In each case, however, it is sub-state, societal actors that drive policy. For this reason, liberal IR theorists see regime type—insofar as it marks a certain arrangement of political power amongst the societal actors within a state—as “a key determinant of what states do internationally.”⁶⁹

Once they have captured the state, dominant societal actors convert their beliefs and desires into “state preferences.” These preferences “are by definition causally independent of the strategies of other actors and, therefore, prior to specific interstate political interactions.”⁷⁰ Whereas realism attributes state behavior primarily to an exogenous variable—inter-state power relations—liberalism emphasizes the endogenous preferences of societal forces as the “first” motivator of state behavior, relegating strategic considerations to a secondary consideration. However, as the third assumption of liberalism listed above implies,

63. Moravcsik, *supra* note 55, at 513.

64. *Id.* at 516.

65. *Id.* at 518.

66. *Id.* at 520.

67. *Id.* at 517.

68. *Id.* at 518.

69. *Id.*

70. *Id.* at 519.

this constraint imposed by other states is "binding."⁷¹ Though a state's preferences may be determined by dominant internal actors, its actual behavior must take into account the policies of other competing or cooperating states. It is only at this stage that power relations enter the liberal calculus. Thus, liberal theory holds that state behavior is fundamentally driven by the preferences of dominant societal interests, which is then constrained at the international level by the "configuration of interdependent state preferences."⁷²

While spheres of influence are discussed primarily in the realist literature,⁷³ liberal theory is capable of explaining them both as a historical phenomenon and also as an abstract strategy. The Monroe Doctrine, for example, is traditionally seen through a realist lens, with a young America asserting its growing strength vis-à-vis the more established European powers.⁷⁴ In this view, the desire of the United States to exclude other powers from its "backyard" arose from a strategic consideration, specifically the need to prevent the conflict between the Holy Alliance and Spain from spilling into Spain's American colonies. In contrast, a liberal reading of the Monroe Doctrine would emphasize the desire of political elites in the United States, eager to realize their "manifest destiny," to build their nation into a world power and promote their domestic values abroad.⁷⁵ It would also consider the influence of U.S. business interests, which were eager to avoid European competition in Latin American markets.⁷⁶

Though it identifies different factors that push states to adopt spheres of influence as a strategy, liberalism does not differ from realism when considering the strategic benefits of employing spheres of influence. Liberalism's assumption that social actors—rather than nation-states—are the fundamental units of IR analysis does not preclude liberal theorists from recognizing the importance of power differences as a constraint on state behavior. Indeed, liberal theorists perceive the same strategic benefits that realists see in the use of spheres of influence.

Liberal IR theory would hold that states that fall within either the perceived Christian or Muslim spheres of influence are likely to be subject to strong pressures from dominant societal actors seeking to bolster their faith for two interrelated reasons. First, states within a religion's sphere of influence are by

71. *Id.* at 520.

72. *Id.*

73. See *supra* Part II.B.1.A.

74. See *supra* notes 21-23 and accompanying text.

75. Regarding the aspirations of the new nation, no less an authority than Thomas Jefferson remarked of the Doctrine, "[Independence] made us a nation; [the Monroe Doctrine] sets our compass and points the course which we are to steer through the ocean of time . . ." *Quoted in* Elihu Root, *The Real Monroe Doctrine*, 8 AM. J. INT'L L. 428, 429 (1914). Regarding the desire of the United States to promote its ideology in Latin America, see EDWARD WEISBAND, *THE IDEOLOGY OF AMERICAN FOREIGN POLICY: A PARADIGM OF LOCKIAN LIBERALISM* 22 (1973) ("The Monroe Doctrine has traditionally been interpreted as a great statement of realism . . . This, however, represents only part of Monroe's original intent, which otherwise stemmed from ideological considerations.").

76. See generally THOMAS H. REYNOLDS, *ECONOMIC ASPECTS OF THE MONROE DOCTRINE* (1938).

definition home to many adherents to that faith. The chance that the adherents' views will be represented by the dominant societal actors is thus quite high. Even when ruling elites themselves do not necessarily hold strong religious views, and even when the state is formally secular—such as in Turkey or the United States—religiously-motivated opinion is likely to carry significant sway in policymaking.⁷⁷

Second, beyond demographics, the fact that the state is territorially within a religion's perceived sphere of influence is likely to strengthen religion's influence on the state. For example, Islamist political movements⁷⁸ in Saudi Arabia frequently invoke the fact that the kingdom is central to the Muslim Holy Land when lobbying the state for religiously-driven policy.⁷⁹ Similarly, some religious advocates in the United States refer to America as a "Christian country" when advancing their cause.⁸⁰

Given the strength of religious interest groups within the perceived Christian and Muslim spheres of influence, liberal theory would predict that the policies of states within those spheres are likely to promote the dominant religion. To the extent that religiously-motivated actors are able to capture the state, liberal theory would predict some degree of policy convergence amongst states falling within the same religious sphere of influence.⁸¹

Of course, liberalism also understands that religion is never the only interest influencing state policy, and often not even the dominant one. Indeed, even a theocratic state like Saudi Arabia pursues policies—such as close relations with the United States—that run counter to a sizeable component of religious opinion within the country.

However, many believers think that their faith *should* be the primary interest motivating the state's policies. Indeed, this incongruence between the fact that religion is often not the dominant interest motivating a state's policies while adherents believe that it should be helps to explain the role of non-state religious

77. Regarding the United States, *see generally* JOHN C. GREEN ET AL., *THE CHRISTIAN RIGHT IN AMERICAN POLITICS* (2003). Regarding Turkey, *see generally* Sami Zubaida, *Trajectories of Political Islam*, in *RELIGION AND DEMOCRACY* (David Marquand & Ronald L. Nettle eds., 2000).

78. This article employs the term "Islamist" in the same manner that it is employed by terrorism expert Daniel Pipes: "This is the body of ideas that takes the religion of Islam and makes it the basis of a radical utopian ideology along the lines of fascism and Marxism-Leninism. It has ambitions to replace capitalism and liberalism as the reigning world system." Daniel Pipes, *Why America is Unpopular in the Middle East*, *SAN DIEGO UNION-TRIB.*, Sept. 13, 2001, at B9.

79. *See generally* AYMAN AL-YASSINI, *RELIGION AND STATE IN THE KINGDOM OF SAUDI ARABIA* (1985).

80. Pat Buchanan, *Buchanan and Press*, Transcript # 060502cb.463 (MSNBC television broadcast, June 5, 2003), *available at* LEXIS, News Library, News Group File ("This is a Christian country, at least it was a Christian country."); *see also* Kent Faulk, *Engel vs. Wallace Runoff Pits Similar Conservatives*, *BIRMINGHAM NEWS* (Ala.), June 23, 2004, *available at* LEXIS, News Library, News Group File (quoting Republican candidate for Congress Gerry Wallace, as saying, "Somebody's got to stand up and say, 'No, we were a Christian nation' . . . And there are many today who would say that was never true, but they're just wrong and we were better for it").

81. One example of intra-sphere policy coordination is the broad-based support of predominantly Muslim nations for the Palestinian cause, as evidenced by their voting records in the U.N. General Assembly.

actors in international affairs. Islamist terrorist groups like al-Qaeda, unable to realize their goals through state mechanisms, in essence take matters into their own hands by directly engaging perceived enemies.⁸² Because religions are not entirely dependent on states to operate at the international level, liberalism is a useful lens through which to view the relations between Christianity and Islam. Liberalism's focus on individuals allows it to account for non-state actors like terrorist networks.

While liberalism provides a valuable way to understand the relationship between Christianity and Islam, it is ambivalent toward the nature of their interactions. An observer influenced by realism's emphasis on structural conflict might predict that the two faiths are predisposed to discord, as realism predicts of nation-states.⁸³ Conversely, liberalism maintains that the state of anarchy in which nations and religions find themselves does not inherently bias them toward competition; rather, conflict is a sub-systemic phenomenon.⁸⁴ In this manner, liberalism would attribute recent hostilities between Christians and Muslims as well as Muslim and Christian states to incompatibilities between the particular agendas of societal actors. For example, liberal theorists saw nothing systemic about the September 11th attacks or their aftermath. Instead, these events were the consequence of the desires and goals of both a small group of terrorists and also a larger group of individuals who have a radical Islamist agenda, rather than representative of any innate struggle between Islam and Christianity.

82. Indeed, many observers have noted that one of al-Qaeda's primary goals is to create a more Islamic government within Saudi Arabia, and to return the Muslim world generally to adherence to Islamic principles. In this sense, it is the dissatisfaction of radical Wahhabist elements with their ability to capture the state that accounts for their terrorist activity. See generally MAMOUN FANDY, SAUDI ARABIA AND THE POLITICS OF DISSENT (1999); JOSHUA TEITELBAUM, HOLIER THAN THOU: SAUDI ARABIA'S ISLAMIST RADICALS (2000); Michael Scott Doran, *Somebody Else's Civil War: Ideology, Rage, and the Assault on America*, in HOW DID THIS HAPPEN: TERRORISM AND THE NEW WAR (James F. Hoge, Jr. & Gideon Rose eds., 2001).

83. Cf. HUNTINGTON, *supra* note 34.

84. It may sound unusual at first to hear religions described as operating in an anarchic state, since religions are generally viewed as subordinate to the nation-state. However, both Christianity and Islam provide people with a primary political identification other than the nation-state. Moreover, both faiths can themselves challenge the nation-state. Huntington notes that "[i]n the modern world, religion is a central, perhaps the central, force that motivates and mobilizes people." HUNTINGTON, *supra* note 34, at 66. It is common for religious fundamentalists to "believe that loyalty to the religion should supersede patriotism and that all adherents of their religion should be united politically." ROURKE, *supra* note 8, at 183; see also *infra* note 103 and accompanying text (explaining that many Muslims believe that the legitimacy of states should be determined by their accordance with Islamic principles). Nation-states themselves view religions as important international actors. Even a country as powerful as China sees the growth of religion within its borders as a considerable threat. The head of China's Religious Affairs Bureau wrote in 1995: "If, with a lapse of attention, [religious issues] are not handled properly, it may undermine social stability, reform and opening up, and the overall interests of economic construction." Ye Xiaowen, *On the Need to Conscientiously Implement "Three Sentences" in Carrying out Religion-Related Work Well*, RENMIN RIBAO, at 9 (quoted in SHEA, *supra* note 13, at 66).

2. Spheres of Influence as a Strategy

States utilize spheres of influence as one strategy in the pursuit of power or security. They define, defend, and enlarge their own spheres of influence while attempting to undermine the spheres of other states. In other words, great powers seek to dominate their own geographic regions of the world and also seek to prevent other states from gaining a foothold.

Likewise, many Christians and Muslims think that their faiths dominate and are able to exert a large amount of influence over particular geographic regions. As explained above, these believers' views tend to mirror those held by realists, as they believe that Christianity and Islam are competitors intentionally and that one faith's gain is the other's loss.⁸⁵ Thus, adherents to both religions attempt to pressure states within their perceived spheres of influence to adopt policies that advance their faith, and also undertake independent actions to preserve and expand their religion's sphere of influence (for example, proselytism).

The spheres of influence concept contains both descriptive and predictive power for analyzing the interactions between Islam and Christianity. We should expect, now and in the future, to see both Christians and Muslims acting to define, defend, and enlarge their faiths' spheres of influence.

III. ISLAM⁸⁶

Islam, which means "submission" in Arabic,⁸⁷ is the world's second largest religion, after Christianity.⁸⁸ Muslims believe in a supreme being, Allah.⁸⁹ Islam teaches that Allah delivered a series of prophets to all the people of the earth. All of these prophets brought the same message, enjoining submission to Allah's will. However, Muslims believe that, over time, the message that these prophets

85. See *supra* Part II.A.1.

86. This Part utilizes a large number of Arabic terms to denote Islamic concepts related to the maintenance and expansion of the Muslim sphere of influence. Thus, it is worth noting that "transliteration of Arabic is an imprecise art." Thomas A. Geraci, Book Review, 93 AM. J. INT'L L. 754, 757 (1999) (reviewing MAJID KHADDURI & EDMUND GHAREEB, *WAR IN THE GULF 1990-1991: THE IRAQ-KUWAIT CONFLICT AND ITS IMPLICATIONS* (1997)). "[B]ecause there is no standard method of transliteration from Arabic to English, there are numerous ways to spell certain key words relevant to a discourse on Islam." Lindsey E. Blenkhorn, Note, *Islamic Marriage Contracts in American Courts: Interpreting Mahr Agreements as Prenuptials and Their Effect on Muslim Women*, 76 S. CAL. L. REV. 189, 192 n.15 (2002). The spelling of Arabic terms employed in this article may differ from the spellings employed by other authors.

87. To Muslims, the word signifies "complete submission to the will of Allah." Irshad Abdal-Haqq, *Islamic Law: An Overview of Its Origin and Elements*, 7 J. ISLAMIC L. & CULTURE 27, 41 (2002); see also M. Ozonnia Ojielo, *Human Rights and Sharia'h Justice in Nigeria*, 9 ANN. SURV. INT'L & COMP. L. 135, 144 (2003). Because "Islam" is derived from the root word "salam," or peace, some writers also claim that Islam "stands for and means peace." A.A. MAUDUDI, *TOWARDS UNDERSTANDING ISLAM 2* (no date given).

88. See Mark O'Keefe, *2 Christian Organizations Are Ready to Convert Iraqis; Missionaries Set to Tend to Physical, Spiritual Needs*, HOUSTON CHRON., Mar. 27, 2003, at A49; Nick Papadopoulos, *Islam in Asia; A Roundup of Issues Facing the Region's Estimated 670 Million Muslims*, TIME INT'L, Mar. 10, 2003, at 24.

89. "Allah" is Arabic for God. While the two terms can be used interchangeably, this article employs the term Allah when referring to the Islamic deity.

conveyed has been either lost or distorted.⁹⁰ In particular, the Islamic faith holds that both the Old Testament and New Testament represent genuine revelations from Allah, but that the message of these books has become corrupted over time. Muslims believe that the only scripture that remains uncorrupted today is the Qur'an, which Islamic tradition holds that Allah revealed to the prophet Muhammad ibn Abdullah through the Angel Gabriel from a period of approximately 610 AD through 632 AD, the year of the prophet's death.⁹¹

Islam's thoroughly monotheistic outlook is summarized in the Qur'an: "Say: He is Allah, the One and Only; Allah, the Eternal, Absolute; He begetteth not, nor is He begotten; and there is none like unto Him."⁹²

The Qur'an teaches that there will eventually be a Day of Judgment, on which the dead will be raised and either rewarded with heaven or punished with the hellfire by their Creator.⁹³ In Islamic theology, whether an individual attains salvation is based both upon faith and works. At present, a debate exists among Muslims over whether non-Muslims may reach heaven. Those who believe that heaven is open to non-Muslims point to a Qur'anic *ayah* (verse) which states, "Those who believe (in the Qur'an), and those who follow the Jewish (scriptures), and the Christians and the Sabians—any who believe in Allah and the Last Day, and work righteousness, shall have their reward with the Lord; on them shall be no fear, nor shall they grieve."⁹⁴ Muslims who believe that only adherents to the Islamic faith can attain salvation contend that the foregoing *ayah* was later abrogated by a different Qur'anic *ayah*, which states: "[W]hoever seeks a religion other than Islam, it will never be accepted of him, and in the Hereafter he will be one of the losers."⁹⁵ But regardless of whether they believe that adherents to other

90. HAMMUDAH ABDALATI, *ISLAM IN FOCUS* 12 (3d ed. 1997).

91. ABDULLAHI AHMED AN-NA'IM, *TOWARD AN ISLAMIC REFORMATION* 12-13 (1990); ABDUR RAHMAN I. DOI, *SHARI'AH: THE ISLAMIC LAW* 21 (1984).

92. *THE MEANING OF THE HOLY QUR'AN* 112:1-4 (Abdullah Yusuf Ali trans., 7th ed. 1995) [hereinafter HQ]. In addition to Yusuf Ali's translation, when it is necessary to illustrate more conservative Islamic thought, this article relies upon a translation of the Qur'an that is steeped in Wahhabi theology, *INTERPRETATION OF THE MEANINGS OF THE NOBLE QUR'AN* (Muhammad Taqi-ud-Din Al-Hilali & Muhammad Muhsin Khan trans., 15th ed. 1996) [hereinafter NQ]. For background on Wahhabism, see, e.g., GOLD, *supra* note 7; Khaled Abou El Fadl, *The Culture of Ugliness in Modern Islam and Reengaging Morality*, 2 *UCLA J. ISLAMIC & NEAR E. L.* 33, 68-90 (2002-2003).

93. HQ, *supra* note 92, 2:177, 30:40.

94. *Id.* at 2:62. For examples of Muslims who use this verse to argue that some non-Muslims may attain salvation in the afterlife, see, e.g., Ali S. Asani, "So That You May Know One Another": *A Muslim American Reflects on Pluralism and Islam*, 588 *ANNALS AM. ACAD. POL. & SOC. SCI.* 40, 44-45 (2003); Farid Esack, *Muslims Engaging the Other and the Humanum*, 14 *EMORY INT'L L. REV.* 529, 555-56 (2000).

95. NQ, *supra* note 92, 3:85. Al-Hilali and Khan's translation can be contrasted with Mohammad Pickthall's. Pickthall translates *ayah* 3:85 as follows: "And whoso seeketh as religion other than the Surrender (to Allah) it will not be accepted from him, and he will be a loser in the Hereafter." *THE GLORIOUS QUR'AN: TEXT AND EXPLANATORY TRANSLATION* 3:85 (Mohammad M. Pickthall trans., no date given) [hereinafter GQ]. Pickthall's translation of the word "Islam" as "Surrender" suggests—consonant with *ayah* 2:62—that non-Muslims who are faithful to their own religions may properly surrender to Allah's will, and thus attain salvation. It is difficult to determine which meaning Yusuf Ali attributes to *ayah* 3:85, as his translation is mired in ambiguity: "If anyone desires a religion other than

faiths can attain salvation, all Muslims agree that they follow the only uncorrupted scripture, and hence the only faith that is truly in accordance with Allah's will. Thus, virtually all Muslims agree that their religion demands that they call others to Islam.⁹⁶

Islam constitutes "a complete way of life: a religion, an ethic, and a legal system all in one."⁹⁷ The guidelines that Islamic scholars have derived from the Qur'an and Sunnah (the sayings and traditions of Muhammad) are quite extensive, and can reach virtually every aspect of a believer's life. For example, in the course of a single book, a prominent Saudi religious scholar decreed, among many other things, that growing a beard is obligatory for Muslim men,⁹⁸ that Muslims should not listen to music or songs,⁹⁹ that men should not hold their wives' hands outside the home,¹⁰⁰ and that "[h]andclapping and whistling are abominable acts which one should abandon."¹⁰¹ While these rulings by no means represent consensus views among Islamic scholars, they provide some indication of how far-reaching Islam's strictures can be. The system of Islamic law that is derived from the Qur'an and

Islam (submission to Allah), never will it be accepted of him; and in the Hereafter he will be in the ranks of those who have lost (all spiritual good)." HQ, *supra* note 92, 3:85. Yusuf Ali translates the word "Islam" literally, but his parenthetical clarification that Islam signifies "submission to Allah" leaves room for Pickthall's more liberal interpretation. In no way does Yusuf Ali's explanatory footnote clarify the point:

The Muslim position is clear: The Muslim does not claim to have a religion peculiar to himself. Islam is not a sect or an ethnic religion. In its view all Religion is one, for the Truth is one. It was the religion preached by all the earlier prophets. It was the truth taught by all the inspired Books. In essence it amounts to a consciousness of the Will and Plan of Allah and a joyful submission to that Will and Plan. If anyone wants a religion other than that, he is false to his own nature, as he is false to Allah's Will and Plan. Such a one cannot expect guidance, for he has deliberately renounced guidance.

Id. at 150 n.418. Yusuf Ali's statement simultaneously implies both that spiritual truth can be found in faiths other than Islam because "all Religion is one, for the Truth is one," and also that those people who reject the "Will and Plan of Allah" and stubbornly adhere to non-Islamic faiths are "false to Allah's Will and Plan," and thus have "deliberately renounced guidance."

96. See Ali Khan, *Islam as Intellectual Property: "My Lord! Increase Me in Knowledge"*, 31 CUMB. L. REV. 631, 669-73 (2001-2002) (outlining the principle of invitation in Islam); see also *infra* Parts III.A.4, III.B.3.

97. J.N.D. ANDERSON, *ISLAMIC LAW IN THE MODERN WORLD* ix (1975); see also MUHAMMAD BIN JAMIL ZINO, *ISLAMIC GUIDELINES FOR INDIVIDUAL AND SOCIAL REFORM* 12-13 (Ibrahim M. Kunna trans., 1996).

98. ZINO, *supra* note 97, at 142-43. This view is shared by a large number of Islamic religious scholars. For example, under the Taliban's rule, men could be imprisoned if their beards were too short. Editorial, *Biting the Hands That Feed Them*, CHI. TRIB., Sept. 1, 2001, at N26; *Former Taliban Leader Arrested*, PITTSBURGH POST-GAZETTE, Apr. 18, 2003, at A7.

99. ZINO, *supra* note 97, at 144-46. The Taliban banned music, as well as most other forms of light entertainment, during its brutal rule in Afghanistan. See Noor Khan, *U.S., Afghan Troops Force Rebel Retreat; Allies Claim Victory After 9-Day Siege*, CHI. TRIB., Sept. 4, 2003, at C3. Similarly, the artist formerly known as Cat Stevens stopped making music for over twenty years after his conversion to Islam, "believing that music was un-Islamic." Willis Witter, *Music in Jalalabad Awaits Official OK, Hits Shaky Note*, WASH. TIMES, Nov. 26, 2001, at A1.

100. ZINO, *supra* note 97, at 127-28.

101. *Id.* at 150.

the Prophet's example is called *shariah*.¹⁰² Many Muslims hold that those governments that do not rule according to the principles of *shariah* are illegitimate.¹⁰³

Since the *shariah's* inception, many Muslims have viewed it as both codifying an Islamic sphere of influence and providing mechanisms for the expansion of this sphere. Muslims have sought to protect this perceived sphere of influence against competition from other religions, secularism, and rival Islamic sects. This Part first discusses the doctrinal origins and historical usage of the Islamic sphere of influence, and then discusses how the Islamic sphere of influence is preserved and expanded today. Because a number of histories of Islam are available,¹⁰⁴ I do not attempt to comprehensively outline the history of the faith. Instead, my more narrow focus is on the perception that an Islamic sphere of influence exists.

A. Doctrinal Origins and Historical Usage of the Islamic Sphere of Influence

Since the time of Muhammad, the Islamic faith has been tied to the state. During his lifetime, Muhammad came to serve as the head of a powerful state. As a ruler, he outlined a number of principles that established an Islamic sphere of influence. Based on Muhammad's teachings, Islamic scholars have long divided into the world into two spheres: *the dar al-Harb* ("home of war") and *the dar al-Islam* ("homestead of Islam").¹⁰⁵ Since the inception of this concept, it has informed the Islamic view of international law by conceptually dividing those lands that are consecrated to Islam from the lands that are dominated by

102. Technically, the law that is derived by man is called *fiqh*, whereas the ideal law (which man may not be able to discern completely) is *shariah*. However, this article generically refers to attempts to implement Islamic law as *shariah*, because that is the sense in which the term is popularly understood.

103. See ABU AMEENAH BILAL PHILIPS, THE FUNDAMENTALS OF TAWHEED (ISLAMIC MONOTHEISM) 26 (1990) ("The acceptance of non-Islamic rule in place of *Sharee'ah* in Muslim lands is *Shirk* [polytheism] and an act of *Kufr* [disbelief] [U]n-Islamic government must be sincerely hated and despised for the pleasure of God and the upholding of *Tawheed* [Islamic monotheism]."); see also KAREN ARMSTRONG, ISLAM: A SHORT HISTORY 169 (2000), for a description of the views of Sayyid Qutb; Clark Benner Lombardi, Note, *Islamic Law as a Source of Constitutional Law in Egypt: The Constitutionalization of the Sharia in a Modern Arab State*, 37 COLUM. J. TRANSNAT'L L. 81, 96 (1998) (describing Qutb as "extremely influential").

104. For general histories of Islam, see ARMSTRONG, *supra* note 103; JONATHAN BLOOM & SHEILA BLAIR, ISLAM: A THOUSAND YEARS OF FAITH AND POWER (2000); JOHN L. ESPOSITO, ISLAM: THE STRAIGHT PATH (3d ed. 1998). For histories of Shiite Islam, see generally SAID AMIR ARJOMAND, THE SHADOW OF GOD AND THE HIDDEN IMAM: RELIGION, POLITICAL ORDER, AND SOCIETAL CHANGE IN SHI'ITE IRAN FROM THE BEGINNING TO 1890 (1984); MOOJAN MOMEN, AN INTRODUCTION TO SHI'I ISLAM (1985). For biographies of Muhammad, see generally MICHAEL COOK, MUHAMMAD (1983); MARTIN LINGS, MUHAMMAD: HIS LIFE BASED ON THE EARLIEST SOURCES (1983); W. MONTGOMERY WATT, MUHAMMAD: PROPHET AND STATESMAN (1961). For histories of the Arab world, see generally ALBERT HOURANI, A HISTORY OF THE ARAB PEOPLES (1991); PETER MANSFIELD, A HISTORY OF THE MIDDLE EAST (1991).

105. For an explanation of the concepts of *dar al-Harb* and *dar al-Islam*, see Father David-Maria A. Jaeger, *The Fundamental Agreement Between the Holy See and the State of Israel: A New Legal Regime of Church-State Relations*, 47 CATH. U. L. REV. 427, 430 (1998). This concept is discussed at length in Part III.A.1, *infra*.

unbelievers.

Muhammad's pronouncements continue to inform and even dictate Muslims' views on proper Islamic governance and on the relations between their religion and other faiths. This is because, in Muslims' view, Muhammad received revelations directly from Allah, and the manner in which Muhammad governed was divinely inspired. Muslims believe Muhammad to be the perfect man of his generation.¹⁰⁶ Thus, many Muslims will carefully pore over the Qur'an and *hadith* (reports on the sayings and traditions of Muhammad) before formulating their views on any given subject.¹⁰⁷ Most Muslims are especially attentive to Muhammad's views on political matters.

The linkage between the Islamic faith and the state continued, and even intensified, following Muhammad's death. One commentator has explained that the faith went through "several stages during its development, evolving from a mere city-state (the Medinan period, A.D. 622-32), into a young empire (632-750), and then into an aspiring world hegemon (750-c.900)."¹⁰⁸ Eventually the West's political, military, and economic strength came to surpass that of the Islamic world, and Islam experienced "a period of decentralization (c.900-c.1500), and a period of outright fragmentation."¹⁰⁹ However, throughout these divergent stages of Islam's history—even while most of the Muslim world was colonized by the European powers—Muslims continued to perceive a linkage between their faith and the state, and continued to believe that Islam possessed a geographical sphere of influence.

A number of mechanisms have been relied upon historically to preserve and expand this sphere of influence. This section first discusses the concepts of *dar al-Harb* and *dar al-Islam*, which provide the theological justification for the maintenance and expansion of an Islamic sphere of influence. It then discusses three major tactics that Muslims have used to both preserve and expand the *dar al-Islam*: *jihād* (military force), the imposition of *shariah* law, and spreading the faith through *da'wah* (Islamic proselytism).

1. Dar al-Harb and Dar al-Islam

The central theological concept that defines the Islamic sphere of influence is the notion that the world is divided into the *dar al-Harb* and the *dar al-Islam*. "In the classical view, the term Dar al-Islam describes those places in the world where the Shari'ah, the corpus of Islamic law, prevails and is enforced."¹¹⁰ In this view, the rest of the world, "except those places where a peace treaty with the Muslims is in place," is considered a part of the *dar al-Harb*.¹¹¹ The rationale for the

106. KAREN ARMSTRONG, *A HISTORY OF GOD* 238 (1993).

107. See *supra* notes 97-101 and accompanying text for examples of the broad scope that Islamic religious decrees can have.

108. Christopher A. Ford, *Siyar-ization and its Discontents: International Law and Islam's Constitutional Crisis*, 30 TEX. INT'L L.J. 499, 513 (1995).

109. *Id.*

110. Bernard K. Freamon, *Martyrdom, Suicide, and the Islamic Law of War: A Short Legal History*, 27 FORDHAM INT'L L.J. 299, 300 n.6 (2003).

111. *Id.*; see also Khan, *supra* note 7, at 323, which notes that the *dar al-Harb* is comprised of

distinction between the *dar al-Islam* and the *dar al-Harb* "is that those living within the realm of believers exist on a significantly advantageous religious plane compared to those who do not. Consequently, there is a constant political and religious preoccupation with trying to make the world more advantageous for Muslims."¹¹² Classical Islamic jurists generally believed that the *dar al-Harb* was only temporarily outside Islamic rule, and was "yet to make its submission."¹¹³

Classical jurists thus viewed the world as "a battleground" between these two separate spheres.¹¹⁴ The classical jurists would authorize *jihad* to either extend or protect the *dar al-Islam*, but only if there was "a reasonable prospect of success."¹¹⁵

Other implications that these jurists derived from the division of the world into *dar al-Islam* and *dar al-Harb* illustrate the stark conflict that they perceived between these two spheres. For example, the classical jurists held that it was "not possible for a Muslim to live a good Muslim life in an infidel land."¹¹⁶ Those non-believers who saw the light and became Muslim, as well as Muslims who resided in a formerly Islamic country that was conquered by infidels (for example, those who lived in Spain immediately following the *reconquista*), were required to emigrate from the non-Muslim country where they lived to the *dar al-Islam*.¹¹⁷

The *dar al-Harb-dar al-Islam* distinction clearly endorses the view that the world is divided into religious spheres of influence. Most of the strategies for the faith's expansion that have been codified in Islamic jurisprudence flow from the division of the world into *dar al-Islam* and *dar al-Harb*. This article now turns to an examination of such strategies.

2. Jihad

Jihad is currently a very controversial concept in the West. While *jihad* is Arabic for "struggle," the word is often translated as "holy war."¹¹⁸ Some recent

lands that are "dominated by unbelievers."

112. Khan, *supra* note 7, at 324.

113. Jaeger, *supra* note 105, at 430; *but see* HILMI M. ZAWATI, IS JIHAD A JUST WAR?: WAR, PEACE, AND HUMAN RIGHTS UNDER ISLAMIC AND PUBLIC INTERNATIONAL LAW 51 (2001) ("[T]erritory can be considered dar al-Islam even if it is not under Muslim rule as long as a Muslim can reside there in safety and freely fulfill his religious obligations.").

114. Donna E. Arzt, *The Role of Compulsion in Islamic Conversion: Jihad, Dhimma and Ridda*, 8 BUFF. HUM. RTS. L. REV. 15, 22 (2002).

115. CYRIL GLASSE, THE CONCISE ENCYCLOPEDIA OF ISLAM 209-10 (1989); *cf. supra* note 51 and accompanying text. However, some jurisprudential schools held that *jihad* should only be invoked defensively. "Early scholars such as Abu Hanifa and Shaybani, who stressed tolerance toward non-believers, 'made no explicit declarations that the *jihad* was a war to be waged against non-Muslims solely on the grounds of disbelief.'" Arzt, *supra* note 114, at 22; *cf. supra* notes 47-48 and accompanying text.

116. BERNARD LEWIS, WHAT WENT WRONG?: THE CLASH BETWEEN ISLAM AND MODERNITY IN THE MIDDLE EAST 36 (2002).

117. *Id.*

118. *See* Ford, *supra* note 108, at 502; J.M.B. Porter, *Osama bin-Laden, Jihad, and the Sources of International Terrorism*, 13 IND. INT'L & COMP. L. REV. 871, 872 (2003); Frank Vogel, Book Review, 83 AM. J. INT'L L. 227, 227 (1989) (reviewing HASAN MOINUDDIN, THE CHARTER OF THE ISLAMIC CONFERENCE AND LEGAL FRAMEWORK OF ECONOMIC CO-OPERATION AMONG ITS MEMBER STATES

scholarship has been quite critical of both the concept of *jihad* and also the manner in which *jihad* has been carried out against non-Muslim lands.¹¹⁹ On the other hand, some authors insist that “holy war” is a mistranslation, and that *jihad* is a far less militant concept than the West fears.¹²⁰

However, a powerful interpretation of the Qur’an and Sunnah exists which holds that believers are obligated to fight for Allah’s cause (which, for some Muslims, includes wars of expansion designed to establish states governed by the *shariah*). In assessing the manner in which some Muslims perceive an Islamic sphere of influence, it is important to understand this interpretation of *jihad*. Sheikh bin Humaid, the former Chief Justice of Saudi Arabia, has authored a widely distributed essay that forcefully advances this view.¹²¹ In it, Chief Justice bin Humaid concisely outlines his view of the three historical phases of *jihad* in Islamic jurisprudence: “[A]t first ‘the fighting’ was forbidden, then it was permitted, and after that it was made obligatory—(1) against them who start ‘the fighting’ against you (Muslims)... (2) and against all those who worship others along with Allah.”¹²²

Chief Justice bin Humaid’s assertion that armed *jihad* was originally forbidden refers to the early part of Muhammad’s prophethood, when Muhammad and his followers lacked political and military strength. During this period, when Muhammad’s followers encountered persecution at the hands of the powerful tribe of Qureysh in Mecca, their faith prevented them from responding militarily. Rather than fighting the Qureysh, Muhammad and his followers fled from Mecca to Medina.¹²³

After the Muslims relocated to Medina, they gained in political and military strength. Thereafter, Muslims believe that Muhammad received further revelations permitting fighting against the Qureysh. It is upon these later *ayat* (verses) that Chief Justice bin Humaid bases his argument that *jihad* was later made permissible for believers. *Surah 22, ayah 39* states: “Permission to fight (against disbelievers) is given to those (believers) who are fought against, because they have been wronged; and surely, Allah is Able to give them (believers) victory.”¹²⁴ The next

(1987)).

119. See, e.g., PAUL FREGOSI, *JIHAD IN THE WEST: MUSLIM CONQUESTS FROM THE 7TH TO THE 21ST CENTURIES* (1998); SPENCER, *supra* note 1.

120. See, e.g., Anthony Day, *Morality, War: Do They Mix?; As Americans Search Their Souls for Answers, Some Religious Leaders Question Whether There Can Ever be a ‘Just War’ When Modern Warfare Can be So Terribly Destructive*, L.A. TIMES, Jan. 15, 1991, at A1 (quoting Maher Hathout); Hussein S. Elkhansa, *What We Believe: Understanding Islam*, CHARLESTON GAZETTE (W. Va.), May 7, 2000, at 4C; Raheel Raza, *Pilgrimage a Time to Pray for the Blessing of Peace*, TORONTO STAR, May 11, 1995, at A29. See also *infra* notes 133-36 and accompanying text (explaining non-military meanings of *jihad*).

121. Sheikh ‘Abdullah bin Muhammad bin Humaid, *The Call to Jihad (Holy Fighting in Allah’s Cause) in the Qur’an*, reprinted in NQ, *supra* note 92, at 1224.

122. *Id.* at 1227.

123. This flight, known as the Hijra, also marks the beginning of the Islamic calendar. See Abdal-Haq, *supra* note 87, at 37 n.45; M. Cherif Bassiouni & Gamal M. Badr, *The Shariah: Sources, Interpretation, and Rule-Making*, 1 UCLA J. ISLAMIC & NEAR E. L. 135, 139 n.6 (2002).

124. NQ, *supra* note 92, 22:39.

ayah states that fighting is also permitted for “[t]hose who have been expelled from their homes unjustly only because they said: ‘Our Lord is Allah.’”¹²⁵ Thus, after these verses were revealed, fighting against unbelievers was permitted for Muslims who were either fought against by unbelievers or who had been expelled from their homes because of their adherence to Islam.

Finally, Chief Justice bin Humaid argues that *jihad* was eventually made obligatory for all Muslims, and that the previous strictures delimiting the conditions for battle against unbelievers were broadened. He points to two Qur’anic verses that were revealed late in Muhammad’s life. The first enjoins Muslims to “fight in the Way of Allah those who fight you.”¹²⁶ And *ayah* 9:29 states:

Fight against those who (1) believe not in Allah, (2) nor in the Last Day, (3) nor forbid that which has been forbidden by Allah and His Messenger... (4) and those who acknowledge not the religion of truth (i.e. Islam) among the people of the Scripture (Jews and Christians), until they pay the *Jizyah* with willing submission, and feel themselves subdued.¹²⁷

The language employed by these two later *ayat* is markedly different from that employed in *Surah* 22, where Chief Justice bin Humaid argues that “‘the fighting’... was permitted,” but not made obligatory.¹²⁸ The two *ayat* from *Surah* 22 use permissive language indicating the circumstances in which believers *may* fight against unbelievers. In contrast, the two later *ayat* are written in the imperative tense. According to Chief Justice bin Humaid, this difference in language indicates that believers do not simply have the *option* to fight against unbelievers when the requisite circumstances have been satisfied. Rather, he argues that Muslims have the affirmative duty to engage in *jihad* against unbelievers when the unbelievers fight against them (*ayah* 2:190), and when unbelievers refuse to believe in Allah and the Last Day, accept Islamic *shariah*, and pay the *jizya* (*ayah* 9:29).¹²⁹ Hence, Chief Justice bin Humaid implores his readers: “*Jihad* is a great deed indeed and there is no deed whose reward or blessing is as that of it, and for this reason, it is the best thing that one can volunteer for.”¹³⁰

These verses have also led other Muslim ideologues to conclude that Islamic wars of expansion fall squarely within the believer’s obligation to participate in *jihad*. Sayyid Qutb, for example, concluded from *ayah* 9:29 “that waging *jihad* against the People of the Book (Jews and Christians) is a permanent, communal

125. *Id.* 22:40.

126. *Id.* 2:190. The reason that a verse revealed late in Muhammad’s prophethood is found in the second *Surah* is that the Qur’an is not arranged chronologically. The codified text’s only organizational system is placing the longest *surahs* before the shortest. See I MOHAMMAD HASHIM KAMALI, PRINCIPLES OF ISLAMIC JURISPRUDENCE 343, 353 (1997).

127. NQ, *supra* note 92, 9:29.

128. Bin Humaid, *supra* note 121, at 1227.

129. For a description of the *jizya*, see *infra* Part III.A.3.

130. Bin Humaid, *supra* note 121, at 1233.

obligation upon the Muslims.”¹³¹

Not all Muslims share this militant exegesis. A recent book by Hilmi M. Zawati, for example, argues that “jihad is a just, defensive, and exceptional form of warfare geared... to secure justice and equality among all people.”¹³² Other commentators de-emphasize the military meaning of *jihad*, and point out that “[j]ihad can be accomplished by [t]he heart, the tongue, and the hands, as well as the sword.”¹³³ Similarly, Imam Muhammad Armiya Nu’Man has stated that “[j]ihad... deals with the struggles within yourself, more than war with others.”¹³⁴ Imam Nu’Man’s statement is based on a distinction that some scholars make between “lesser jihad,” or religious warfare, and “greater jihad,” which is “the warfare in oneself against any evil or temptation.”¹³⁵ This distinction between greater and lesser *jihad* derives from a *hadith* in which Muhammad observed as he and his followers were returning from a battle: “We return from the lesser jihad to the greater jihad.”¹³⁶ The *hadith* implies that the struggle for one’s soul is more difficult and more important than struggles on the battlefield.

While there is some controversy on this point,¹³⁷ it appears that after Muhammad’s death, the early Muslim leadership shared Chief Justice bin Humaid’s view that one important purpose of *jihad* was expansion of the *dar al-Islam*. In his history of Christianity, Brian Moynahan comprehensively outlines the progress of the Muslim wars of expansion. He explains that “[t]he early campaigns were aimed at winning complete control of Arabia and dominance over the nomadic tribes on its Iraqi and Syrian borders.”¹³⁸ Thereafter, the Muslims pressed westward. The resulting military confrontations represent the first Islamic intrusion into the Christian sphere of influence. Islamic armies succeeded in conquering such formerly Christian lands as Syria, Palestine, Egypt, and North

131. Sherman A. Jackson, *Jihad in the Modern World: To ‘Abd al-Karim Salabuddin*, J. ISLAMIC L. & CULTURE 1, 22-24 (2002).

132. ZAWATI, *supra* note 113, at 4. For two compelling critiques of Zawati’s book, see generally Nishita Doshi, Book Note, 38 STAN. J INT’L L. 319 (2002) (reviewing ZAWATI, *supra* note 113); Mairaj U. Syed, Book Note, *Islamic Law and the Apologetics of Jihad: A Review of Is Jihad a Just War?*, 2 UCLA J. ISLAMIC & NEAR E. L. 155 (2002-2003).

133. Andrew Paine, Note, *Religious Fundamentalism and Legal Systems: Methods and Rationales in the Fight to Control the Political Apparatus*, 5 IND. J. GLOBAL LEG. STUD. 263, 280 (1997) (quoting Ford, *supra* note 108, at 502); see also Aliya Haider, *The Rhetoric of Resistance: Islamism, Modernity, and Globalization*, 18 HARV. BLACKLETTER L.J. 91, 118-19 (2002) (arguing that “holy war” is a mistranslation that “reveals a critical misunderstanding of what is going on ‘over there’ in the so-called hotbeds of Islamist unrest”); Lance S. Lehnhof, *Freedom of Religious Association: The Right of Religious Organizations to Obtain Legal Entity Status Under the European Convention*, 2002 BYU L. REV. 561, 575 (2002) (“The most common definition of jihad is a struggle, usually a struggle for justice, righteousness, or a better way of life.”).

134. IMAM MUHAMMAD ARMIYA NU’MAN, WHAT EVERY AMERICAN SHOULD KNOW ABOUT ISLAM & THE MUSLIMS 17 (1985).

135. THE OXFORD DICTIONARY OF WORLD RELIGIONS 501 (John Bowker ed., 1997).

136. See JOHN L. ESPOSITO, UNHOLY WAR: TERROR IN THE NAME OF ISLAM 28 (2002). This *hadith* is regarded by Muslim scholars as “weak,” or of questionable authenticity.

137. For a dissenting view, see ARMSTRONG, *supra* note 103, at 29.

138. BRIAN MOYNAHAN, THE FAITH: A HISTORY OF CHRISTIANITY 162 (2002).

Africa.¹³⁹

One factor aiding this conquest was the fact that the Christian world was at the time deeply divided over questions of Christology, and this division often led the Christian state to brutally impose orthodoxy upon its subjects.¹⁴⁰ Because of this repression, many Eastern Christians actually celebrated when Muslim armies arrived because they believed that Muslim control would free them from the persecution they had endured for their beliefs under Roman rule.¹⁴¹ The Muslim armies were perceived as tolerant because they did not initially destroy churches, nor did they become involved in Christian theological quarrels. In fact, this projected tolerance may have been another tool to help expand the Muslim sphere of influence. Moynahan suggests that the Islamic "victories came from deep insight as much as military brilliance," as the Muslim conquerors successfully "used toleration and taxation as weapons, the first to secure easy surrender, the second to finance further conquest and swell their numbers by stimulating" conversion to Islam.¹⁴²

After conquering the Middle East and North Africa in the seventh century, Muslim armies gained a foothold in Europe in the eighth century. Using North Africa as a launching point, they conquered Spain and Portugal, and invaded France.¹⁴³ "[I]n the ninth century they conquered Sicily and invaded the Italian mainland."¹⁴⁴ Centuries later, Muslim armies also swept through eastern Europe. In fact, it was the Turkish threat that prompted Byzantine emperor Alexius Comnenus I to appeal to Rome for military help, thus prompting the Crusades.¹⁴⁵ Thereafter, Muslim forces managed to overrun the Balkan peninsula, Bulgaria, Hungary, and even Constantinople.¹⁴⁶

Although Muslim forces—in the form of the Ottomans—continued to be a major power in Europe until late in the seventeenth century, the West gained in political, military, and economic strength, and eventually came to far outstrip the Islamic world's power.¹⁴⁷ Today, Islamic states themselves pose little military threat to the West. Instead, the biggest military threats emanating from the Muslim world are terrorist cells and small, dedicated groups of holy warriors (*mujahideen*) who engage in armed combat throughout the globe.¹⁴⁸

3. The Imposition of Shariah Law

When Muslim armies conquered non-Muslim lands, they would establish a new government ruled by *shariah* law. There was both an offensive and defensive

139. LEWIS, *supra* note 116, at 4.

140. These controversies concerning questions of Christology, and the resultant state repression, are discussed in *infra* Part IV.A.

141. MOYNAHAN, *supra* note 138, at 157-58.

142. *Id.* at 159. The system of taxation that Moynahan mentions is discussed in *infra* Part III.A.3.

143. LEWIS, *supra* note 116, at 4.

144. *Id.*

145. See ARMSTRONG, *supra* note 103, at 95.

146. *Id.* at 109-11.

147. See LEWIS, *supra* note 116, at 16-17.

148. See *infra* Part III.B.1.

aspect to the manner in which *shariah* law bolstered the Islamic sphere of influence. Offensively, it provided material incentives for non-Muslims to convert to Islam. Defensively, the *shariah* politically disempowered non-Muslims, thus preventing them from gaining strength.

The implementation of *shariah* law ensured that non-Muslims “became inferior subjects, and visibly so.”¹⁴⁹ The treatment of non-Muslims under Islamic rule depended on whether they were characterized as “People of the Book,” whose faith was based on what Muslims believed to be revealed (albeit corrupted) scriptures.¹⁵⁰ Under *shariah* law, Christians, Jews, Zoroastrians, and Sabians generally were considered People of the Book.¹⁵¹ When Muslims conquered the cities of People of the Book, they would present the inhabitants with the choice of either continuing to adhere to their old faith or embracing Islam. Those who retained their own faith were characterized as *dhimmi*s (people under contract or guarantee from the Islamic state).¹⁵² Under the *shariah*, *dhimmi*s were largely free to practice their religion, and were free from pressure to convert under threat of force. Other freedoms that *dhimmi*s enjoyed “included protection from desecration of their holy sites and autonomy in appointment of religious leaders, as well as juridical autonomy in civil matters and equality with Muslims of punishment and restitution in criminal matters.”¹⁵³

Despite these freedoms, *shariah* law provided a number of material incentives for *dhimmi*s to convert to Islam, and ensured that *dhimmi*s remained politically disempowered. *Dhimmi*s were forced to pay the *jizya* (poll tax) and also land taxes.¹⁵⁴ The *jizya* served as a financial incentive for *dhimmi*s to embrace Islam, and Muslim citizens independently attempted to propagate their faith among the *dhimmi*s through *da'wah*.¹⁵⁵ However, this process of conversion worked in one direction only: *Shariah* law prohibited *dhimmi*s from attempting to convert Muslims to their religion.¹⁵⁶ Any illicit attempts at proselytism that *dhimmi*s

149. MOYNAHAN, *supra* note 138, at 171.

150. Carolyn Ratner, Book Review, 18 B.C. THIRD WORLD L.J. 137, 151 (1998) (reviewing JUDITH MILLER, *GOD HAS NINETY-NINE NAMES* (1996)) (noting that People of the Book were “believers in other religions which are deemed to have had a heavenly-revealed scripture”); see also Asani, *supra* note 94, at 43-44; James David Phipps, *Kiss of Death: Application of Title VII’s Prohibition Against Religious Discrimination in the Kingdom of Saudi Arabia*, 1994 BYU L. REV. 399, 406 (1994).

151. Arzt, *supra* note 114, at 25; see also Esack, *supra* note 94, at 546 (“At various times, Hindus, Buddhists, Zoroastrians, Magians and Sabeans were included among or excluded from the People of the Book, depending on the theological predilections of the Muslim scholars and, perhaps more importantly, the geo-political context in which they lived.”).

152. For a more extended treatments of *dhimmi*s, see A.S. TRITTON, *THE CALIPHS AND THEIR NON-MUSLIM SUBJECTS: A CRITICAL STUDY OF THE COVENANT OF UMAR* (1970); BAT YE’OR, *THE DHIMMI: JEWS AND CHRISTIANS UNDER ISLAM* (David Maisel et al. trans., 1985).

153. Arzt, *supra* note 114, at 26.

154. Donna E. Arzt, *Heroes or Heretics: Religious Dissidents Under Islamic Law*, 14 WIS. INT’L L.J. 349, 380 n.126 (1996); Dr. Moussa Abou Ramadan, *The Transition from Tradition to Reform: The Shari’a Appeals Court Rulings on Child Custody (1992-2001)*, 26 FORDHAM INT’L L.J. 595, 601 n.30 (2003).

155. Arzt, *supra* note 114, at 25.

156. MOYNAHAN, *supra* note 138, at 171.

engaged in were further frustrated by the fact that virtually all Islamic states historically imposed anti-apostasy laws on their Muslim citizens, even while non-Muslims were encouraged to convert to Islam. For approximately twelve centuries, the penalty for conversion out of Islam was death in most Muslim states.¹⁵⁷

Moynahan explains that Christian *dhimmis* typically faced a number of other legal restrictions under Islamic rule:

They were not allowed to ride horses, a social humiliation and a military precaution, for it was folly for a horseless person to contemplate revolt. Their church bells were tolled softly, if at all, lest they offend Moslem ears. No cross could be displayed in public; neither could a pig nor a glass of wine. No Christian building could be higher than those of Moslems, no pomp could accompany a Christian funeral. A Christian was required to respect the Koran and never speak ill of Islam or Muhammad; he was forbidden to marry or be intimate with Moslem women.... Provided he kept to these ground rule... the Christian enjoyed the protection offered to *dhimmis*.¹⁵⁸

The combination of the *jizya*, the prohibition on proselytization by *dhimmis*, anti-apostasy laws, and the visible social humiliations imposed on *dhimmis* were a ringing success in driving Christians to convert to Islam. The fall in *jizya* receipts in both Mesopotamia and Egypt after Muslim conquests demonstrates the large number of Christian apostates.¹⁵⁹

Certain non-Muslims in lands that Muslim armies conquered could not be categorized as People of the Book. For example, Muslims did not regard polytheists and idolators as People of the Book.¹⁶⁰ Those non-Muslims who were not classified as People of the Book faced far greater restrictions under Islamic rule. Unlike *dhimmis*, they were not given the option of continuing to practice their own religion. Instead, they were given only three choices: "slavery, conversion to Islam, or death."¹⁶¹

Not only did the system of *shariah* law entrench the Islamic sphere of influence in conquered lands, but it also provided the engine for further expansion. Moynahan notes that the *jizya* financed further incursions into Christian territory, as "[t]he Dome of the Rock... the shimmering mosque soon built on the site of Solomon's Temple in Jerusalem, was said to have cost seven years' revenue from conquered Christian Egypt."¹⁶²

157. See ABUL ALA MAWDUDI, THE PUNISHMENT OF THE APOSTATE ACCORDING TO ISLAMIC LAW 17 (Syed Silas Husain & Ernest Hahn trans., 1994).

158. MOYNAHAN, *supra* note 138, at 171; see also Arzt, *supra* note 114, at 27 ("Dhimmis . . . were forbidden to . . . walk in the middle of the street, to sell their books or religious articles in marketplaces, to raise their voices during worship . . .").

159. MOYNAHAN, *supra* note 138, at 166, 181.

160. Arzt, *supra* note 114, at 27.

161. *Id.*; see also NQ, *supra* note 92, 9:5.

162. MOYNAHAN, *supra* note 138, at 171.

Thus, the implementation of *shariah* law has historically served to define a state as Islamic in character, and to consecrate that state as part of the Muslim sphere of influence. The *shariah* would bolster Islam's power within that state by providing incentives for non-Muslims to convert to Islam and ensuring that non-Muslims could not threaten the state's Islamic character.

4. Da'wah

Da'wah is the Arabic word that denotes invitation to Islam—essentially, *da'wah* is the equivalent of Christian missionary work.¹⁶³ *Da'wah* has long been an important tool for spreading Islam. In fact, Muhammad relied exclusively on *da'wah* to spread the faith during his early years in Mecca, as well as early in his tenure in Medina.

The most important *ayah* relating to *da'wah* states: “Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious; for thy Lord knoweth best, who have strayed from His Path, and who receive guidance.”¹⁶⁴ From this verse, Ali Khan divines three distinct rules governing *da'wah*. First, he states that *da'wah* must be “an invitation, not a forced initiation.”¹⁶⁵ His pronouncement that invitees must come to Islam voluntarily is consonant with *ayah* 2:256, which provides that there shall be “no compulsion in religion.”¹⁶⁶ Second, Khan finds that “*da'wah* mandates wisdom and fair preaching.”¹⁶⁷ He states that the invitor “is prohibited from presenting a distorted or pandering picture” of Islam—for example, by highlighting only the benefits of the faith without “mentioning the corresponding obligations.”¹⁶⁸ Third, Khan finds that the invitee's ultimate decision regarding whether to accept Islam lies with Allah: “No human effort, without the will of God, can succeed in matters of faith.”¹⁶⁹

Furthermore, Khan explains that specific strictures within the Islamic faith dictate the manner in which *da'wah* should be conducted:

Related to *da'wah* are the manners of discourse that the invitor must observe in introducing Islam to the invitee. The Shari'a prohibits excessive argumentation or impolite criticism of others' beliefs. The Quran states rather candidly that when an invitee begins to ridicule God's message, the invitor must leave the

163. Abdul Rahman I. Doi, *Proselytism and Islam in Southern Africa*, 14 EMORY INT'L L. REV. 1147, 1147 (2000); Jorgen S. Nielsen, *Contemporary Discussions on Religious Minorities in Islam*, 2002 BYU L. REV. 353, 366 (2002).

164. HQ, *supra* note 92, 16:125. *Daw'ah* is also discussed in *ayah* 3:64, which states:

Say: “O People of the Book! come to common terms as between us and you: That we worship none but Allah; that we associate no partners with Him; that we erect not, from among ourselves, lords and patrons other than Allah.” If then they turn back, say ye: “Bear witness that we (at least) are Muslims (bowing to Allah's will).”

Id. 3:64.

165. Khan, *supra* note 96, at 670.

166. HQ, *supra* note 92, 2:256. For commentary on this verse, see, e.g., Asani, *supra* note 94, at 45; Mohamed Nimer, *Muslims in America After 9-11*, 7 J. ISLAMIC L. & CULTURE 1, 16 (2002-2003).

167. Khan, *supra* note 96, at 670.

168. *Id.*

169. *Id.* at 671; see also HQ, *supra* note 92, 10:99-100, 72:21.

company and not engage in a nasty or hurtful conversation. The Sunna also prohibits annoying questions in matters of faith. Thus, da'wah is not a contest for winning an intellectual debate. It is a sincere invitation to Islam, a positive message that does not vilify other religions.¹⁷⁰

Da'wah has historically been used not only to convince individuals to embrace Islam, but also to dramatically expand the perceived Muslim sphere of influence. One example is Malaysia, where Karen Armstrong writes: "Muslim merchants, every one a missionary for the faith, had settled... at a time when Buddhist trade had collapsed there, and soon enjoyed immense prestige. Sufi preachers followed the businessmen, and by the fourteenth and fifteenth centuries Malaya was predominantly Muslim."¹⁷¹

B. Contemporary Defense of the Islamic Sphere of Influence

The September 11 attacks revealed and intensified deep schisms within contemporary Islam. Many Muslims would agree with Islamic scholar Khaled Abou El Fadl that their co-religionists have, by and large, "lost touch with the thoughtful, pluralistic, introspective faith of the past."¹⁷² Even before 9/11, liberal and reform-minded Muslims had been challenging conservative Islamic interpretations of the mechanisms used to promote the Islamic sphere of influence.¹⁷³ The 9/11 attacks helped to provide reformist Muslims with the impetus they needed; since then, such groups as Free Muslims Against Terrorism¹⁷⁴ have launched bold and comprehensive critiques of the radicalism within their faith.

Thus, an explosive and crucially important debate is currently occurring among Muslims about the proper relationship between Islam and the West, and Islam's compatibility with democracy and modernity. Even the idea that the world is divided into *dar al-Islam* and *dar al-Harb* has come under some attack.¹⁷⁵

However, the idea that the world is divided into *dar al-Harb* and *dar al-Islam* is far from dead. Most conservative Muslims' conceptions of international affairs are still shaped by the *dar al-Islam-dar al-Harb* distinction. And even Muslims who are inclined to reject this division of the world are uncomfortable with actions by non-Muslims that would traditionally be regarded as intrusions into the *dar al-Islam*, such as the organized missionary efforts that followed the United States'

170. Khan, *supra* note 96, at 672.

171. ARMSTRONG, *supra* note 103, at 110.

172. Jane Eisner, *Muslims Find a Haven in U.S.*, PHILADELPHIA INQUIRER, Dec. 4, 2002, LEXIS, News Library, News Group File.

173. For examples of challenges by liberal Muslims that preceded the September 11th attacks, see generally AN-NA'IM, *supra* note 91, and FAZLUR RAHMAN, *ISLAM & MODERNITY: TRANSFORMATION OF AN INTELLECTUAL TRADITION* (1982).

174. The website of Free Muslims Against Terrorism can be found at <http://www.freemuslims.org> (last visited Apr. 18, 2005).

175. See, e.g., Khan, *supra* note 7, at 323-25; Ihsan Yilmaz, *The Challenge of Post-Modern Legality and Muslim Legal Pluralism in England*, 28 J. ETHNIC & MIGRATION STUDIES 347 (Apr. 2002) ("[M]ost Muslim community leaders in Europe today regard the concepts of dar al-harb and dar al-Islam as irrelevant in the present-day context.").

toppling of both the Taliban and Saddam Hussein's Ba'athist regime.¹⁷⁶

What will come of the vital struggle for the soul of Islam remains to be seen. However, at present, the same mechanisms that historically have been used to preserve and expand the Islamic sphere of influence are still utilized today. This section now examines the contemporary use of the mechanisms for strengthening the *dar al-Islam*.

1. Jihad

While the Islamic state once engaged in frequent wars of expansion designed to spread the faith throughout the world, Muslim states do not do so today.¹⁷⁷ Today, small but dedicated groups of Islamic warriors who have been engaged in combat throughout the globe since long before 9/11 have taken up the mantle of radical *jihad*.

Al-Qaeda is one such group, but many others exist. In general, these groups share the common goal of toppling secular governments and replacing them with Islamic regimes. For example, in the Philippines, the Moro Islamic Liberation Front (MILF), a group that claims up to 12,000 guerillas, has been fighting to establish an Islamic state for twenty-five years.¹⁷⁸ It has been reported that "[u]ntil Philippine troops in 2000 overran [MILF's] major training base, Camp Abu Bakar, the facility served as a kind of mini-Afghanistan, training militants from across Southeast Asia."¹⁷⁹ MILF is joined in the Philippines by Abu Sayyaf, another insurgent Filipino group that "purports to have an Islamist agenda but has descended into criminal gangs of kidnapers and thieves."¹⁸⁰ Abu Sayyaf gained notoriety in 2001 when it kidnapped American missionary couple Gracia and Martin Burnham.¹⁸¹

176. See Muzaffar, *supra* note 4.

177. This fact may not represent an ideological shift so much as it reflects Muslim states' military weakness vis-à-vis the West. For example, with its weak military, see Michael Levi, *Royal Pain*, NEW REPUBLIC, June 2, 2003, at 14, Saudi Arabia would be hard pressed to fight a war of expansion. Nonetheless, Islamic charities financed by the Saudi regime have actively propagated the notion that Muslims have a duty to engage in jihad for the purpose of expanding the *dar al-Islam*. See generally GOLD, *supra* note 7.

178. See David E. Kaplan et al., *The Shadow Over the Summit*, U.S. NEWS & WORLD REP., Oct. 20, 2003, at 29; *Philippines President Says al-Ghozi Shot Dead, a "Warning to Terrorists"*, AGENCE FRANCE PRESSE, Oct. 13, 2003, LEXIS, News Library, News Group File.

179. Kaplan et al., *supra* note 178, at 29.

180. *Id.* In a similar vein, the *Korea Herald* described Abu Sayyaf as "little more than a criminal gang specializing in kidnappings and beheadings, with only tangential connections to international terrorism." *Powell's Visit to Southeast Asia at Crucial Time*, KOREA HERALD, July 24, 2002, at LEXIS, News Library, News Group File. Regardless of the questionable strength of Abu Sayyaf's present connections to terrorism, its terrorist links in the mid-1990s are indisputable. Peter Bergen explains that in 1994 Islamist militants "collaborated with Abu Sayyaf . . . on a plan to blow up eleven passenger jets and to assassinate Pope John Paul II on his visit to the Philippines." PETER L. BERGEN, HOLY WAR, INC.: INSIDE THE SECRET WORLD OF OSAMA BIN LADEN 222 (2001). These plots were discovered when authorities seized 1993 World Trade Center bomber Ramzi Yousef's laptop computer after a failed explosives experiment in his Manila apartment. *Id.*

181. *Philippines Loses 300,000 Dtrs in Failed "Sting" of Abu Sayyaf Kidnappers*, AGENCE FRANCE PRESSE, Aug. 23, 2003, News Library, News Group File. Martin Burnham was killed in a

Another prominent example of these contemporary holy warriors can be seen in the current conflict in Chechnya. The Chechens originally battled Russia in a war of independence between 1994 and 1996.¹⁸² "Islam became a rallying cry in Chechnya's 1994-95 war for independence, but was not a driving force."¹⁸³ However, after Chechen military victories in that war earned them de facto independence, the conservative Wahhabi sect gained political power in Chechnya. In early 1999, Chechen president Aslan Maskhadov was pressured to introduce *shariah* law.¹⁸⁴ Later that year, a series of apartment bombings in Russia were blamed on Islamist militants, and a Chechen warlord twice invaded the Russian province of Dagestan in an attempt to establish an Islamic state.¹⁸⁵ The combination of the bombings and attacks on Dagestan caused Russian troops to reenter the region, thus igniting the current Chechen conflict.

The Chechen conflict illustrates the linkages between international jihadist groups. Few international Islamists were involved in Chechnya's 1994-96 war of independence; most of the international Islamists who signed on did so as a result of the Russian military's brutality in pursuing the campaign.¹⁸⁶ However, when new hostilities broke out between Russia and the Chechens in 1999, the *casus belli* was an attempt to establish an Islamic state, a goal that resonated with international jihadist groups. Hence, Chechnya experienced a "massive influx of foreigners that one could reasonably call terrorists from Afghanistan, Saudi Arabia and other Middle Eastern states."¹⁸⁷ These foreign fighters came to comprise an important part of the Chechen rebels' forces.

rescue attempt on June 7, 2002. *Id.*; see also Bruce Finley, *Kidnapping a Growth Industry: Abduction Now a Tool of Terror*, DENVER POST, July 6, 2003, at A1.

182. See *Islamic Court in Chechnya Suspends Parliament*, AGENCE FRANCE PRESSE, Dec. 25, 1998, LEXIS, News Library, News Group File; Henry Meyer, *New Chechen President Vows "Even Harsher" Crackdown on Rebels*, AGENCE FRANCE PRESSE, Oct. 7, 2003, LEXIS, News Library, News Group File; Fred Weir, *Putin Links Chechnya Bombing to Saudi Blasts*, INDEP. (London), May 15, 2003, at 10, LEXIS, News Library, News Group File.

183. Marshall Ingwerson, *Muslims of the Mountains Feel a Rift Over an Islam They Barely Knew*, CHRISTIAN SCI. MONITOR, Aug. 21, 1997, at 10.

184. *Chechnya's President Declares Islamic Law*, DESERET NEWS (Salt Lake City), Feb. 4, 1999, at A4; *Chronology of Events in Chechnya After Collapse of Soviet Union*, AGENCE FRANCE PRESSE, Sept. 30, 2003, LEXIS, News Library, News Group File.

185. Reese Erlich, *Chechens Deny Their Republic is bin Laden Pawn*, CHI. TRIB., Dec. 9, 2001, at 5C.

Whether the apartment bombings were really the work of Islamist militants is questionable. David Frum and Richard Perle write:

The Russian government blamed Chechen Islamic terrorists [for the apartment bombings]—a story that did not seem very convincing even at the time and that became a whole lot less convincing after a team of Russian secret policemen were caught shortly afterward planting a large bomb in the basement of an apartment building in Ryazan. (Their story: They were testing "security measures.")

DAVID FRUM & RICHARD PERLE, *AN END TO EVIL: HOW TO WIN THE WAR ON TERROR* 264 (2003).

186. Fareed Zakaria, *Suicide Bombers Can be Stopped*, NEWSWEEK, Aug. 25, 2003, at 57.

187. Georgie Anne Geyer, *Moscow Ignoring Chechens' Valid Complaints*, DESERET MORNING NEWS (Salt Lake City), July 22, 2003, at A11.

International Islamist groups also operate in many other countries, including China,¹⁸⁸ Indonesia,¹⁸⁹ Thailand,¹⁹⁰ and Uzbekistan.¹⁹¹ These holy warriors seek to both extend the *dar al-Islam* in those areas where Islam's sphere of influence overlaps with Christianity's and also forcibly establish Islam's preeminence within the *dar al-Islam* itself. Muslim governments have been seen as legitimate targets when the jihadists see them as insufficiently Islamic. Thus, for example, Islamist groups in Egypt have been "engaged in a bloody battle to topple Mubarak's secular regime and replace it with an Islamic state."¹⁹² Even Saudi Arabia, with its conservative system of *shariah* law, has not been safe from the militants' ire. Journalist Peter Bergen has dubbed Saudi Arabia's misguided foreign policy "riyalpolitik," wherein the Saudi government seeks to establish its Islamic legitimacy by funding militant organizations outside its borders.¹⁹³ However, Saudi Arabia's strategy continually backfires because the very groups that Saudi Arabia funds generally see its government as un-Islamic.¹⁹⁴

These jihadist groups are a significant presence internationally. While the growing backlash among liberal Muslims against the harsher incarnations of the faith includes criticism of jihadist groups,¹⁹⁵ these groups' critics are often prone to threats and intimidation.¹⁹⁶ These threats are even more severe when the critics

188. See, e.g., *Beijing Links Four "Terrorist" Groups in China to Foreign Countries*, AGENCE FRANCE PRESSE, Dec. 15, 2003, LEXIS, News Library, News Group File; Derk Kinnane Roelofsma, *Confronting Islamism-2*, UNITED PRESS INT'L, July 14, 2003, LEXIS, News Library, News Group File.

189. See Doug Bandow, *Modern Religious Wars*, NAT'L REV., July 17, 2002, LEXIS, News Library, News Group File (discussing Laskar Jihad); Jane Perlez & James Brooke, *Indonesian in Terror Inquiry Lauds bin Laden*, N.Y. TIMES, Jan. 25, 2002, at A10.

190. See Zachary Abuza, *Tentacles of Terror: Al Qaeda's Southeast Asian Network*, CONTEMPORARY S.E. ASIA, Dec. 1, 2002, at 427; Andrew Perrin, *Thailand's Terror: Has Thailand's Muslim-Dominated South Served as a Training and Staging Base for Jihadi Terrorists?*, TIME INT'L, Nov. 25, 2002, at 24.

191. See David Filipov, *Terror Crackdown May Push More to Extremism*, BOSTON GLOBE, Oct. 27, 2002, at A28 (describing the Islamic Movement of Uzbekistan as "the most-feared terrorist organization in Central Asia"); *Ottawa Adds 7 to List of Banned Terrorist Groups*, EDMONTON SUN (Alberta, Canada), Apr. 4, 2003, at 47 (discussing the Islamic Movement of Uzbekistan).

192. Mohamad Bazzi, *Egypt's War on Islamists; Government Acted Harshly to Crush Terrorist Movements*, NEWSDAY (New York), Oct. 12, 2001, at A57.

193. BERGEN, *supra* note 180, at 58-59.

194. *Id.*

195. Jihadist groups have been particularly prone to criticism by Muslims living in the West. For examples of criticism by Western Muslims, see, for example, El Fadl, *supra* note 92. Another example is Shaykh Hisham Kibbani, chairman of the Islamic Supreme Council of America. See Alex Alexiev, *The End of an Alliance*, NAT'L REV., Oct. 28, 2002, LEXIS, News Library, News Group File ("As early as 1999, the Naqshbandi leader in America, Sheikh Hisham Kabbani, persuasively documented the threat that Wahhabism posed to America; his warnings were met with vitriolic denunciations by the Islamic establishment, and indifference on the part of the U.S. government."); Jeff Jacoby, *Islam's Unheard Moderates*, BOSTON GLOBE, Jan. 6, 2000, at A13; Stephen Schwartz, *Sufi Surfing: Pico Iyer and the Californication of Mystical Islam*, WKLY. STANDARD, Sept. 22, 2003, LEXIS, News Library, News Group File ("Here at home, no Islamic leader has been more outspoken, in demanding loyalty on the part of American Muslims to the United States and its democratic polity, than Sheikh Muhammad Hisham Kabbani of the Naqshbandi Sufis.")

196. For example, Khaled Abou El Fadl has reported: "Throughout my work, I've met so many people who sympathize with me who tell me for the sake of my family, please quit speaking out." Rod

reside within the Islamic sphere of influence.¹⁹⁷ The fact that moderates are often silenced only magnifies the power of groups devoted to the global jihad.

2. The Imposition of Shariah Law

Shariah law is still enforced today in most Muslim states, in one form or another. Many Muslim states have officially established Islam as their state religion.¹⁹⁸ This is true even of some Islamic states that are considered secular, such as Egypt.¹⁹⁹ Also, many officially secular Muslim states have largely incorporated the *shariah* into their legal codes, and politicians are under great pressure to uphold and enforce it.

The *shariah's* incorporation can be seen by the fact that proselytism by minority faiths is explicitly forbidden under the law of most Muslim countries. The most striking of these legal proscriptions can be found in Saudi Arabia, where all non-Islamic expressions of religion are illegal. "It is even illegal to wear a cross necklace, read a Bible, or utter a Christian prayer in the privacy of your own home."²⁰⁰ Other Islamic countries that ban proselytism by non-Muslim faiths include Brunei,²⁰¹ Comoros,²⁰² Egypt,²⁰³ Iran,²⁰⁴ Jordan,²⁰⁵ Kuwait,²⁰⁶ Malaysia,²⁰⁷

Dreher, *Inside Islam*, NAT'L REV., Jan. 8, 2002, LEXIS, News Library, News Group File. See also Salim Mansur, *The Bloody Struggle for Islam's Soul: Battle That Divides Muslims Has Spilled Over Into a Global War*, TORONTO SUN, Jan. 16, 2004, at 16 (explaining that Islamic fundamentalists have attempted to systematically "intimidate and silence" more liberal Muslims living in the West).

197. See, e.g., David Crumm, *Extreme Words Between Muslims, Christians Fuel Fires of Discord*, DETROIT FREE PRESS, Sept. 3, 2002, LEXIS, News Library, News Group File ("There is no question that extremists in Pakistan, claiming to act on behalf of Islam, are threatening moderate Muslims as well as non-Muslims."); *Incense, Silk and Jihad*, ECONOMIST, May 31, 2003, LEXIS, News Library, News Group File (noting that, in Southeast Asia, "extremists . . . dominate the news and intimidate more moderate Muslims"); Fred Nile, *Chirac Right to Open Veil Debate*, AUSTRALIAN, Dec. 22, 2003, at 7 ("Moderate Muslims are being threatened by fundamentalist Muslims in Iraq, Egypt and elsewhere.").

198. See, e.g., BANGL. CONST. art. 2A (1972), established by Constitution (Eighth Amendment) Act No. 30 of 1988, reprinted in Bangl. Gazette Extraordinary (1988); Basic Law of Palestine art. 9 (2002); IRAN CONST. art. 12; KINGDOM OF SAUDI ARABIA CONST. ch. 1, art. 1; MOROCCO CONST. art. 6; PAK. CONST art. 2; REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 58 (noting that Islam is the state religion in Mauritania), 176 (Malaysia); Rosemary J. Coombe, *The Cultural Life of Things: Anthropological Approaches to Law and Society in Conditions of Globalization*, 10 AM. U. J. INT'L L. & POL'Y 791, 813 (1995) ("Islam is the state religion in Niger . . ."); Toby R. Unger, *The Status of the Arts in an Emerging State of Palestine*, 14 ARIZ. J. INT'L & COMP. L. 193, 218 (1997) (noting that "the majority of Arab states recognize Islam as their state religion").

199. Egypt is generally regarded as a secular country. See, e.g., Cameron Kamran, *Iran Could Yet be a Model for the Mideast*, FIN. TIMES (London, England), June 20, 2003, at 21; Jonathan Steele, *Vengeful Fires Burn in Arabian Hearts: A New Generation is Angry and Islamist Terrorism Could Reap Rewards*, OBSERVER (London, England), Apr. 6, 2003, at 7. However, Egypt's Constitution explicitly makes Islam the country's state religion. EGYPT CONST. art. 2; see also Christy Cutbill McCormick, Comment, *Exporting the First Amendment: America's Response to Religious Persecution Abroad*, 4 J. INT'L LEGAL STUD. 283, 303 (1998) ("Islam is the state religion of Egypt . . .").

200. SHEA, *supra* note 13, at 40.

201. REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 110.

202. *Id.* at 17 ("Foreign missionaries work in local hospitals and schools, but they are not allowed to proselytize.").

203. Issandr el Amrani, *Egypt Jails Two Scientologists*, UNITED PRESS INT'L, Mar. 5, 2002, LEXIS,

Mauritania,²⁰⁸ Morocco,²⁰⁹ Somalia,²¹⁰ Sudan,²¹¹ Uzbekistan,²¹² and Yemen.²¹³ In many Muslim states where proselytizing is not officially forbidden, it is often officially discouraged.²¹⁴

Consistent with Saudi Arabia's ban on all non-Islamic expressions of religion, conversion out of Islam by Saudi citizens is a capital offense.²¹⁵ A number of other Islamic states have also enacted laws prohibiting Muslims from converting to another religion.²¹⁶ Consistent with the classical implementation of *shariah* law, these prohibitions on proselytism and conversion only cut one way. Proselytism of non-Muslims is not prohibited, nor is it illegal for non-Muslims to convert to

News Library, News Group File (describing restrictions on proselytism in Egypt); Charles Kimball, *Resentment, Not Gospel, Likely to Spread*, ORLANDO SENTINEL (Fla.), May 5, 2003, at A19; Andrew Metz, *One Egyptian's Junk is Another's Parish; Priest Converts Dump Into a Promised Land for 27,000 Cairo Poor*, NAT'L CATHOLIC REP., Sept. 30, 1994, LEXIS, News Library, News Group File ("It is illegal for Christians to proselytize Muslims in Egypt.").

204. *Religious Freedom Precarious in Middle East—Report*, AGENCE FRANCE PRESSE, Sept. 9, 1999, LEXIS, News Library, News Group File [hereinafter *Religious Freedom Precarious*].

205. U.S. DEP'T OF STATE, JORDAN – CONSULAR INFORMATION SHEET (Nov. 26, 2001) LEXIS, News Library, News Group File [hereinafter *Jordan Consular Information Sheet*].

206. *Religious Freedom Precarious*, *supra* note 205; U.S. DEP'T OF STATE, KUWAIT – CONSULAR INFORMATION SHEET (May 7, 2001) LEXIS, News Library, News Group File.

207. Faisal Bodi, *Face to Faith: Conversion Theory*, GUARDIAN (London), Sept. 8, 2001, at 20.

208. REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 59.

209. David Ivanovich, *Beliefs vs. Business; Proposed Sanctions Draw Fire*, HOUSTON CHRON., Sept. 9, 1997, at 1 (describing restrictions on proselytism in Morocco); U.S. DEP'T OF STATE, MOROCCO – CONSULAR INFORMATION (July 17, 2001) LEXIS, News Library, News Group File ("[S]ome activities, such as proselytizing or encouraging conversion to the Christian faith—both considered legally incompatible with Islam—are prohibited In the past, American citizens have been detained or arrested and expelled for discussing or trying to engage Moroccans in debate about Christianity.") [hereinafter *Morocco Consular Information Sheet*].

210. See Martha Sawyer Allen, *From the Crescent to the Cross*, STAR TRIB. (Minneapolis, Minn.), June 7, 2003, at 7B ("In Somalia it is illegal for non-Muslims to propagate their faith openly . . .").

211. SHEA, *supra* note 13, at 35.

212. *Id.* at 52 ("[T]he government has prohibited 'missionary activities' in an ambiguous 1991 law that fails to define such activities. Proselytism is prohibited in an attempt to avoid religious tensions even though the constitution declares that citizens can 'profess and spread their faith.'"); *Religious Extremism Threatens Kazakhstan: Security Chief*, AGENCE FRANCE PRESSE, June 22, 1998, LEXIS, News Library, News Group File.

213. *Missionaries' Killer 'Defending' Islam*, HAMILTON SPECTATOR (Ontario, Canada), Apr. 21, 2003, at C6 ("Yemeni law prohibits non-Muslims from proselytizing in this overwhelmingly Muslim country.").

214. See, e.g., REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 28 (noting that while "[t]here is no legal prohibition against proselytizing" in Djibouti, "proselytizing is discouraged").

215. SHEA, *supra* note 13, at 40.

216. See, e.g., *Iran; Walk in Fear*, ECONOMIST, July 23, 1994, at 39 (noting that apostasy is illegal in Iran); *Jordan Consular Information Sheet*, *supra* note 205 (Jordan); *Morocco Consular Information Sheet*, *supra* note 209 (Morocco); David Pryce-Jones, *Islam in Action: Extremism Now, and Everywhere. What Later?*, NAT'L REV., Dec. 3, 2001, LEXIS, News Library, News Group File (Algeria); Ira Rifkin, *Vatican Official Says Christian-Muslim Relations Must be Reciprocal*, SAN ANTONIO EXPRESS-NEWS (Tex.), June 7, 1997, at 10B (Kuwait); Willis Witter, *Christians Hunker Down in Pakistan*, WASH. TIMES, Oct. 30, 2001, at A1 (Pakistan).

Similarly, legal rulings in Malaysia make it almost impossible in practice for Muslims to convert to another faith. REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 177.

Islam.²¹⁷

These restrictions on proselytism and conversion are not the only legal obstacles that minority faiths face in Muslim states. Indeed, many Muslim states have implemented restrictions that are not dictated by the *shariah* in order to discourage the growth of minority faiths. For example, Comoros has restricted the use of the country's three churches to noncitizens, and prohibits Comoros citizens from congregating in them.²¹⁸ The State Department reports that members of minority religions in Iran "reported imprisonment, harassment, and/or intimidation based on their religious beliefs."²¹⁹ In Nigerian provinces that have implemented *shariah* law, it is "increasingly difficult to get a license to build a church," and "several churches have been desecrated or burned down."²²⁰ And Christian groups in Sudan, such as those that provide humanitarian services, are required to apply for special licenses, and there are both frequent delays and denials.²²¹

Muslim states' efforts to bolster the Islamic faith are often buoyed by local vigilante groups. While many commentators contend that these groups' actions are contrary to true Islamic teachings, these groups believe that they are upholding the *shariah*. To illustrate this point, one commentator vividly describes the kind of oppression that Islamist groups inflict on Egypt's Coptic Christians:

Coptic Christians are among the most vulnerable of groups to persecution in Egypt.... In February of 1997, 15 Coptic Christian youth were murdered by Islamic fundamentalists. In March, nine more were victims in a terrorist attack. Reports of murders of Christians are on the rise. Extremist Muslims routinely abduct and rape non-Muslim women and girls and either marry them or force them to convert to Islam. The government not only does nothing to protect non-Muslims, it cooperates with the extremists by actively closing its eyes to the acts of abduction, forced marriage, and murder. Over 1,000 people were killed by militant Muslims since 1992, many of whom are Christian, and the Egyptian government does nothing to punish these crimes. In March 1998, the thirteen-year old daughter of a family who had converted to Christianity was kidnapped, raped, and forced to convert to Islam. When her captors later released her, the family members were killed by the terrorists who slit their bellies, and crushed their heads with stones.²²²

Local Muslim populations have also frequently engaged in acts of violence directed at missionaries, and a number of missionaries have been killed in Muslim

217. See e.g., SHEA, *supra* note 13, at 35 (Sudan); Barney Zwartz, *Unholy Free Speech Row Catches Fire*, THE AGE (Melbourne), Oct. 18, 2003, at 5 (describing a Pakistani Christian's account of the pressure he faced to convert to Islam in Pakistan).

218. REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 16-17.

219. *Id.* at 429.

220. Ann M. Simmons, *Nigerian States' Embrace of Islamic Law Triggers Alarm*, L.A. TIMES, Feb. 23, 2000, at A1.

221. SHEA, *supra* note 13, at 35; see also Chris Hedges, *Sudan Presses Its Campaign to Impose Islamic Law on Non-Muslims*, N.Y. TIMES, June 1, 1992, at A6.

222. McCormick, *supra* note 199, at 304.

nations since 9/11.²²³ Such attacks are intended not only to dispose of the immediate victims, but also to intimidate anybody else who similarly considers promoting a non-Islamic faith.

The coercive apparatus of the state is employed in Muslim countries not only to prevent non-Islamic faiths from gaining power, but also to restrain Islamic sects that are perceived as heretical. For example, Chad's Ministry of the Interior banned an Islamic group that incorporated singing and dancing into its ceremonies and allowed intermingling of the sexes.²²⁴ In Malaysia, members of what the government perceives to be "deviant sects" are often detained without trial, and members of the country's Shiite minority are subjected to surveillance.²²⁵ And Saudi Arabia is intent on suppressing Sufism, which is perceived by Wahhabi clerics as a deviation from true Islam.²²⁶

3. Da'wah

Global *da'wah* efforts are very strong at present, in large part because a number of Middle Eastern states have chosen to funnel a substantial amount of money to Islamic charities dedicated to spreading the faith. For example, a Saudi news magazine has claimed that the Saudi royal family's efforts have resulted in "some 210 Islamic centers wholly or partly financed by Saudi Arabia, more than 1,500 mosques and 202 colleges and almost 2,000 schools for educating Muslim children in non-Islamic countries in Europe, North and South America, Australia, and Asia."²²⁷

Motivations for either funding or carrying out *da'wah* efforts differ from individual to individual. Virtually all Muslims evince a clear desire to help others truly submit to Allah's will, and potentially, to save them from the hellfire in the afterlife. For many, this desire is coupled with an urge to strengthen Islam geopolitically. For example, Shamim A. Siddiqi's book, *Methodology of Dawah Ilallah in American Perspective*, lays out a detailed plan for establishing Islamic rule in the United States.²²⁸ Siddiqi argues that the conversion of the United States to Islam is the most pressing task of Muslims today for three reasons. First, Siddiqi asserts that Washington is the premier enemy of Islam in the contemporary world. He writes that whenever Muslims have come close to establishing an

223. Scheherezade Faramarzi, *U.S. Troops, Shiite Fighters Clash in Karbala; Gunmen Slay Two Journalists from Polish Television*, ASSOCIATED PRESS, May 7, 2004, available at LEXIS, News Library, News Group File; Laurie Goodstein, *Seeing Islam as 'Evil' Faith, Evangelicals Seek Converts*, N.Y. TIMES, May 27, 2003, at A1; see also Gethin Chamberlain, *Al-Qaeda Targets UK Muslims in New Terror Campaign*, SCOTSMAN, Apr. 3, 2004, at 1 (reporting that a top al-Qaeda official has sent a message to bin Laden's followers stating that their "prime target . . . should be missionaries in Islamic countries who try to convert Muslims to Christianity").

224. REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 15.

225. *Id.* at 178.

226. See, e.g., Stephen Schwartz, *Whose Saudi Arabia*, JERUSALEM POST, June 11, 2004, at 14.

227. Quoted in, Steven Stalinsky, *Inside the Saudi Classroom*, NAT'L REV., Feb. 7, 2003, available at LEXIS, News Library, News Group File.

228. See Daniel Pipes, *The Danger Within: Militant Islam in America*, COMMENT., Nov. 2001, at 19 (discussing Siddiqi's book), available at <http://www.danielpipes.org/pf.php?id=77> (last visited Nov. 8, 2004).

Islamic state, the “treacherous hands of the secular West are always there... to bring about [their] defeat.”²²⁹ Second, Siddiqi states that establishing Islamic rule in America “would signal its final triumph over its only rival, that bundle of Christianity and liberalism which constitutes contemporary Western civilization.”²³⁰ Finally, Siddiqi contends that “the infusion of the United States with Islamism would make for so powerful a combination of material success and spiritual truth that the establishment of ‘God’s Kingdom’ on earth would no longer be ‘a distant dream.’”²³¹

Other Muslim leaders share Siddiqi’s view that nothing would be a bigger boon to their faith than an Islamized America. Ismail al-Faruqi, who founded the International Institute of Islamic Thought in Herndon, Virginia, has stated that “[n]othing could be greater... than this youthful, vigorous, and rich continent [of North America] turning away from its past evil and marching forward under the banner of *Allahu Akbar* [God is great].”²³²

Many other Muslim leaders believe that the idea of America turning toward Islam is not a mere pipe dream, but rather a realistic goal. Siraj Wahaj, the first Muslim to deliver the daily invocation before Congress,²³³ has stated: “If we were united and strong, we’d elect our own emir [leader] and give allegiance to him.... [T]ake my word, if 6-8 million Muslims unite in America, the country will come to us.”²³⁴ Ahmad Nawfal, who speaks frequently at Muslim rallies in the United States, has stated that because “the United States has ‘no thought, no values, and no ideals,’ if militant Muslims ‘stand up, with the ideology that we possess, it will be very easy for us to preside over this world.’”²³⁵ Canadian business professor Masudul Alam Choudhury has written “matter-of-factly and enthusiastically about the ‘Islamization agenda of North America.’”²³⁶

This “Islamization agenda of North America” is bolstered by the influx of money from Islamic countries to Muslim organizations in the United States. Perhaps because of this funding, which largely comes from Saudi Arabia, many Muslim organizations in the United States have coalesced around a common agenda. Moreover, these efforts at promoting the Islamization of North America are mirrored by efforts to promote the Islamization of Europe.²³⁷ Hence, there is

229. *Id.*

230. *Id.*

231. *Id.*

232. *Id.*

233. See Rebecca Buckman, *Muslim Voice Delivers House Invocation*, USA TODAY, June 26, 1991, at 2A.

234. Pipes, *supra* note 228, at 19.

235. *Id.*

236. *Id.*

237. See, e.g., Abigail R. Esman, *The Arabian Panther*, SALON.COM, June 14, 2004, available at LEXIS, News Library, News Group File (stating that the Arab European League “positions itself as an uncompromising defender of European Muslims, eschewing assimilation and espousing confrontational political ideas such as the introduction of sharia law in Europe”); Jane Barnes Mack-Cozzo, *The Islamization of Europe*, AM. ENTER., Jan. 1, 2003, at 36, available at http://www.findarticles.com/p/articles/mi_m2185/is_1_14/ai_96010652/print (last visited Nov. 6, 2004)

also a geopolitical aspect to *da'wah* work that has been concretely articulated by Muslim thinkers.

IV. CHRISTIANITY

The perception among Muslims that their faith possesses a geographic sphere of influence is both more obvious and more dramatic in the present day than Christians' perception of a Christian sphere of influence. However, to many Christians, the idea of a Christian sphere of influence and the fact of intrusions into this historical sphere are very real.

Groups that perceive a Christian sphere of influence are very influential in some Western countries, and have a palpable influence on these countries' foreign and domestic policy. Moreover, the "center of gravity in the Christian world has shifted inexorably southward, to Africa, Asia, and Latin America."²³⁸ As the center of Christendom moves toward the Southern Hemisphere, the notion of a distinct geographical Christian sphere of influence may become even more important. After all, while Western Christians are increasingly secularized, Christians in the Southern Hemisphere "are morally conservative, often to the point of being what northerners would call puritanical, and theologically orthodox. They adhere strictly to the word of Scripture, which commands their loyalty far more than state or society; and they expect supernatural intervention in their daily lives."²³⁹

Christianity is the world's largest religion, with about two billion adherents worldwide.²⁴⁰ Although Jesus Christ never had an army at his disposal, nor was he ever a head of state, the Christian faith has been a major geopolitical force ever since the Roman Empire became Christianized.²⁴¹ After the Christianization of the Roman Empire, "Christians in government found themselves faced with... questions that their religion had not wrestled with before."²⁴² These questions spurred the development of a doctrine of religious warfare,²⁴³ and led theologians to grapple with a number of other issues concerning Christian governance.

Today, Christianity's three major branches are Roman Catholicism, Eastern Orthodoxy, and Protestantism.²⁴⁴ In countries that fall within Christianity's sphere of influence, Christians attempt to preserve their faith's primacy against secularism

(saying "Several Muslim leaders call openly for the introduction of sharia in Europe as soon as the Muslim population increases enough to enforce the archaic Islamic law.").

238. JENKINS, *supra* note 17, at 2.

239. Sarah E. Hinlicky, *Steeple Chase*, NAT'L REV., May 20, 2002, available at LEXIS, News Library, News Group File.

240. See *supra* note 16 and accompanying text.

241. See J. Paul Martin, *Religions, Human Rights, and Civil Society: Lessons from the Seventeenth Century for the Twenty-First Century*, 2000 B.Y.U. L. REV. 933, 933 (2000).

However, the Roman Empire's Christianization is not the first occurrence of "Christianity forming a relationship with the secular state." JENKINS, *supra* note 17, at 18. "Almost certainly, Armenia was the first state anywhere to establish Christianity as an official faith, which it did around the year 300." *Id.*

242. THOMAS F. MADDEN, *A CONCISE HISTORY OF THE CRUSADES 1-2* (1999).

243. *Id.*

244. HUSTON SMITH, *THE WORLD'S RELIGIONS* 317 (1991).

and other religions, and occasionally against other Christian denominations. This Part first provides a historical account of how Christians have attempted to preserve and expand their faith's perceived sphere of influence, and then examines such efforts in the contemporary context.

A. *Historical Use of Spheres of Influence*

A number of excellent histories of Christianity are available,²⁴⁵ and thus this section does not attempt to comprehensively outline the history of the faith. Instead, this section describes the methods that Christians have historically employed to both preserve and expand the faith's sphere of influence. Five basic tactics have been used: proselytism, state promotion of Christianity, state enforcement of orthodoxy, military defense of the sphere of influence, and church assertion of greater authority than the state. Each tactic will be explored in turn.

1. Proselytism

Since the advent of Christianity, the faith has relied heavily on proselytism to fuel its expansion. Proselytism follows rather naturally from Christian theological beliefs. Christians believe in a literal afterlife. They believe that, after we die, some people will be rewarded with eternal life in heaven, while others will be condemned to hell.²⁴⁶ The religion further holds that "humankind, although created in God's image, fell into sin, and thus... human beings are intensely and inherently sinful."²⁴⁷ Because of humankind's sinful nature, Christians believe that nobody can attain salvation in the afterlife through works alone.²⁴⁸ Instead, humankind's sins must be paid for. Christians believe that our sins are paid through Jesus' sacrifice, that because Jesus was divine and perfect, he could give his own life to allow all of humankind to attain salvation.

Christianity thus holds that only by accepting the gift of Jesus' sacrifice can one be saved.²⁴⁹ Because Christians hold an exclusivist view of salvation, many

245. For two such excellent histories see generally PAUL JOHNSON, *A HISTORY OF CHRISTIANITY* (1976), and MOYNAHAN, *supra* note 138. For a history written from a Catholic perspective, see generally THOMAS P. NEILL & RAYMOND H. SCHMANDT, *HISTORY OF THE CATHOLIC CHURCH* (1957).

246. See Jonathan Edwards, *Sinners in the Hands of an Angry God*, in JONATHAN EDWARDS: REPRESENTATIVE SELECTIONS 155, 161 (Clarence H. Faust & Thomas H. Johnson eds., rev. ed. 1962), available at <http://www.ccel.org/e/edwards/sermons/sinners.html> (last visited Nov. 20, 2004).

247. David M. Smolin, *Church, State, and International Human Rights: A Theological Appraisal*, 73 NOTRE DAME L. REV. 1515, 1523 (1998).

248. See Titus 3:5 ("[H]e saved us, not because of righteous things we had done, but because of his mercy."); Ephesians 2:8-9 ("For it is by grace you have been saved, through faith—and this not from yourselves, it is the gift of God—not by works, so that no one can boast."); Hebrews 11:6 ("And without faith it is impossible to please God . . ."); John 6:29 ("Jesus answered, 'The work of God is this: to believe in the one he has sent.'"). Works are more important to salvation in Catholic theology than in Protestant theology. Nonetheless, Catholics generally do not believe that salvation can be attained through works alone, without faith in Christ.

249. See John 8:24 (Jesus states: "[I]f you do not believe that I am the one I claim to be, you will indeed die in your sins"); John 14:6 (Jesus states: "I am the way and the truth and the life. No one comes to the Father except through me"); Acts 4:12 ("Salvation is found in no one else, for there is no other name under heaven given to men by which we must be saved."); 1 Timothy 2:5 ("For there is one God and one mediator between God and men, the man Christ Jesus . . .").

have felt compelled to share their faith with others since the religion's inception. Moreover, as one missionary has explained, mission work is compelled in the Bible through "the 'great commission' found at the end of the Bible's account of Jesus' life on earth when he commissioned his followers to 'go therefore and make disciples of all nations (ethnic groups), baptizing them... [and] teaching them to observe (obey) all that I have commanded you."²⁵⁰

Paul was the key figure in the early church's evangelical efforts. Prior to his conversion, Paul had been a zealous Pharisee who fervently aided the persecution of Jesus' followers.²⁵¹ However, after Paul's conversion, he "felt himself to be 'entrusted with the gospel of the uncircumcision,' that is, with the conversion of non-Jews."²⁵² Driven by this belief, Paul traveled widely, preaching the gospel during his journeys. Because of the efforts of Paul and other early believers, "[b]y the 150s there were churches in almost all the provinces between Syria and Rome, extending through Alexandria to Carthage in North Africa and beyond to Mauritania, modern Algeria, and eastward beyond the fringes of empire to Persia and India."²⁵³

Although the Eastern church was, early in the faith's history, "the glory of Christendom," the emergence of Islam forced Christianity westward into "the dark recesses of barbarian Europe."²⁵⁴ Christianity first took root in Europe through proselytism, and eventually came to completely dominate the continent through political arrangements. For example, after the Germans finally defeated the Magyars on the battlefield, the Germans "pressed their religion on them."²⁵⁵ Political marriages were also used to spread the faith.

As Christianity became dominant in Europe, evangelism on the continent intensified in a variety of forms. As sea travel became more viable in the sixteenth and seventeenth centuries, Christianity spread even further. For example, the faith took root in Japan during this period before being brutally suppressed.²⁵⁶

In this overseas mission work, missionaries who were sensitive to local culture and were willing to adapt the faith to local customs were particularly effective.²⁵⁷ However, colonialism was also strongly linked to proselytism. For example, after Spain conquered the Philippines in 1565, the Spanish crown funded and controlled extensive proselytism efforts that produced over two million converts by 1620.²⁵⁸ Likewise, the spread of Christianity was linked to the

250. E-mail from Richard P. Bailey, Christian Missionary, to Daveed Gartenstein-Ross (Apr. 14, 2002, 17:48:40 EST) (on file with author) (quoting Matthew 28:19, 20); *see also* Mark 16:15; Luke 24:47-48; John 20:21; Acts 1:8.

251. *See, e.g.*, Acts 8:1, 9:1-2. Christians believe that God miraculously led Paul (known as Saul in Hebrew) to belief in Christ. *See id.* 9:2-6, 9:17.

252. MOYNAHAN, *supra* note 138, at 25-26.

253. *Id.* at 65.

254. *Id.* at 157.

255. *Id.* at 208.

256. *Id.* at 561-62.

257. For example, it was through sensitivity and adaptation to local customs that the Jesuit Alexander de Rhodes helped to spread Christianity through Vietnam. *Id.* at 566.

258. *Id.* at 567.

colonization of the Americas. Although Christianity was often spread coercively,²⁵⁹ some missionary efforts, such as those of the Jesuits in Paraguay, were more humane and sensitive to indigenous culture.²⁶⁰ European colonialism, coupled with such developments in transportation technology as steam power, "provided the Christian soldier and missionary with global reach" by the early nineteenth century.²⁶¹

2. State Promotion of Christianity

Although the early Christians faced an enormous amount of persecution under Roman rule,²⁶² their fortunes changed dramatically in 312 when Emperor Constantine believed that he received a sign from God that led him to embrace Christianity.²⁶³ In 313, Constantine and the Eastern Emperor Licinius jointly issued an edict protecting all religious creeds.²⁶⁴ Thereafter, Christian power in Rome grew. Eventually the Roman Empire was consolidated as a Christian

259. See JAMES AXTELL, *THE EUROPEAN AND THE INDIAN: ESSAYS IN THE ETHNOHISTORY OF COLONIAL NORTH AMERICA* 270 (1981); George Dargo, *Religious Toleration and Its Limits in Early America*, 16 N. ILL. U. L. REV. 341, 358-59 (1996) ("For Native Americans, conversion to Christianity was more a matter of survival than of liberation. Assimilation to European culture on European terms was the only alternative to physical annihilation.")

260. Father Antonio Ruiz de Montoya, a Jesuit in Paraguay, proudly wrote, "Spaniards have not penetrated this area. It was conquered by the Gospel alone." MOYNAHAN, *supra* note 138, at 525.

261. *Id.* at 633.

262. NEILL & SCHMANDT, *supra* note 245, at 33.

Although paganism was the official religion of Rome, Rome maintained an attitude of religious tolerance toward the cultures it conquered, "provided they added the goddess Rome and the divine emperor to their circle of deities." *Id.*; see also David Stockton, *The Founding of the Empire*, in *THE OXFORD HISTORY OF THE ROMAN WORLD* 146, 162-63 (John Boardman et al. eds., 1991). Those who refused to worship Rome's pagan gods were subject "to the charge of atheism, a capital offense under Roman law." NEILL & SCHMANDT, *supra* note 245, at 33-34. Although the Jews' thoroughly monotheistic beliefs made them unwilling to adopt additional deities, Rome was willing to exempt them from this religious edict because Jewish monotheism was ethnically circumscribed. *Id.* at 34. However, after Paul converted to Christianity, he concentrated on spreading the gospel to the Gentiles. See *supra* notes 253-54 and accompanying text. Once Gentiles began to embrace Christianity, the faith lost any entitlement it may have claimed to the exception to Rome's atheism laws that had been afforded to Judaism. Although there was "considerable variation" in the degree of persecution that the early Christians faced, NEILL & SCHMANDT, *supra* note 245, at 33, it was often quite severe. See Robert John Araujo, S.J., *The International Personality and Sovereignty of the Holy See*, 50 CATH. U. L. REV. 291, 295 (2001); Scott Kent Brown II, Note & Comment, *The Coptic Church in Egypt: A Comment on Protecting Religious Minorities from Nonstate Discrimination*, 2000 BYU L. REV. 1049, 1052-53 (2000).

263. See David M. Smolin, *The City of God Meets Anabaptist Monasticism: Reflections on the Twenty-Fifth Anniversary of Wisconsin v. Yoder*, 25 CAP. U. L. REV. 841, 848 (1996). In October 312, Constantine was camped north of Rome, about to do battle with his rival Maxentius. According to legend, Constantine there experienced a vision of a cross of light in the heavens which bore the inscription "Conquer by this Sign." G. Robert Blakey & Brian J. Murray, *Threats, Free Speech, and the Jurisprudence of the Federal Criminal Law*, 2002 BYU L. REV. 829, 902 n.181 (2002). Constantine dutifully carried the cross into battle, and subsequently "gave credit for the victory to the god of the Christians." Milner S. Ball, Book Review, *Cross and Sword, Victim and Law: A Tentative Response to Leonard Levy's Treason Against God*, 35 STAN. L. REV. 1007, 1007 (1983) (reviewing LEONARD W. LEVY, *TREASON AGAINST GOD: A HISTORY OF THE OFFENSE OF BLASPHEMY* (1981)).

264. Blakey & Murray, *supra* note 263, at 902 n.181.

stronghold.

The Christianization of the Roman Empire spurred Christians to perceive a linkage between church and state. Ever since the Roman Empire became Christianized, some Christians have attempted to promote their faith through the state, and to extend the faith's sphere of influence into the non-Christian world.

Perhaps due in part to the early Christian experience of persecution at the hands of the state, the newly Christianized Roman Empire suppressed other religions. In 356 Constantine's son Constantius ordered all pagan temples closed and "prohibited sacrifices to the gods on pain of death."²⁶⁵ In 391, all pagan cults were banned. Pagans "were denied the legal right to own property," and clerics assisted Christian mobs in destroying pagan idols.²⁶⁶ Such repression of other faiths periodically resurfaced throughout the history of Christianity—for example, in the expulsion of all Jews and Moors from Spain following the *reconquista*.²⁶⁷

The state has also historically promoted Christianity through the enactment of laws that codify Christian morals. For example, when Charlemagne breathed new life into the Western empire, he established special clerical courts, and made "the murder of priests, eating meat in Lent, pagan cremations of the dead, damaging church buildings, and refusal of baptism" capital offenses.²⁶⁸ A later dramatic example of state enforcement of Christian morals is Spain's inquisitors, who, in addition to expelling the Moors and brutally clamping down on perceived blasphemers, made equally brutal efforts at enforcing general Christian morals. These efforts included the burning of bigamists, usurers, and homosexuals.²⁶⁹ There were also biblical justifications for the witch hunts that took hold in Europe from the late fifteenth through seventeenth century, and reached the Americas in the form of the Salem witch trials.²⁷⁰

3. State Enforcement of Orthodoxy

The state has also been used to promote the Christian sphere of influence through the enforcement of orthodoxy. The first example of this promotion was Constantine's decision to convene a worldwide council of the Church in May of 325 to resolve the controversy surrounding the teachings of Arius.²⁷¹ Later,

265. MOYNAHAN, *supra* note 138, at 105.

266. *Id.* at 107.

267. See Tim Dunne, *The Spectre of Globalization*, 7 IND. J. GLOBAL LEGAL STUD. 17 (1999); Andre Lambelet, Book Review, 9 MINN. J. GLOBAL TRADE 630, 631 (2000) (reviewing DAVID S. LANDES, *THE WEALTH AND POVERTY OF NATIONS: WHY SOME ARE SO RICH AND SOME SO POOR* (1998)).

268. MOYNAHAN, *supra* note 138, at 204; see also Steven D. Smith, *The "Secular," the "Religious," and the "Moral": What Are We Talking About?*, 36 WAKE FOREST L. REV. 487, 495 (2001) (noting that Charlemagne was "persuaded of the value of compulsory baptism").

269. MOYNAHAN, *supra* note 138, at 450.

270. *Id.* at 479. One such justification can be found in Exodus 22:18, which states, "Thou shalt not suffer a witch to live."

271. THE OXFORD HISTORY OF THE BIBLICAL WORLD 565 (Michael D. Coogan ed., 1998); Richard Stith, *On Death and Dworkin: A Critique of His Theory of Inviolability*, 56 MD. L. REV. 289, 364 n.321 (1997). Arius was "a priest at Alexandria who denied the full divinity of Christ and held that the Son was subordinate to the Father." MOYNAHAN, *supra* note 138, at 99. Although Arius was

ruptures occurred in the church over relatively obscure questions of Christology, and Christian states attempted to resolve these theological issues by brutally imposing orthodoxy upon their subjects. For example, although Arianism was repudiated by the Council of Nicea, it later came to dominate Africa. "All who did not convert to Arianism were declared heretics; all Catholic churches were closed, all masses, baptisms, and ordinations banned, all liturgical books destroyed."²⁷²

This brutal imposition of orthodoxy caused great schisms in the Christian world, and aided Muslims in expanding the Islamic sphere of influence by conquering Christian lands.²⁷³ Yet despite the problems that state enforcement of orthodoxy produced during Islam's ascendancy, Christian states often continued to enforce orthodoxy of beliefs thereafter.

One example of this is the Counter-Reformation. As the Reformation eroded the Catholic Church's power, the Church attempted to maintain its influence throughout Europe with the Counter-Reformation, which employed such tactics as "censorship, inquisition, and the military leagues of Catholic powers."²⁷⁴

But the Inquisition took these policies designed to enforce Orthodoxy within the Christian state to their extreme.²⁷⁵ Pope Alexander III introduced the concept of professional inquisitors in 1163 to unearth heretics, and "[h]is successor, Lucius III, established a bishops' inquisition, dependent on local sees, and opened the way for the execution of heretics by fire."²⁷⁶ Before the Catholic Church was dissolved in England, its persecution of Protestants was so severe that "[t]he Book of Martyrs, a work of racy propaganda... which... recorded Protestant deaths, was to become a second bible in English homes."²⁷⁷

Pope Paul III appointed six cardinals as inquisitors-general, "to whom all baptized Christians were subject, at least in theory."²⁷⁸ One cardinal was so eager to proceed with the Inquisition that he "bought a house at his own expense, and equipped it with offices and dungeons, without waiting for a grant from the papal treasury."²⁷⁹ Among the rules that the Inquisition set for Catholics was that "[n]o man is to lower himself by showing toleration towards any sort of heretic, least of all a Calvinist."²⁸⁰

One particularly brutal form of the continent-wide Inquisition was the Spanish Inquisition, which lasted from 1478 to 1834. Moynahan notes that "[t]he vast majority of its victims were of Jewish and Moorish blood."²⁸¹ The Spanish

excommunicated for this teaching, Constantine felt that a worldwide council was warranted because a large following of convicted Arians remained even after their leader's excommunication. *Id.*

272. MOYNAHAN, *supra* note 138, at 155.

273. *See supra* notes 140-42 and accompanying text.

274. MOYNAHAN, *supra* note 138, at 415.

275. *See generally* EDWARD PETERS, INQUISITION (1988).

276. MOYNAHAN, *supra* note 138, at 278.

277. *Id.* at 408.

278. *Id.* at 440.

279. *Id.*

280. *Id.*

281. *Id.* at 441.

Inquisitors made special efforts to root out those who secretly practiced either Islam or Judaism. Protestants were also “burned out of Spain before they had a toehold.”²⁸² Numerous Protestants were literally burned at the stake because the Spanish government feared that the rise of Protestantism could divide that country.²⁸³

Conversely, Catholics were often suppressed by the new Protestant states that emerged during the Reformation. This was the case in England, where the Treasons Act of 1534, the Act for the Dissolution of the Lesser Monasteries of 1536, the Act for the Dissolution of the Greater Monasteries of 1539, and the Six Articles Act “destroyed the last vestiges of the Catholic Church within the English realm.”²⁸⁴ Thereafter, unrepentant Catholics “faced execution and forfeiture of their estates.”²⁸⁵ In Elizabethan England, the government required a special license before books of Scripture could be published, and “[e]xtremist puritan works as well as Catholic devotional literature were banned.”²⁸⁶

Attempts to utilize the state to impose Christian orthodoxy continued when the New World was settled. For example, during colonial times, the government of Virginia declared “that ‘no popish recusant’ who strayed into the colony could hold office as a ‘secretary, counsellor, register, commissioner, surveyor or sheriff, or any other public place, but be utterly disabled for the same.’”²⁸⁷ Attempted imposition of orthodoxy in America could also be seen many years later in the Scopes trial, where a biology teacher in Tennessee was prosecuted for teaching evolution in defiance of state law.²⁸⁸ At the trial, special prosecutor and former presidential candidate William Jennings Bryan made this obvious by “stat[ing]

282. *Id.* at 450.

283. *Id.* at 425-26. The Catholic Church also targeted Catholics who fell short of the Church’s ideals. Pope Paul IV imprisoned a liberal cardinal on the grounds of “heresy on the veneration of saints and relics.” *Id.* He also devoted attention to the problem of “married men singing in the Sistine choir,” concerned that they may “contaminate the chaste purity of the papal chapel.” *Id.* Pope Paul IV’s successor, Sixtus V, “executed clergy who broke their vows of chastity and attempted to impose the death penalty for adultery.” *Id.* at 427.

284. Jack Moser, *The Secularization of Equity: Ancient Religious Origins, Feudal Christian Influences, and Medieval Authoritarian Impacts on the Evolution of Legal Equitable Remedies*, 26 CAP. U. L. REV. 483, 537 (1997).

285. MOYNAHAN, *supra* note 138, at 405.

286. *Id.* at 432.

287. *Id.* at 577.

288. See EDWARD J. LARSON, SUMMER FOR THE GODS: THE SCOPES TRIAL AND AMERICA’S CONTINUING DEBATE OVER SCIENCE AND RELIGION (1997); Judith A. Villarreal, Note, *God and Darwin in the Classroom: The Creation/Evolution Controversy*, 64 CHI.-KENT L. REV. 335, 340-43 (1988).

before a national audience that he objected to Darwinism because he 'fear[ed] we shall lose the consciousness of God's presence in our daily lives if [people] accept [evolution].'"²⁸⁹ Indeed, Bryan began his opening statement with the proclamation that "[i]f evolution wins, Christianity goes."²⁹⁰

4. Military Defense of the Sphere of Influence

Christians first grappled with the question of religious warfare after the Roman Empire became Christianized.²⁹¹ The just war doctrines that emerged gained relevance in the seventh century and beyond, with the emergence of Islam.

Christian countries frequently responded to Islam's challenge through military action carried out in Christ's name. The justifications advanced for these military actions underscore the perception that Christianity possessed a geographic sphere of influence. For example, the *reconquista* was in large part motivated by the notion that Spain remained a part of Christendom even after Muslim armies conquered it.²⁹² Likewise, the major motivating factor behind the Crusades was Turkish armies threatening the Christian sphere of influence through their advance on the Christian Byzantine Empire.²⁹³

The battle for control of Europe was hotly contested between the forces of Christianity and Islam for several centuries. While Islam gained a strong foothold in Europe, the Christian countries were eventually able to drive it from the continent, and later colonize much of the Islamic world.²⁹⁴

Some battles to consolidate the Christian sphere of influence were waged against faiths other than Islam. During the Crusades, for example, both Jews and heretics in Europe proved ready targets for the Crusaders. As far as some Crusaders were concerned, "[t]he distant Moslems had played no part in [Christ's] Passion," while the Jews were "the descendants of those who had."²⁹⁵ Also, although the Teutonic Order was "founded as a hospital order of German knights and priests in Palestine," it later became a military order and shifted its focus from

289. Diana M. Rosenberg, Notes & Comments, *Monkey Business and Unnatural Selection: Opening the Schoolhouse Door to Religion by Discrediting the Tenets of Darwinism*, 9 J.L. & POL'Y 611, 618 (2001).

290. Mark B. Lewis, *The Monkey Trial, Revisited: 75 Years Later, Scopes Still Fires the Imagination*, LEGAL TIMES, July 10, 2000, at 30.

291. See MADDEN, *supra* note 242, at 1-2.

292. *Id.* at 4. Conversely, some Muslims now believe that Spain must be forcibly returned to Islamic rule because it had once been Muslim territory. See BERGEN, *supra* note 181, at 53 (quoting Abdullah Azzam).

293. MADDEN, *supra* note 242, at 5.

294. See *supra* notes 143-48 and accompanying text.

295. MOYNAHAN, *supra* note 138, at 229. The clergy and officials in European cities often attempted (generally without success) to protect the local Jewry. *Id.* at 230 (discussing the efforts of the bishop of Prague and the Hungarian king Coloman).

the Holy Land “to the pagan borderlands of Europe” in an effort to Christianize those borderlands.²⁹⁶ Later, when conflict between Protestants and Catholics reigned throughout Europe, both sects engaged in military warfare against the other.²⁹⁷

The conquest of the New World provides a further example of how military means were used to expand the Christian sphere of influence. The early Spanish conquistadors arrived in the Americas armed with the *Requerimiento* (requirement), which they would read to the natives upon encountering them. The *Requerimiento* explained that the Pope, God’s earthly representative, had granted the natives’ land to the king of Spain, and that the natives should recognize the authority of the Pope and Spanish crown or else “with the help of God we shall forcefully enter your country and shall make war against you in all ways... that we can.”²⁹⁸ When Pope Alexander VI granted all lands in the New World west of the Azores to Spain and those to the east to Portugal, he stated that the purpose of this act was to ensure that Christianity “may in all places be exalted, amplified, and enlarged, whereby the health of souls may be procured, and the barbarous nations subdued and brought to the faith.”²⁹⁹ Needless to say, the conquistadors had a dramatic effect on the New World. “Not only did millions of Indians perish at the hands of Columbus, the Spanish, and pioneers; they were plagued with diseases intentionally loosed upon them, tortured by domestic animals, disemboweled, roasted on pits, scalped for state sanctioned bounty, and forced to walk thousands of miles in inhumane conditions.”³⁰⁰

Similarly, the Portuguese exploration of the West African coasts was aided by a “series of papal bulls [that] gave them title of ownership over newly found lands, power to enslave the natives, and a commission to propagate the faith.”³⁰¹ When the Roman Church endorsed these conquests of Africa and the Americas, “[t]he belief that Christian conquest was sanctified—and indeed demanded—by the expansion of the faith was... firmly implanted.”³⁰²

Later, religion would play a role in the doctrine of Manifest Destiny, which fueled the United States’ geographic expansion.³⁰³ One frontiersman, for example,

296. *Id.* at 220.

297. *Id.* at 376, 459-62, 468, 475-76.

298. DAVID H. GETCHES ET AL., *FEDERAL INDIAN LAW: CASES AND MATERIALS* 48-49 (3d ed. 1993); see also WILLIAM H. PRESCOTT, *THE HISTORY OF THE CONQUEST OF MEXICO* 136 (C. Harvey Gardiner ed., 1966) (explaining that because Europeans believed that paganism was “a sin to be punished with fire . . . in this world, and eternal suffering in the next,” the Europeans believed that “the territory of the heathen, wherever found, [was forfeit to the Holy See], and as such was freely given away by the head of the Church, to any temporal potentate whom he pleased, that would assume the burden of conquest”).

299. MOYNAHAN, *supra* note 138, at 506.

300. David M. Osterfeld, *Plastic Indians, Nazis, and Genocide: A Perspective on America’s Treatment of Indian Nations*, 22 *AM. INDIAN L. REV.* 623, 626 (1998).

301. MOYNAHAN, *supra* note 138, at 506.

302. *Id.* at 507.

303. ALBERT K. WEINBERG, *MANIFEST DESTINY* (1935); William Bradford, “*With a Very Great Blame on Our Hearts*”: *Reparations, Reconciliation, and an American Indian Plea for Peace with Justice*, 27 *AM. INDIAN L. REV.* 1, 35 n.162 (2002-2003) (“‘Manifest Destiny,’ a term which first

declared: "The same inscrutable Arbiter that decreed the downfall of Rome has pronounced the doom of extinction upon the red men of America."³⁰⁴

5. Church Assertion of Greater Authority than the State

The church has also historically asserted that it possesses greater authority than the state does. This assertion is especially true in the Catholic tradition. Pope Gregory VII provided a "list of twenty-seven theses he drew up to outline his powers as Vicar of Christ and St. Peter's successor" which was known as the *dictatus*.³⁰⁵ The *dictatus* provided, among other things, that no person on earth could judge the Pope, that princes are required to kiss the Pope's feet, and that the Pope is empowered to depose emperors.³⁰⁶

Pope Gregory VII also acted on his thesis that the pope could depose emperors. "He accused Emperor Henry IV... of simony and interference in the affairs of the Church."³⁰⁷ In response, Henry IV convened a council designed to declare Gregory's election void. Gregory's response was furious: "On the part of God the omnipotent, I forbid Henry to govern the kingdom of Italy and Germany. I absolve all his subjects from every oath they have taken or may take, and I excommunicate every person who shall serve him as king."³⁰⁸ The young Henry backed down in the face of this furious papal response, crossing the Alps in midwinter to do penance. Upon entering the Pope's presence: "Henry was stripped of his clothes and thrown the hair shirt of beggary; he clutched a broom and a pair of shears, tokens of his willingness to be whipped and shorn."³⁰⁹ Henry then stood in ankle-deep snow for three days, praying for forgiveness.³¹⁰

B. *Contemporary Use of Spheres of Influence*

Today, "[t]he United States expressly separates church and state and the nations of Europe likewise have secular legal systems."³¹¹ Religious minorities in Christian countries are generally afforded great latitude in the practice of their

appeared in print in 1845, refers to the nineteenth-century political philosophy holding that the United States was charged with a divinely-inspired mission of extending its moral enlightenment, democratic principles, and republican values to the furthest reaches of North America."); Hon. Hugh F. Landerkin, *Custody Disputes in the Provincial Court of Alberta: A New Judicial Dispute Resolution Model*, 35 ALBERTA L. REV. 627, 634 (1997) ("During reconstruction after the Civil War, American society changed rapidly. Industrialization occurred. With increased immigration people moved westward, spurred on by the doctrine of manifest destiny.").

304. See MOYNAHAN, *supra* note 138, at 607.

305. *Id.* at 217.

306. *Id.*

307. *Id.* at 218.

308. *Id.*

309. *Id.*

310. *Id.*

311. Richard E. Vaughan, *Defining Terms in the Intellectual Property Protection Debate: Are the North and South Arguing Past Each Other When We Say "Property"? A Lockean, Confucian, and Islamic Comparison*, 2 ILSA J. INT'L & COMP. L. 307, 351 (1996); see also Maimon Schwarzschild, *Religion and Public Debate in a Liberal Society: Always Oil and Water or Sometimes More Like Rum and Coca-Cola?*, 30 SAN DIEGO L. REV. 903, 913 (1993) ("The situation in the developed countries today is very different. Whatever the rate of church-going . . . we live in societies that are essentially secular.").

faith, and are even allowed to proselytize to Christians.³¹² The success of Islamic *da'wah* in the West is testament to the greater latitude afforded to religious minorities in Christian countries.³¹³

However, this tolerance does not mean that efforts to preserve and expand Christianity's perceived sphere of influence are moribund. Rather, some Christian groups in the West, such as the religious right in the United States, wield great political influence even over foreign policy matters. These groups often use their influence to attempt to strengthen the perceived Christian sphere of influence. Moreover, as mentioned above, the global center of Christianity is moving toward the Southern Hemisphere, where adherents' practice of the Christian faith takes on a completely different character—more puritanical and orthodox—than it does in the North.³¹⁴ These Southern Christians appear more intent upon preserving a geographical Christian sphere of influence than do their Northern counterparts. Thus, as the center of Christianity moves southward, the efforts to define, preserve and expand a Christian sphere of influence may become more apparent.

This section now examines how four of the mechanisms that historically have been used to preserve and expand the Christian sphere of influence are employed today.³¹⁵

312. See REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 1-2 (discussing freedom of religious practice in Angola), 7-8 (Burundi), 10-11 (Cape Verde), 18-20 (Democratic Republic of the Congo), 20-21 (Republic of the Congo), 33-36 (Ethiopia), 39-43 (Ghana), 51-52 (Lesotho), 54-55 (Madagascar), 55-57 (Malawi), 64-65 (Namibia), 77-78 (Sao Tome and Principe), 80-81 (Seychelles), 84-87 (South Africa), 93-95 (Swaziland), 99-102 (Uganda), 102-03 (Zambia), 109-10 (Australia), 146-48 (Fiji), 179-80 (Marshall Islands), 180-81 (Federated States of Micronesia), 182-83 (Nauru), 183-85 (New Zealand), 185-87 (Palau), 187-88 (Papua New Guinea), 188-92 (Philippines), 192-93 (Samoa), 196-97 (Solomon Islands), 201-02 (Tonga), 202-03 (Tuvalu), 203-05 (Vanuatu), 221-23 (Andorra), 227-31 (Austria), 241-44 (Belgium), 255-58 (Croatia), 265-67 (Denmark), 267-69 (Estonia), 269-71 (Finland), 280-86 (Germany), 292-95 (Hungary), 295-98 (Iceland), 298-99 (Ireland), 300-02 (Italy), 310-12 (Latvia), 312-13 (Liechtenstein), 314-18 (Lithuania), 318-19 (Luxembourg), 319-21 (Macedonia), 321-22 (Malta), 323-27 (Moldova), 327-28 (Monaco), 328-31 (the Netherlands), 331-33 (Norway), 333-37 (Poland), 337-39 (Portugal), 364-65 (San Marino), 365-69 (Slovak Republic), 369-70 (Slovenia), 370-73 (Spain), 373-75 (Sweden), 375-78 (Switzerland), 391-97 (Ukraine), 397-401 (United Kingdom), 541-42 (Antigua and Barbuda), 542-46 (Argentina), 546-47 (Bahamas), 547-48 (Barbados), 548-50 (Belize), 550-52 (Bolivia), 552-54 (Brazil), 554-55 (Canada), 555-58 (Chile), 567-68 (Dominica), 568-69 (Dominican Republic).

313. See, e.g., Peter Brookes, *Jihadi Juniors Are Growing Up Fast*, BOSTON HERALD, Dec. 23, 2003, at 31 (noting that the French government estimates that there are 100,000 converts to Islam in that country); Tamer el-Ghobashy, *Fertile Crescent: Conversions to Islam on Rise in U.S.*, DAILY NEWS (N.Y.), Dec. 26, 2003, at 35 (explaining that 30,000 Americans convert to Islam annually); Fabien Novial, *Growing Number of Germans Embracing Islam*, AGENCE FRANCE PRESSE, Oct. 25, 2003, available at LEXIS, News Library, News Group File.

314. See *supra* notes 239-40 and accompanying text.

315. A fifth historical mechanism, state promotion of Christianity, is not worth discussing in depth because secularizing trends have minimized the importance of this mechanism. However, it is worth briefly noting that there are a number of contemporary examples of states promoting the Christian faith. For example, many commentators perceive the Bush Administration's faith-based initiatives as "a conspiracy to move big bucks from secular to Christian groups." Marvin Olasky, *Faith-Based Plans Advance With Little Fanfare*, AUSTIN AM.-STATESMAN (Tex.), Oct. 3, 2003, at A15.

The Greek government provides financial support to the Greek Orthodox Church "by, for example,

1. Proselytism

Christian missionary efforts are very strong today. For a period following decolonization, there was a retrenchment in evangelistic efforts because the missions were viewed as “an arm of colonialism.”³¹⁶ Indeed, Professor Jenkins reports that “[b]y 1970, African churches in particular were calling for a moratorium on Western missions because they stunted the growth of local initiatives.”³¹⁷ However, missions today are well-funded and plentiful, and are increasingly focused on the Muslim world.

This shift in missionary focus toward the Islamic world has occurred gradually. Through the late 1970s, missionary efforts primarily focused on Latin America, Africa, and the Iron Curtain countries.³¹⁸ A *Time* cover story by David Van Biema recounts the intellectual forces behind the shift toward greater evangelism in the Middle East:

A missions strategist named Ralph Winter suggested in 1974 that Christians turn their attention from areas already exposed to Christ to “unreached people groups” who had never heard the Gospel.... In 1989 Argentine-born evangelist Luis Bush pointed out that 97% of the unevangelized lived in a “window” between the 10th and 40th latitudes. This immense global slice, he explained, was disproportionately poor; the majority of its inhabitants “enslaved” by Islam, Hinduism and Buddhism and, ultimately, by Satan. In a later paper, Bush urged Christians, “Put on the full armor of God and fight with the weapons of spiritual warfare.”³¹⁹

Today, the organizational strength of Christian missionary efforts that target

paying for the salaries and religious training of clergy, and financing the construction and maintenance of Orthodox Church buildings.” REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 287. Leaders of other religious groups in Greece have argued that taxes on religious organizations are discriminatory because the government subsidizes the Greek Orthodox Church but not other faiths. *Id.* at 288. In Finland, the Evangelical Lutheran Church and the Orthodox Church have been established as the state churches. *Id.* at 270. The governments of some Catholic countries have also implemented policies designed to promote Catholicism. Before the Italian Constitution was adopted in 1947, a 1929 Concordat “established Catholicism as the country’s state religion.” *Id.* at 300. Although a 1984 revision “formalized the principle of a secular state,” it also “maintained the principle of state support for religion.” *Id.* The Catholic Church is also able to select the teachers for “‘hour of religion’ courses” in the public schools. *Id.* at 301. Italy has provided financial assistance to Catholic schools when enrollment declined, and the presence of Catholic symbols on Italian courtroom or government office walls seems to make some religious minorities feel uncomfortable. *Id.* In Spain, four 1979 accords between Spain and the Holy See define the country’s relationship with Catholicism on economic, religious education, military and judicial matters. *Id.* at 371. The Catholic Church is also financed through the Spanish tax system, and received approximately \$10 million in 1999. *Id.* Other majority Catholic countries in which the state promotes the Catholic faith in some way include Angola, where state-owned television broadcasts Catholic Church services live on Sunday morning, *id.* at 1, and Cape Verde, where the government provides the Catholic Church with “free broadcast time for religious services.” *Id.* at 11.

316. JENKINS, *supra* note 17, at 42.

317. *Id.*

318. Van Biema, *supra* note 4, at 40.

319. *Id.*

Muslims is striking. Soon after the United States toppled Afghanistan's Taliban and Saddam Hussein's dictatorship in Iraq, evangelical missionaries entered both countries with the hope of spreading the gospel.³²⁰ One missionary team shipped 1.3 million Christian tracts to Iraq following the U.S. military victory, and an American evangelical reports plans to bring one million Bibles to the country in future missions.³²¹

Many contemporary evangelists have clearly articulated a worldview in which Islam has been intruding upon the Christian sphere of influence through its extensive *da'wah* efforts in the West, while Islamic countries prevent Christian missionary efforts from making similar inroads in the Muslim world. Luis Bush has written: "From its center in the 10/40 Window, Islam is reaching out energetically to all parts of the globe; in a similar strategy, we must penetrate [its] heart with the liberating truth of the gospel."³²²

Like Muslims who engage in *da'wah* work, the sincerity of Christian missionaries cannot be doubted. "They are far better informed and more actively concerned than the average American citizen about the Islamic world's material needs, and their desire to share Christ springs in the main from a similarly generous impulse."³²³ However, many of them clearly perceive their missionary efforts to be linked to an expansion of the Christian sphere of influence. One missionary, preparing to share the gospel in Iraq, referred to Christian missions as attempts to pierce "Satan's armor."³²⁴ After engaging in extensive interviews with missionaries working to bring the gospel to Muslims, Van Biema concluded that "while most evangelical missionaries love Muslims, they hope to replace Islam."³²⁵

2. State Enforcement of Orthodoxy

Today, religious minorities clearly enjoy far more rights in the Christian world than they do in the Muslim world. Virtually every Christian country provides religious minority groups with extensive rights to practice their own faiths.³²⁶

However, some state-led efforts to impose religious orthodoxy are apparent. Sometimes these efforts manifest themselves in suspicion of newer, non-traditional faiths. For example, Spain's parliament "approved a nonbonding resolution calling on the Government to reinforce measures against the activity of destructive 'sects' in the country and to create a permanent organization to monitor these organizations."³²⁷ Consequently, the Helsinki Human Rights Federation released a

320. *Id.* at 38.

321. David Rennie, *Bible Belt Missionaries Set Out on a 'War of Souls' in Iraq*, DAILY TELEGRAPH (London), Dec. 27, 2003, at 22, available at <http://www.telegraph.co.uk> (last visited Oct. 25, 2004).

322. Van Biema, *supra* note 4, at 40.

323. *Id.* at 44.

324. *Id.* at 43.

325. *Id.* at 44.

326. See *supra* notes 313-14 and accompanying text.

327. REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 372. Even the Salvation Army was unable to receive permission to operate in one of Spain's regions on the grounds that it is a "destructive sect." *Id.*

report in April 1999 criticizing Spain for discrimination against “new religions.”³²⁸ Similarly, in Armenia all religious denominations other than the Armenian Apostolic Church are required to register with the State Council on Religious Affairs. Organizations petitioning for registration are required, among other things, to “subscribe to a doctrine based on ‘historically recognized Holy Scriptures.’”³²⁹ The Armenian government has consistently denied registration to the Jehovah’s Witnesses.³³⁰ In Georgia, “[l]ocal police and security officials at times harassed nontraditional religious minority groups and were complicit or failed to respond to attacks by Orthodox extremists against Jehovah’s Witnesses and other nontraditional religious minorities.”³³¹ The German government has refused to recognize Scientology as a religion, and for some time has been “investigating” its ideology to determine whether Scientology is compatible with the democratic order.³³² Scientologists often experience employment discrimination in Germany, as some state and local government offices and businesses “require job applicants and bidders on contracts to sign a ‘sect filter,’ stating that they are not affiliated with the teachings of L. Ron Hubbard and do not use the technologies of L. Ron Hubbard.”³³³ Other states that have taken action against “harmful sects” or “cults” include Belgium³³⁴ and France.³³⁵

In addition to enacting restrictions on non-traditional religions, some modern Christian states—in particular, those where the Orthodox church is dominant—place restrictions on proselytism. These restrictions on proselytism are often enforced against other Christian denominations. The laws of Greece, for example, provide that “[a]nyone engaging in proselytism shall be liable to imprisonment and a fine.”³³⁶ Greek law defines proselytism as attempts to “intrude on the religious beliefs of a person of a different religious persuasion” through improper means, such as “any kind of inducement or promise of an inducement or moral support or material assistance, or by fraudulent means or by taking advantage of his inexperience, trust, need, low intellect, or naivety.”³³⁷ These anti-proselytism laws were at issue in the landmark case *Kokkinakis v. Greece*,³³⁸ in which the European Court of Human Rights (ECHR) overturned the conviction of Mr. Kokkinakis, a Jehovah’s Witness, under the anti-proselytism law.³³⁹ The ECHR noted that

328. *Id.*

329. *Id.* at 224.

330. *Id.*

331. *Id.* at 275.

332. *Id.* at 280.

333. *Id.* at 284.

334. *Id.* at 241-44.

335. *Id.* at 273-74.

336. See *Kokkinakis v. Greece*, 260 Eur. Ct. H.R. (ser. A) (1993), at 12-13 ¶ 16, available at <http://www.echr.coe.int/Hudoc2doc/HEJUD/sift/412.txt>.

337. *Id.*

338. *Id.*

339. *Id.* For more on *Kokkinakis*, see Joseph Brossart, *Legitimate Regulation of Religion? European Court of Human Rights Religious Freedom Doctrine and the Russian Federation Law “On Freedom of Conscience and Religious Organizations,”* 22 B.C. INT’L COMP. L. REV. 297, 302-05 (1999); Keturah A. Dunne, *Addressing Religious Intolerance in Europe: The Limited Application of*

Greece had offered no evidence which indicated that Mr. Kokkinakis had employed improper means to lead others to his faith.³⁴⁰ Instead, it appeared that the conviction of Mr. Kokkinakis stemmed from hostility toward his attempts to convert the wife of an orthodox cantor. Thus, the ECHR struck down the conviction as a violation of Article 9 of the European Convention on Human Rights, which is designed to safeguard freedom of thought, conscience, and religion.³⁴¹ However, the Court did not strike the law down as a whole. Instead, the ECHR stated that it would recognize the law's legitimacy "if and in so far as [the law was] designed only to punish improper proselytism."³⁴²

Similar to Greece's anti-proselytism laws, Armenian law "forbids 'proselytizing' (undefined in the law) except by the Armenian Apostolic Church."³⁴³ In Bulgaria, a Communist-era law adopted in 1949 which prohibits foreigners from evangelizing or leading religious services in the country is still technically in effect.³⁴⁴ Pursuant to this law, some municipalities have adopted laws designed to inhibit proselytism efforts that are not undertaken by the Orthodox Church. For example, one municipality enacted a regulation that "forbids references to miracles and healing during religious services."³⁴⁵ Observers fear that such regulations could be used "as a pretext to ban or interrupt services by charismatic evangelical groups."³⁴⁶

In certain other majority Christian countries, proselytism by other faiths or denominations is not prohibited by law, but is impeded in practice. For example, Belarus has stringent registration requirements for religions that operate within it.³⁴⁷ While there is no theoretical barrier to proselytizing in that country, the State Department has noted that Belarusian "authorities have intervened to prevent, interfere with, or punish individuals who proselytize on behalf of an unregistered religion."³⁴⁸ And in Romania, "several minority religious groups continued to claim credibly that low-level government officials and the Romanian Orthodox clergy impeded their efforts at proselytizing."³⁴⁹

The Russian Orthodox Church's concern over other sects' proselytism in Russia also illustrates the perception of high-ranking church members that the

Article 9 of the European Convention of Human Rights and Fundamental Freedoms, 30 CAL. W. INT'L L.J. 117, 133-39 (1999); Lehnhof, *supra* note 133, at 594-96.

340. Kokkinakis, 260 Eur. Ct. H.R. (ser. A) at 21, ¶ 49.

341. *Id.* at 21, ¶¶ 49-50.

342. *Id.* at 21, ¶ 48; *see also* REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 286 (noting that in addition to Greece's anti-proselytism laws, other Greek governmental policies are obviously intended to promote the Greek Orthodox church. For example, non-Orthodox groups "sometimes face administrative obstacles or encounter legal restrictions on religious practice" that the Orthodox Church does not face).

343. REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 224.

344. *Id.* at 250-52.

345. *Id.*

346. *Id.*

347. *Id.* at 235-37.

348. *Id.* at 238.

349. *Id.* at 339-40.

Orthodox Church possesses a geographical sphere of influence. The Russian Orthodox Church's leadership believes that the church was greatly disadvantaged in its efforts to gain new adherents and to keep old adherents within its fold by the atheistic system that predominated during the Soviet reign.³⁵⁰ As such, the Russian Orthodox Church has been very sensitive to what it perceives as intrusion into its sphere of influence. Professor Harold Berman has explained that a Church representative told him

that the Lutherans should be free to give religious leadership to the German population of Russia, the Roman Catholics to the Polish population of Russia, the Jews to the Jews, the Muslims to the Turks in Russia, and so forth—but the Russians... the ethnic Russians, the *russkie*, he said, belong chiefly to Russian Orthodoxy.³⁵¹

Professor Berman recounts that he argued with the representative, explaining that the vast majority of missionaries do not draw Russians away from Russian Orthodoxy, but rather from the ranks of atheists and agnostics.³⁵² The representative was unimpressed by this argument: "It is true that after more than 75 years of Marxist-Leninist education and Communist Party pressure, a great many Russians are ignorant of Russian Orthodoxy or indifferent to it. But their roots are Orthodox. It is our task to return them to Orthodoxy."³⁵³ When Professor Berman opined that it sounded as though the Russian church feared competition, the representative replied:

The Russian Orthodox Church is like a very sick person that is only beginning to recover her health. . . . Moreover . . . we lack both the material and the human resources needed to compete on an equal basis. The foreign missionaries are pouring huge sums of money into evangelization, paying for billboard advertisements and for television programs featuring American preachers and hiring huge stadiums for spreading their message.³⁵⁴

One of the foreign missionary groups that the Russian church feels most threatened by is the Catholic Church. This rift was widened by a Vatican decision in February 2002 to carve the nation into four new dioceses. While the Vatican "characterized the move as an almost routine elevation of its Russian operations to the same status maintained by virtually every other Catholic presence worldwide,"³⁵⁵ the Russian Orthodox Church did not share that view. Rather, a representative of the Russian Church stated: "Our attitude toward this step is the

350. See Irina G. Basova, *Freedom Under Fire: The New Russian Religious Law*, 14 TEMP. INT'L & COMP. L.J. 181, 184-86 (2000) (detailing the Soviet Union's repression of the Russian Orthodox Church).

351. Harold J. Berman, *Religious Rights in Russia at a Time of Tumultuous Transitions: A Historical Theory*, in RELIGIOUS HUMAN RIGHTS IN GLOBAL PERSPECTIVE 301 (Johan van der Vyver & John Witte eds., 1996).

352. *Id.* at 301-02.

353. *Id.* at 302.

354. *Id.* at 303.

355. Michael Wines, *Catholics Upgrade Presence in Russia, Annoying Orthodox*, N.Y. TIMES, Feb. 12, 2002, at A3.

same as the Catholics' if we were to appoint an alternative pope in Rome."³⁵⁶

The Russian Orthodox Church's views are particularly important to other religions and denominations operating within that country because of the "growing convergence between the Russian Orthodox Church and the State."³⁵⁷ Indeed, the church's influence may help account for the "Law on Religion" that Russia implemented in 1997, which "seriously disadvantages religious groups that are new to the country by making it difficult for them to register as religious organizations, and thus obtain the status of juridical person."³⁵⁸

Thus, efforts within some modern Christian states to restrict non-traditional faiths and to impede conversion out of the dominant sect demonstrate that state enforcement of orthodoxy is still used as a method of preserving the religion's sphere of influence.

3. Military Defense of the Sphere of Influence

The strategy of preserving and expanding a Christian sphere of influence through military means manifests itself in two major ways at present. First, in Western countries, some Christian groups use their political power to persuade the state to adopt foreign policies that are more consonant with the defense of Christianity. Second, while Western countries appear unlikely in the near future to go to war for religious reasons, a number of battles have been raging between Christians and Muslims in lesser-developed countries for years. These conflicts are likely to intensify as the population of these lesser-developed countries continues to rapidly expand.

Of the industrialized Western countries, Christian groups exert the most influence on foreign policy in the United States. A number of commentators have noted the Christian lobby's strength, particularly with respect to ensuring continued American support for the state of Israel.³⁵⁹ Rabbi Daniel Lapin has succinctly summarized the importance of evangelical support for Israel by stating: "The Bible Belt is Israel's security belt."³⁶⁰ The chairman of the Ethics and Religious Liberty Commission of the Southern Baptist Convention has explained

356. *Id.*

357. REPORT ON RELIGIOUS FREEDOM, *supra* note 13, at 349.

358. *Id.*

359. See, e.g., Stephen Farrell, *Behold, Lions for Zion*, TIMES (London), Oct. 30, 2003, at 12 (stating that Christian conservatives' "unswerving financial, political and moral support for Israel has made them a force that no US President, senator or congressman can ignore at election time"); Craig Nelso, *Israel Finds an Ally in U.S. Evangelicals; Christian Zionists Provide Moral, Monetary Support in Religious War*, AUSTIN AM.-STATESMAN (Tex.), Jan. 4, 2004, at A1 ("Christian Zionists . . . provide not only moral support [for Israel] but also substantial funds to Israel's sputtering economy, and they've proven their political clout in the Bush White House.").

360. Laura Blumenfeld, *Terrorism Jars Jewish, Arab Party Loyalties*, WASH. POST, Dec. 7, 2003, at A1.

that two major theological reasons underlie evangelical Christians' support for Israel: "The reason most evangelicals support Israel is that we believe in the Bible. God gave Israel to the Jews. We believe God gave that land to them forever. The second reason is that God says he would bless those who bless Israel and curse those who curse Israel."³⁶¹

The influence that evangelical support for Israel has had in maintaining the United States' special relationship of support for the Jewish state is one illustration of the Christian lobby's foreign policy clout in the United States. The Christian lobby also pushes for the U.S. government to implement legislation relevant to the rights of Christians abroad. For example, Christian groups lobbied heavily for the International Religious Freedom Act of 1998 (IRFA).³⁶² IRFA promotes religious freedom overseas by creating three new governmental bodies tasked with that responsibility, including the Department of State's Office on International Religious Freedom.³⁶³ The Office on International Religious Freedom issues annual reports on the state of religious freedom in foreign states, advises the President and Secretary of State on international religious freedom issues, and diplomatically represents the United States on religious freedom issues.³⁶⁴ Also, in response to the Islamist group Laskar Jihad's brutal campaign against Christians in Indonesia, a senior fellow at Freedom House's Center for Religious Freedom suggested that the war on terrorism could include a resumption of military ties with Indonesia in order to train and reform its military, coupled with applied pressure for Indonesia to clamp down on its violent Islamists.³⁶⁵

In terms of perception, some observers, particularly within the Muslim world, view the war on terror as a series of military adventures designed to promote Christian interests and to topple Islam.³⁶⁶ The U.S. government, on the other hand,

361. Maura Reynolds, *Bush Commitment is Key to 'Road Map' for Mideast*, L.A. TIMES, Apr. 30, 2003, at 17 (quoting Richard Land); see also Susan Page, *Mideast Presents Next Big Gamble for Bush*, USA TODAY, June 3, 2003, at 6A (noting that "evangelical Christians . . . see support of Israel as a matter of Biblical prophecy"); Yonat Shimron, *Zionism in Two Varieties*, NEWS & OBSERVER (Raleigh, N.C.), Apr. 11, 2003, at E3 (explaining Christian Zionism).

362. Pub. L. No. 105-292, 112 Stat. 2787 (1998) (codified as amended in scattered sections of 22 U.S.C.). For a description of Christian groups lobbying for IRFA's passage, see McCormick, *supra* note 199, at 330-31. However, IRFA is not narrowly focused on Christian concerns; rather, it encompasses all religious groups that suffer from persecution abroad. See T. Jeremy Gunn, *A Preliminary Response to Criticisms of the International Religious Freedom Act of 1998*, 2000 BYU L. REV. 841, 851-56 (2000).

363. See 22 U.S.C. §§ 6411, 6431 (1998); 50 U.S.C. § 402(i) (1998).

364. See 22 U.S.C. § 6411(c).

365. Paul Marshall, *Jihad Comes to Indonesia; Bin Laden's Allies Attempt a Hostile Takeover*, WKLY. STANDARD, Dec. 31, 2001/Jan. 7, 2002, at 20. Marshall also makes a realist case for engaging the Indonesian military, noting that "Indonesia controls most of the sea routes to Asia An Islamist or fragmented Indonesia would have dramatic repercussions for the politics of Asia and the world and would present a national security nightmare for the United States." *Id.*

366. See, e.g., Michael Scott Doran, *The Saudi Paradox*, FOREIGN AFF., Jan. 2004/Feb. 2004, at 35 (observing that, following May 2003 suicide bombings in Riyadh, Saudi clerics defended the attackers as "the flower of the mujahideen," and decreed that any assistance that citizens provided in capturing those responsible "would constitute aid to the United States in its war against Islam"); Kenya: *Commentary Says USA Using "Weapons of Mass Deception" Against Islam*, BBC MONITORING INT'L

has repeatedly stated that it is not pursuing a war against Islam.³⁶⁷ Despite this, the view that the United States has pursued the war on terror out of a base desire to advance Christian interests is widely held in the Muslim world, and even some highly-educated Westerners share this view. For example, Sol Encel, an Australian emeritus professor of sociology, described President Bush's use of the word "crusade" to describe the war on terrorism³⁶⁸ as "a gigantic Freudian slip."³⁶⁹ Encel opined that "[a]lthough the spin doctors quickly realized the negative implications of this usage, which was then retracted, I believe that... the original message was the real one."³⁷⁰ Regardless of the merits of Encel's analysis—and personally, I believe that his analysis is asinine—the fact that a sociology professor from a Western country holds these views demonstrates the propensity for a perceived linkage between the war on terror and Christian interests.³⁷¹

Moving beyond Western countries' foreign policy, a number of conflicts have been raging between Christians and Muslims for years. One obvious example is the battle between Christian Serbs and Muslims in the former Yugoslavia.³⁷² In fact, "[t]he Serbian massacre of Bosnian Muslims at Srebrenica in 1995 remains the

REPORTS, Jan. 4, 2004, available at LEXIS, News Library, News Group File (quoting an article published in a Kenyan newspaper, which stated that America has been attempted to "equate Islam with radicalism and terrorism," and that "[t]he events of 11 September provided it with the perfect opportunity to wage war against Islam as an ideology"); Yasmin Moll, *A Shattered Dream*, EGYPT TODAY, Dec. 10, 2003, available at LEXIS, News Library, News Group File (quoting a Muslim professor as fingering an "alliance between Christian fundamentalists, neo-cons and Zionists" who say "this is a war against Islam . . . that Islam is the largest 'weapon of mass destruction'").

367. See, e.g., Pamela Hess, *DOD to Investigate General's Speeches*, UNITED PRESS INT'L, Oct. 21, 2003, available at LEXIS, News Library, News Group File ("After briefly characterizing the war on terror as a 'crusade,' Bush has since taken pains to praise Islam, to differentiate terrorists from the faithful and to meet with Muslim leaders at the White House."); *Rice Reaffirms That War on Terror is Not War on Islam*, DESERET NEWS (Salt Lake City, Utah), Oct. 20, 2003, at A10, available at LEXIS, News Library, News Group File.

368. See John Kifner, *Forget the Past: It's a War Unlike Any Other*, N.Y. TIMES, Sept. 23, 2001, § 4, at 8 ("President Bush at first spoke of a 'crusade' against evil, a word the White House swiftly retracted when its implications became clear."); Dick Polman, *So Far, Bush Handling Role as War Leader with Aplomb*, PHILADELPHIA INQUIRER, Sept. 23, 2001, at A1 ("Critics also winced last week when Bush urged a crusade against evil—perhaps unaware that the word offends many Muslims, who associate it with the Christian holy war against their forebears.").

369. Sol Encel, *September 11 and Its Implications for Sociology: World Trade Center and Pentagon Attacks*, 2001, 223 J. SOC. 38(3), 226 (Sept. 1, 2002), available at: <http://jos.sagepub.com/>.

370. *Id.*

371. For more on other Westerners' perception that the war on terror is actually a "global crusade," see *Slovene Dailies Say US Administration Causing Global Instability*, BBC MONITORING INT'L REPORTS, Nov. 11, 2003, available at LEXIS, News Library, News Group File (quoting a Slovene daily as opining that "Messianic-inspired Christian fundamentalists are using [the claim that Islamic terrorism threatens Western democracies] for a modern-age Crusade under the pretence that they are leading a war on terror"); Natasha Wallace, *PM Has No Intention of Helping Aust. Detainees in Cuba*, AAP NEWSFEED, Feb. 7, 2003, available at LEXIS, News Library, News Group File (quoting an Australian politician who described President Bush as a "Christian fundamentalist," and likened "his war on terrorism to the Christian crusades").

372. See Holger Jensen, *Bombs Can't Spread Love*, ROCKY MOUNTAIN NEWS (Denver, Colo.), Mar. 23, 1999, at 2A.

largest single crime of its kind in post-1945 Europe.”³⁷³ Another example is Sudan, where a civil war that raged between the Muslim north and Christian and animist south between 1983 and 2004 left more than two million dead.³⁷⁴ In Nigeria, “a million died in a Muslim-Christian clash between 1967 and 1970” and “religion-related violence continues to erupt” to this day.³⁷⁵

Professor Jenkins notes that while “Christians have committed their share of atrocities,” at present “there is no question that the threat of intolerance and persecution chiefly comes from the Islamic side of the equation.”³⁷⁶ However, especially as demographic trends shift the center of Christendom southward, Professor Jenkins warns that there could arise “a future Christendom not too different from the old, defined less by any ideological harmony than by its unity against a common outside threat.”³⁷⁷ In that case, Professor Jenkins warns: “We must hope that the new *Res Publica Christiana* does not confront an equally militant Muslim world, *Dar al-Islam*, or else we really will have gone full circle back to the worst features of the thirteenth century.”³⁷⁸

4. Church Assertion of Greater Authority than the State

Today the Christian faith sometimes asserts that it possesses greater authority than the state. Such assertions occasionally manifest themselves in the Western world. One prominent example is former Chief Justice Roy Moore of Alabama, who was removed from the bench after refusing a federal court’s order to remove a statue of the Ten Commandments that he had placed outside his courthouse.³⁷⁹ The justification that both Moore and his supporters proffered for keeping the statue in place was explicitly religious. Moore stated: “When a federal judge tells

373. JENKINS, *supra* note 17, at 170.

374. See Julia Duin, *Finding the Way; Local Church Helps Sudan’s ‘Lost Boys,’* WASH. TIMES, Mar. 15, 2002, at A2; Ted Fry, *In Search of “Heaven” in America, Sudanese Boys Lost in Heartbreaking Limbo,* SEATTLE TIMES, Aug. 6, 2004, at H21; Colum Lynch, *Sudan Accused of Blocking Darfur Relief,* WASH. POST, May 28, 2004, at A15 (stating that in 2004, the Bush administration “broker[ed] an agreement to end [the] 21-year civil war”).

375. Robert McClory, *Faith: Catalyst to Inflame or Unite?*, CHI. TRIB., Dec. 14, 2003, at 7; see also Davan Maharaj, *The World, Tension Fills Air Ahead of Nigeria Vote; Many Fear That Violent Sectarian Clashes, Pending the Outcome of Today’s National Poll, Could Undermine the Fledgling Democracy,* L.A. TIMES, Apr. 19, 2003, at 12 (stating that about 10,000 Nigerians have died in clashes between Christians and Muslims since 1999).

376. JENKINS, *supra* note 17, at 170.

377. *Id.* at 190.

378. *Id.* Such a world would, in all likelihood, probably be far worse than the worst features of the thirteenth century. Professor Jenkins conjures images of “a wave of religious conflicts reminiscent of the Middle Ages, a new age of Christian crusades and Muslim jihads. Imagine the world of the thirteenth century armed with nuclear warheads and anthrax.” *Id.* at 13.

379. See John Johnson, *Panel Removes Alabama’s ‘Ten Commandments Judge,’* L.A. TIMES, Nov. 14, 2003, at A1.

the state of Alabama that we cannot acknowledge God, we have a serious problem.”³⁸⁰ The national director of Operation Rescue/Operation Save America went even further, stating that Moore was “initiating the second American Revolution.”³⁸¹

More significant, though, are Christians in the Southern hemisphere whose loyalty to their faith outweighs their loyalty to the state.³⁸² These Christians’ loyalty to their religion may pose a significant challenge to the countries in which they reside, as many of them live in weak states. Robert Kaplan has observed that in such states “criminal anarchy emerges as the real ‘strategic’ danger,” as characterized by “the withering away of central governments, the rise of tribal and regional domains, the unchecked spread of disease, and the growing pervasiveness of war.”³⁸³ Under such conditions, the fact that many citizens’ loyalties lie not with the state but with their faith will have a dramatic impact.

V. CONCLUSION

Understanding that many Christians and Muslims believe that their faiths possess geographical spheres of influence yields both predictive and prescriptive conclusions. This Conclusion first addresses the predictive implications that can be drawn from recognition of this framework. It then turns to the prescriptive implications.

A. Predictive Implications

Predictively, one may conclude that Christians and Muslims will continue to attempt to define, defend, and expand their religions’ spheres of influence, just as adherents to both faiths have historically done. The idea of spheres of influence—as theologically rooted in the concept of *dar al-Harb* and *dar al-Islam*—has informed the Islamic view of international relations for over a millennium. Similarly, many Christians have perceived a powerful linkage between the faith and the state ever since the Christianization of the Roman Empire.³⁸⁴ In particular, they perceive Christianity as possessing spheres of influence in relation to Islam.

Christians and Muslims have historically used a variety of methods—ranging from proselytism to armed struggle—to define, defend, and expand these perceived spheres of influence.³⁸⁵ Just as adherents to both faiths will likely continue to believe that their religions possess geographical spheres of influence, they will likely continue to embrace the use of many of the mechanisms that have historically defended and expanded these spheres. Although reliance on each of these various methods of preserving the faiths’ perceived spheres of influence will wax and wane over time, the perception of spheres of influence is likely to remain static.

380. *Id.*

381. *Id.*

382. See *supra* notes 239–40 and accompanying text.

383. Robert D. Kaplan, *The Coming Anarchy*, ATLANTIC MONTHLY, Feb. 1994, at 44, 46, 48.

384. See *supra* notes 242–44 and accompanying text.

385. See *supra* Parts III and IV (explaining the strategies employed to preserve and expand the Christian and Muslim spheres of influence).

The reaction of believers to intrusions into their faith's perceived sphere of influence is likely to be most violent when the faith's preeminent position appears to be threatened. This reaction has been true historically. For Christianity, both the Crusades and *reconquista* were reactions to substantial threats to the Christian sphere of influence. Similarly, the Inquisition was perhaps fiercest in Spain because, after the Moors conquered Spain, Spanish Christians viewed minority faiths as more of a threat than did Christians from elsewhere in Europe.³⁸⁶ More recently, the extreme reaction to the theory of evolution in the United States was triggered by many Christians' concern that science might displace their faith.³⁸⁷ And Islam, since the time of Muhammad's ascendancy as a head of state, has been associated with a system of *shariah* that is designed to ensure the faith's supremacy. When dominant understandings of the *shariah* are flouted, for example, by the conspicuous presence of Christian missionaries in the Muslim world, Muslims will perceive a greater threat to their faith's dominance. Christian missionaries in Muslim countries are often subject to violent attacks because many Muslims perceive them as threatening the virtual monopoly on religious expression that Islam has enjoyed in these societies.³⁸⁸

Moreover, Muslims will likely continue to be especially wary of Christianity, while Christians are likely continue to be especially wary of Islam; after all, both states' perceived spheres of influence have largely been defined in relation to each other for over a millennium. Highlighting the intensity of the conflict between these faiths, Bernard Lewis has noted that "[t]he confrontation between Ottoman Islam and European Christendom has often been likened to the Cold War of the second half of the twentieth century."³⁸⁹ Because of the length and intensity of the conflict between the two faiths, coupled with the fact that they remain the world's two largest religions and two of the modern world's major civilizational forces, adherents to both faiths are intensely aware of the other religion.

B. Prescriptive Implications

The understanding that Christians and Muslims believe that their faiths possess geographic spheres of influence also yields prescriptive implications. In terms of future relations between the two faiths, an awareness and sensitivity to this perception may be able to reduce the propensity for violent clashes. The contours and implications of such sensitivity to perceived religious spheres of influence would be a fruitful and important area for future research.

In terms of prosecution of the war on terrorism, one important goal that Western countries should keep in mind is avoiding policies that inadvertently

386. See *supra* notes 282-84 and accompanying text.

387. See *supra* notes 289-91 and accompanying text.

388. See *supra* note 224 and accompanying text.

389. LEWIS, *supra* note 116, at 33. Lewis himself is not completely convinced by the analogy. For example, he finds the difference in movement of refugees to be significant: "In the twentieth century this movement was, overwhelmingly, from East to West; in the fifteenth, sixteenth, and even in the seventeenth centuries, it was primarily from West to East." *Id.* Regardless of the difference between the two conflicts, the fact that this analogy is taken seriously can help to provide the reader with some sense of the intensity of the conflict between the two faiths.

increase support for terrorist groups. Thus, it is essential that policymakers are sensitive to both the historical and contemporary relations between Islam and Christianity. As Professor Charles Kimball stated in response to a missionary's comment that the bombing of Iraq was a "ripeness moment" to the extent that it caused Muslims to question their God's power: "This is an area that lives with a history of crusades and in the shadow of colonialism. The image of an overwhelming military power coming in already provokes major questions about deeper U.S. intentions."³⁹⁰

A thorough understanding of the historical relations between Christianity and Islam, as well as the manner in which both religions continue to vie with each other for more believers and more influence, can help the United States and its allies to avoid taking actions that may be perceived as attacks on Islam itself.

One way that Western countries engaged in the war on terrorism can help to avoid the perception that they are engaged in an all-out battle against Islam is by more clearly delineating who the enemy is in this war. While the U.S. government has gone to great pains to emphasize that the war on terror is not actually a war against Islam, a fair question is precisely against whom or what the war on terrorism is being fought. Daniel Pipes has noted that this question "has far-reaching implications for strategy, for public diplomacy, and for foreign and domestic policy alike," but that the answer is not obvious.³⁹¹ Immediately following the September 11 attacks, President Bush spoke in generalities, referring to the "evildoers" or "the evil ones" rather than to a specific enemy against whom the war on terror was directed.³⁹² Now, more than three years after the September 11th attacks, the answer has still not been adequately defined through official channels. To illuminate this problem, we can ask whether the "war on terror" is being waged against *all* terrorists. If so, why are the FARC in Colombia,³⁹³ and Jewish terrorist groups Kach and Kahane Chai³⁹⁴ seemingly not viewed as a part of the war on terror? If the war on terror does not encompass all terrorists, is it being waged against the more limited class of terrorist organizations that potentially pose a direct threat to the United States, or to Americans? Or is this war being waged more broadly against extremist Islamist ideology, such as the radical Wahhabi sect?

Because no answer to these questions is immediately apparent, numerous commentators have noted the open-ended nature of the present conflict.³⁹⁵ When

390. Van Biema, *supra* note 4, at 44.

391. Daniel Pipes, *Who is the Enemy? Analysis of United States War on Terrorism*, COMMENT, Jan. 2002, at 21, available at <http://www.danielpipes.org/pf.php?id=103>.

392. *Id.*

393. See, e.g., *11 Killed in Colombian City*, N.Y. TIMES, Sept. 29, 2003, at A13 (describing a terrorist attack blamed on the FARC); Juan Forero, *Rebels Execute 10 Hostages in Colombia*, N.Y. TIMES, May 6, 2003, at A14 (describing another FARC atrocity).

394. See, e.g., Ron Csillag, *Rabbi Compares Kach Founder to Moshe Rabeinu*, CANADIAN JEWISH NEWS, Nov. 27, 2003, at 6 (providing background on both groups); Jerry Seper, *4 Jewish Web Sites Deemed 'Terrorist'; Designation Carrying U.S. Sanctions Extended to Internet for 1st Time*, WASH. TIMES, Oct. 11, 2003, at A2 (providing background on both groups).

395. See, e.g., Editorial, *Noble Goal in Iraq Lacks Moral Foundation*, NAT'L CATHOLIC REP., Dec.

the war on terror appears more open-ended, and when the enemy appears ill-defined, there is a greater chance of the war on terror being misperceived as a war against Islam itself. Policymakers should think critically about how they define the scope of the war. A clear definition of the enemy, and a clear definition of the war's objective, will reap many benefits.

The Islamic sphere of influence is very real to many Muslims, and legitimate actions that Western countries take to ensure their own security may be seen as attempts to expand the Christian sphere of influence. If this fact is clearly understood, policymakers may be able to formulate their methods to take account of the perceived Muslim sphere of influence, and thus minimize the probability of walking into a broader and more deadly conflict than they intended.